

Chapter 14

ETHICS

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[HISTORY: Adopted by the Town Board of the Town of Goