

Chapter 22

ETHICS

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[HISTORY: Adopted by the Town Board of the Town of Clay 5-17-1993 by L.L. No. 2-1993. Amendments noted where applicable.]

ARTICLE I
Intent of Town Board

§ 22-1. Statement of legislative intent.

The Town Board of the Town of Clay recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. It is the purpose of this chapter to implement this objective through the establishment of standards of conduct for officers and employees of the Town of Clay, to create a Board of Ethics, and to provide for the formulation and filing of annual statements of financial disclosure by certain officers and employees of the Town of Clay.

§ 22-2. Construal of standards. Amended 8-20-2001 by L.L. No. 1-2001]

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York, including but not limited to soliciting any gift, and also in addition to common law rules and judicial decisions relating to the conduct of Town officers, to the extent that the same are more severe in their application than this chapter.

ARTICLE II
Definitions

§ 22-3. Definitions.

Unless otherwise specifically indicated, for the purpose of this chapter the following terms shall have the meanings indicated:

APPROPRIATE BODY — The Town of Clay Board of Ethics, pursuant to Article 18 of the General Municipal Law.

CHILD — Any son, daughter, step-son or step-daughter of a Town officer, employee or appointed official if such child is under the age of 18 years, or is a dependent of the officer, employee or appointed official as defined in the Internal Revenue Code, Section 152(a)(1) and (2), and any amendments thereto.

CONTRACT — Any claim, account or demand against or agreement with the Town, express or implied.

INTEREST — A direct or indirect pecuniary or material benefit accruing to a Town employee as a result of a transaction with the Town. For the purpose of this section, a Town employee shall be deemed to have an interest in the transaction of:

- A. His spouse, minor children and dependents, except a contract of employment with the Town which such employee serves;
- B. A firm, partnership or association of which such employee is a member or employee;
- C. A corporation of which such employee is an officer, director or employee; and
- D. A corporation any stock of which is owned or controlled directly or indirectly by such employee.

LEVEL I REPORTING OFFICER, EMPLOYEE OR APPOINTED OFFICIAL — Includes elected officials, and heads of any agency, department, office, commission, or board of the Town of Clay, whether paid or unpaid; those officers or employees whose duties involve the negotiations, authorization, or approval of any of the matters listed in § 813, Subdivision (9)(k)(i) through (iv), of the General Municipal Law. It also means those appointed officials, deputies, assistants, officers and employees who hold policy making positions, as determined annually by the Town Board.

LEVEL II REPORTING OFFICERS, EMPLOYEES OR APPOINTED OFFICIALS — Includes unpaid or paid members of any commission or board who are not determined by the Town Board to be policy makers or come within the ambit of Level I above.

OFFICER OR EMPLOYEE — Used interchangeably, shall mean any officer or employee of the Town of Clay, whether serving in a full-time or part-time capacity, and any elected officials, appointed officials and heads of any agency, department, office, commission or board of the Town of Clay, whether paid or unpaid, except judges or justices of the unified court system.

RELATIVE — A spouse or child of a Town officer, employee or appointed official.

REPORTING OFFICER, EMPLOYEE OR APPOINTED OFFICIAL — A Level I or Level II officer, employee or appointed official who is required to complete and file an annual statement of financial disclosure pursuant to this chapter:

SPOUSE — The husband or wife of an officer, employee or appointed official subject to the provisions of this chapter unless legally separated from such officer, employee or appointed official.

TOWN — Any board, commission, district, council or other agency, department or unit of the government of the Town of Clay.

ARTICLE III
Code of Ethics

§ 22-4. Adoption of code.

There is hereby established and adopted a code of ethics containing the following standards of conduct for officers, employees and appointed officials of the Town of Clay.

§ 22-5. Rule with respect to conflicts of interest. [Amended 2-7-2011 by L.L. No. 2-2011]

No supervisory or management employees may participate in the appointment or recommend the appointment of an immediate family member, domestic partner and/or a person with whom they have a close personal or business relationship to a position in any department or office over which they have control.

§ 22-6. Standards applying to all Town employees.

- A. Outside employment. No Town employee shall accept other employment which will impair his judgment in the exercise of his official duties.
- B. Confidential information. No Town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority, nor disclose confidential information acquired by him in the course of his official duties, nor use such information to further his personal interest.
- C. Solicitations by Town employees. No Town employee shall directly or indirectly solicit any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part. [Amended 8-20-2001 by L.L. No. 1-2001]
- D. Compensation prohibited. No Town employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- E. Contingent compensation. No Town employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- F. Use of position. No Town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

- G. Representing outside interests. No Town employee shall engage in any transaction as representative or agent of the Town with any business entity in which he has a direct or indirect financial interest. For the purpose of this subsection, a financial interest is defined as a transaction with a corporation or other legal entity in which a municipal employee has an interest by reason of stock holdings or otherwise of more than 5% of the outstanding stock or other controlling interest of the corporation or other legal entity.
- H. Disclosure of interest. Each Town employee shall, to the extent that he is cognizant thereof, disclose any interest he may have in any matter pending before any Town agency. No Town employee having made such disclosure shall enter into the deliberations upon any such matter or vote on any such matter.
- I. Disclosure of interest in contracts. Any municipal officer or employee who has, will have, or later acquire an interest in any actual or proposed contract with the municipality of which he is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the governing body thereof as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body. Once disclosure has been made by an officer or employee with respect to any interest in a contract with a particular person, firm or corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.
- J. Subsequent employment. No Town employee shall within six months after the termination of his service or employment with the Town accept employment which will involve contacts with the Town which can work to his special advantage by virtue of his prior contact and relationship with the Town.
- K. No officers or employees may use government letterhead, personnel, equipment, supplies or resources for a nongovernmental purpose, nor may they do personal or private activities during required working hours. **[Added 2-7-2011 by L.L. No. 2-2011]**

§ 22-7. Additional standards applying to certain Town employees.

No Town employee who is an elected official, department head, deputy department head, member of the Zoning Board of Appeals or member of the Planning Board shall have a financial interest in any transaction or contract with the Town. For the purpose of this subsection, a financial interest is defined as a transaction or contract with a corporation or other legal entity in which a municipal employee has an interest by reason of stockholdings or otherwise of more than 5% of the outstanding stock or other controlling interest of the corporation or other legal entity. The provisions of this section, however, shall be subject to the exceptions set forth in § 802 of the General Municipal Law.

§ 22-8. Penalties for offenses.

Any such Town employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended or removed from office or employment in the manner provided by law.

ARTICLE IV
Board of Ethics

§ 22-9. Establishment of Board of Ethics; organization; membership.

- A. The Board of Ethics is established and shall be known as the "Town of Clay Board of Ethics."
- B. The Board of Ethics shall consist of five members to be appointed by the Town Board. All such members of the Board of Ethics shall reside in the Town of Clay and shall serve without compensation. All members of the Board of Ethics shall be initially appointed for terms of from one to five years as determined by the Town Board. No member of the Board of Ethics shall serve an initial term the duration of which is the same as that of any other member of the Board of Ethics. The Board of Ethics shall designate one of its members as Chairperson. Vacancies in the Board of Ethics shall be filled by the Town Board which shall make the appointment for the balance of the unexpired term. A majority of such members of the Board of Ethics shall be persons who are not officers or employees of the Town, but the Board shall include at least one member who is an elected or appointed employee of the Town of Clay. All members shall reside within the Town of Clay. All members shall serve without compensation except that any member who is a Town of Clay officer or employee shall be entitled to his usual compensation when attending upon the business of the Board, during normal working hours and shall be reimbursed for reasonable expenses incurred in the performance of their official duties.
- C. A Board of Ethics member may be removed by the Town Board after a finding of substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of the office or violation of this act after written notice of the charges and an opportunity for reply.
- D. The Town Clerk shall be the Clerk of the Board of Ethics and all documents filed with the Town Clerk shall be deemed for the purposes of this chapter to be filings with the Board of Ethics.
- E. The Board of Ethics shall have all the powers and duties as prescribed by Article 18 of the General Municipal Law. The Board of Ethics may adopt and amend such rules or procedures as are appropriate.

§ 22-10. Advisory opinions.

Upon written request, the Board of Ethics established hereunder shall render advisory opinions to officers and employees of the Town of Clay. Such written requests may be made to any member of the Board of Ethics. Such advisory opinions shall be rendered pursuant to the written request of any officer or employee under such rules and regulations as the Board may prescribe and shall have the advice of counsel employed by the Board, or, if none, the Town Attorney.

§ 22-11. Confidentiality of opinions.

Such opinions shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law Article 6) or required for use in a disciplinary proceeding. Whenever a request for access to an advisory opinion herein is received, the officer, employee or appointed official who requested the opinion shall be notified of the request within 48 hours of the receipt of the request.

§ 22-12. Recommendations.

The Board of Ethics may at any time recommend to the Town Board amendments to this chapter.

§ 22-13. Rules and regulations.

The Board of Ethics upon its formation shall promulgate its own rules and regulations as to procedures and shall maintain appropriate records of its opinions and proceedings.

§ 22-14. Powers.

The Board of Ethics shall have the power to:

- A. Adopt, amend, and rescind rules and regulations to govern procedures of the Board of Ethics, which shall include, but not be limited to, the procedure whereby a person who is required to file an annual financial disclosure statement with the Board of Ethics may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship; such rules and regulations shall provide for a date beyond which in all cases of justifiable cause or undue hardship no further extension of time will be granted. The Board of Ethics may utilize or modify such rules and regulations or adopt separate rules and regulations for the purpose of paragraph (d) of Subdivision 1 of § 811 of the General Municipal Law.
- B. Promulgate guidelines to assist the Town Board in determining which persons hold policy-making positions for purposes of §§ 811 and 812, Subdivision 3, of the General Municipal Law and this chapter.
- C. Make available forms for annual statements of financial disclosure required to be filed pursuant to this chapter.
- D. Review completed financial disclosure statements in accordance with the provisions of this chapter, the rules and regulations of the Board of Ethics, any local law, ordinance, or Code of Ethics established by the Town Board of the Town of Clay.
- E. Receive complaints alleging a violation of this chapter or a violation of the criteria for reporting requirements established by this chapter, any Code of Ethics of the Town of Clay, local law, ordinance or resolution regarding the filing of completed statements with the Board of Ethics.

- F. Permit any person required to file a financial disclosure statement to request the Board of Ethics to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by the Board of Ethics, 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 of Ethics, in its notification of denial, shall inform the person of his right or her right to appeal the Board's determination pursuant to the rules governing adjudicatory proceedings and appeals adopted pursuant to this chapter and applicable section of the General Municipal Law. The Board of Ethics shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals.
- G. Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children, which item or items may be exempted by the Board of Ethics upon a finding by the majority of the total members of the Board of Ethics without vacancy that the reporting individual spouse, on his or her behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties.
- H. Advise and assist any local official in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former elected officials, local party officials, and local officers and employees.
- I. Permit any person who has not been determined by the Town Board to hold a policy-making position but who is otherwise required to file a financial disclosure statement to request an exemption from such requirements in accordance with the rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of the individual or on behalf of persons who share the same job title or employment classification which the Board of Ethics deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption where, in the discretion of the Board of Ethics, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:
- (1) Contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses as defined in § 73 of the Public Officers Law;
 - (2) The purchase, sale, rental or lease of real property, goods or services, or a contract therefor;
 - (3) The obtaining of grants of money or loans; or
 - (4) The adoption or repeal of any rule or regulation having the force and effect of law.
- J. Prepare an annual report to the Supervisor and the Town Board summarizing the activities of the Board of Ethics and recommending changes in the laws governing the

conduct of local elected officials and officers and employees of the Town covered by this act.

- K. Act as a repository for completed financial disclosure forms filed pursuant to this chapter.
- L. Upon certification of a question by the Town Board to the Ethics Board, the Board may determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion or prevent undue complication in complying with the requirements of this chapter.
- M. The Board of Ethics shall inspect all financial disclosure statements filed with the Board of Ethics to ascertain whether any person subject to the reporting requirements of this chapter, Code of Ethics, local law, ordinance or resolution, has failed to file such a statement, has filed a deficient statement, or has filed a statement which reveals a possible violation of this chapter, Code of Ethics, law, ordinance or resolution of the Town of Clay.
- N. The Board of Ethics shall have all necessary authority to enforce the filing requirements of this chapter, including the authority to promulgate such rules and regulations as the Board of Ethics may determine are necessary to implement this chapter. The Board of Ethics shall be authorized to review requests for exceptions with respect to complying with timely filing of such disclosure statements due to justifiable cause or undue hardship.
- O. The Board of Ethics shall have the power to retain or hire legal counsel to advise it on any matter arising under this chapter.
- P. The Board will meet annually after reviewing the annual financial disclosure requirements that have been distributed and returned in the month of May, at which time the Board of Ethics will review the forms to ensure they are completed. **[Added 2-7-2011 by L.L. No. 2-2011]**
- Q. The Town Board will meet annually after reviewing the annual financial disclosure requirements that have been distributed and returned in the month of May, at which time the Board of Ethics will review the forms to ensure they are completed. **[Added 2-7-2011 by L.L. No. 2-2011]**

§ 22-15. Additional powers and duties.

In addition to any other powers and duties specified by this chapter, the Board of Ethics shall have the power and duty to:

- A. Administer and enforce all the provisions of this chapter.
- B. Conduct any investigation necessary to carry out the provisions of this chapter. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

§ 22-16. Staff.

The Board of Ethics shall be empowered to request support staff, and assistance from the Town Board or Supervisor in furtherance of its duties and responsibilities.

ARTICLE V
Financial Disclosure

§ 22-17. Adoption of filing requirements.

The Town of Clay, pursuant to the provisions of § 806 of the General Municipal Law of the State of New York, hereby requires the filing of annual statements of financial disclosure as hereinafter provided.

§ 22-18. Designation of appropriate body.

The Town of Clay Board of Ethics is designated as the appropriate body with which annual statements of disclosure shall be filed.

§ 22-19. Filing requirements; exceptions and extensions.

- A. Who must file: those officers, employees and appointed officials of the Town of Clay as set forth in the definition of "reporting officer, employee or appointed official" in Article II, § 22-3.
- B. Time of filing. Annual statements shall be filed by the 15th day of May of each year following the effective date of this chapter.
 - (1) Any person required to file such statement who becomes so required after May 15 of any year shall file such statement within 30 days of becoming so required.
 - (2) Any person who is subject to the reporting requirements of this chapter and who timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to submit such financial disclosure statement on or before May 15 but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions that may be assessed as set forth in the General Municipal Law respecting annual statements of financial disclosure as if such supplementary statement were an annual statement.

- (3) Any person who is required to file an annual financial disclosure statement may be granted by the Board of Ethics an additional period of time within which to file such statement based upon justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted by the Town of Clay Board of Ethics pursuant to the General Municipal Law and shall file such statement within the additional period of time granted.
- (4) No annual statements of financial disclosure, or the information contained therein, shall be made public or disclosed unless such is required by the Freedom of Information Law (Public Officers Law Article 6) or made necessary or permitted by the provisions of the General Municipal Law.

§ 22-20. Form.

The annual statement of financial disclosure shall be in substantially the following forms:

A. Level I Form.

**ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR THE
TOWN OF CLAY FOR THE CALENDAR YEAR _____ FOR LEVEL I
OFFICERS, EMPLOYEES AND APPOINTED OFFICIALS**

1. Name and Address.

Last Name	Middle Initial	First Name
Title		
Department or Agency		
Department or Agency Address		Telephone No.
Residence Address		

2. Spouse and Children

Please provide the name of your spouse (if married) and the names of any dependent children:

Spouse	Child/Age
Child/Age	Child/Age
Child/Age	Child/Age

Note: For questions 3 to 6, do not report exact dollar amounts. Instead, report categories of amounts, using the following:

- Category A: Under \$5,000
- Category B: \$5,001 to \$10,000
- Category C: \$10,001 to \$25,000
- Category D: \$25,001 to \$50,000
- Category E: \$50,001 to \$100,000
- Category F: Over \$100,000

3. Financial Interests.

A. Business Positions. List any office, trusteeship, directorship, partnership, or other position in any business, association, proprietary, or not-for-profit organization held by you and your spouse and dependent children, if any, and indicate whether these businesses are involved with the Town of Clay in any manner.

Name of Family Member	Position	Organization	Town Department or Agency
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. Outside Employment. Describe any outside occupation, employment, trade, business or profession providing more than \$1,000/year for you and your spouse and dependent children, if any, and indicate whether such activities are regulated by any state or local agency.

Name of Family Member	Position	Name, Address & Description of Organization	State or Loc. Agency	Category of Amount
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

C. Future Employment. Describe any contract, promise or other agreement between you and anyone else with respect to your employment after leaving your Town office or position.

D. Past Employment. Identify the source and nature of any income in excess of \$1,000/per year from any prior employer, including deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement.

**Name and Address of
Income Source**

Description of Income

Category of Amount

Name and Address of Income Source	Description of Income	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

E. Investments. Itemize and describe all investments in excess of 5% of the value in any business, corporation, partnership, or other assets, including stocks, bonds, loans, pledged collateral, and other investments, for you and your spouse and dependent children, if any. List the locations of all real estate within the Town of Clay or within five miles thereof, in which you, your spouse, or dependent children, if any, have an interest, regardless of its value.

**Name of Family
Member**

**Name and Address
of Business or Real
Estate**

**Description of
Investment**

**Category of
Amount**

Name of Family Member	Name and Address of Business or Real Estate	Description of Investment	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

F. Trusts. Identify each interest in a trust or estate or similar beneficial interest in any assets in excess of \$2,000, except for IRS eligible retirement plans or interests in an estate or trust of a relative, for you and your spouse and dependent children.

**Name of Family
Member**

Trustee/Executor

**Description of
Trust/Estate**

**Category of
Amount**

Name of Family Member	Trustee/Executor	Description of Trust/Estate	Category of Amount
_____	_____	_____	_____

Name of Family Member	Trustee/Executor	Description of Trust/Estate	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

G. Other Income. Identify the source and nature of any other income in excess of \$1,000/year from any source not described above, including teaching income, lecture fees, consultant fees, contractual income, or other income of any nature, for you and your spouse and your dependent children, if any.

Name of Family Member	Name and Address of Income Source	Nature of Income	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Gifts and Honorariums.

List the source of all gifts aggregating in excess of \$250 received during the last year by you, your spouse or dependent child, excluding gifts from a relative. The term "gifts" includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honorariums, and any other payments that are not reportable as income.

Name of Family Member	Name and Address of Donor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Third-Party Reimbursements.

Identify and describe the source of any third-party reimbursement for travel related expenditures in excess of \$250 for any matter that relates to your official duties. The term "reimbursement" includes any travel related expenses provided by anyone other than the Town of Clay for speaking engagements, conferences, or fact finding events that relate to your official duties.

Source	Description	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Debts

Describe all debts of you, your spouse, and dependent children in excess of \$5,000.

Name of Family Member	Name and Address of Creditor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Interest in Contracts.

Describe any interest of you, your spouse, or your dependent children in any contract involving the Town of Clay or any municipality located within the Town.

Name of Family Member	Contract Description
_____	_____
_____	_____
_____	_____
_____	_____

8. Political Parties.

List any position you held within the last five years as an officer of any political party, political committee, or political organization. The term "political organization" includes any independent body or any organization that is affiliated with or a subsidiary of a political party.

9. Licensees.

If a reporting officer, employee or appointed official practices law, is licensed by the Department of State as a real estate broker or agent or practices a profession licensed by the Department of Education, his or her annual disclosure statement shall include a general description of the principal subject areas or matter undertaken by such officer, employee or appointed official in his or her licensed practice. If such officer, employee or appointed official practices with a partnership, unincorporated association or corporation and is a partner or shareholder of the firm or corporation his or her annual disclosure statement shall include a general description of the principal subject areas or matters undertaken by such firm or corporation. The disclosure required by this section shall not include the names of individual clients, customers or patients.

10. Disclosure of unavailable information.

If a reporting officer, employee or appointed official is not able, after reasonable efforts, to obtain some or all of the information required by paragraphs 3 through 8 of this section which relates to his or her spouse or dependent children, he or she shall so state, as part of the annual disclosure statement.

I hereby certify under penalty of perjury, that the information disclosed on this form is true and complete.

Signature

Sworn to before me this _____ day of _____, _____.

Notary Public

B. Level II Form.

**ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR THE
TOWN OF CLAY FOR THE CALENDAR YEAR _____ FOR LEVEL II
OFFICERS, EMPLOYEES AND APPOINTED OFFICIALS**

1. Name _____

(a) Title of Position _____

(b) Department, Agency or other Government Entity _____

(c) Office Telephone Number _____

2. Please verify the following statement:

I have received and read a copy of Local Law No. 2 of the Year 1993 of the Town of Clay establishing a Code of Ethics, creating a Board of Ethics, and requiring financial disclosure. As defined under that law, I know of no conflict which exists concerning my position with the Town of Clay except for _____

As my circumstances change, I will duly notify the governing body for the Town of Clay forthwith.

Signature

Sworn to before me this _____ day of _____, _____.

Notary Public

§ 22-21. Disclosure to appropriate body.

The Town Board shall annually determine those officers, employees or appointed officials who must file annual statements of disclosure and submit such list to the appropriate body.

§ 22-22. Disclosure form distribution.

The Town Supervisor shall, on or before the 15th day of March of each year, cause to be distributed, for completion and filing, to those officers, employees and appointed officials set forth in the definition of "reporting officer, employee or appointed official" in Article II, § 22-3, of this chapter, forms substantially similar to those set forth in Article V of this chapter.

§ 22-23. Failure to file report or filing incomplete reports.

If a person required to file a financial disclosure statement with the Board of Ethics has failed to file a disclosure statement or has filed a deficient statement, the Board of Ethics shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen-day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Board of Ethics shall send a notice of delinquency to the reporting person and to the appointing authority for such person.

§ 22-24. Violations or conflicts of interest.

A. If a reporting person has filed a statement which reveals a possible violation of the duly adopted Code of Ethics of the Town of Clay, local law, ordinance or resolution, or the Board of Ethics receives a sworn complaint alleging such a violation, or if the Board of

Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall notify the reporting person in writing, describe the possible or alleged violation of such Code of Ethics, local law, ordinance or resolution or this chapter, and provide the person with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board of Ethics thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the Board determines at any stage of the proceeding that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any. All of the foregoing proceedings shall be confidential.

- B. If the Board determines that there is reasonable cause to believe that a violation has occurred, it shall send a notice of reasonable cause: to the reporting person; to the complaint, if any; and to the Town Board of the Town of Clay.

§ 22-25. Penalties for offenses.

A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this chapter shall be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Board of Ethics with respect to the persons subject to its jurisdiction. For a violation of this subdivision, other than for conduct which constitutes a violation of Subdivision 12 of § 73 of the Public Officers Law, the Board of Ethics may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to file, or for a false filing, of such statement, except that the Town Board of the Town of Clay may impose disciplinary action as otherwise provided by law. The Board of Ethics shall be deemed to be an agency within the meaning of Article 3 of the State Administrative Procedure Act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of civil penalties herein authorized. Such rules, which shall not be subject to the approving requirements of the State Administrative Procedure Act, shall provide for due process procedural mechanism substantially similar to those set forth in such Article 3 but such mechanism need not be identical to terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within 30 days of imposition, with respect to the assessment of such penalty, and upon becoming final shall be subject to review at the instance of the affected reporting individuals in a proceeding commenced against the Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.

§ 22-26. Copy of notice.

A copy of any notice of delinquency or notice of reasonable cause sent pursuant to this chapter shall be included in the reporting person's file and be available for public inspection.

§ 22-27. Public information.

- A. Notwithstanding the provisions of Article 6 of the Public Officers Law, the only records of the Board of Ethics which shall be available for public inspection are:
- (1) The information set forth in an annual statement of financial disclosure filed pursuant to this chapter except the categories of value or amount which shall remain confidential and any other item of information deleted pursuant to § 22-14F and G of this chapter;
 - (2) Notices of delinquency sent under § 22-23 of this chapter; and
 - (3) Notices or reasonable cause sent under § 22-24B of this chapter.
- B. Notwithstanding the provisions of Article 7 of the Public Officers Law, no meeting or proceeding of the Board of Ethics shall be open to the public, except if expressly provided otherwise by the Board of Ethics.

ARTICLE VI
Administration

§ 22-28. Distribution and posting.

Upon the adoption of this chapter, the Town Supervisor shall cause a copy thereof to be distributed to every Town employee. Failure to distribute any such copy shall have no effect on the duty of compliance with this chapter, nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this chapter shall have no effect on the duty of compliance herewith, nor the enforcement provisions thereof.

§ 22-29. Filing with State Comptroller.

Within 30 days of the adoption of this chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller, Legal Services, 6th Floor, Alfred E. Smith Office Building, Albany, New York 12236.

§ 22-30. Appropriations.

The Town Board may appropriate moneys from the general Town funds for the maintenance of and for personal services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town moneys except within the appropriations provided herein.

§ 22-31. Enabling legislation.

The provisions of this chapter are enacted pursuant to the authority granted by Article 18 of the General Municipal Law of the State of New York.

**ARTICLE VII
Effective Date****§ 22-32. When effective; submission of first annual statements.**

This chapter shall take effect immediately subject to the provisions of the Municipal Home Rule Law. The first annual statements of financial disclosure shall relate to calendar year 1992 and submission of such statements shall not be required until May 15, 1993.

2011

Board of Ethics * Town of Clay

Chairman	<u>Phone</u>	<u>Term</u>
James J Rowley 4255 Mayfair Circle Liverpool, NY 13090	559-7189 435-3346	01/01/2009-12/31-2012
Members		
Diane Browning 324 Shaver Ave. North Syracuse, NY 13212	458-0706	01/01/2007-12/31/2011
Robert Duggan 4065 Rusty Pine Lane Baldwinsville, NY 13027	652-7024 428-1990	01/01/2010-12/31/2014
Edward Koolakian 4992 Surrey Lane Liverpool, NY 13088	457-0341	01/01/2009-12/31/2013
Jill Hageman-Clark 14 McIntosh Street Liverpool, NY 13090	652-6280 652-3800 x144 247-9258	01/01/2011-12/31/2015

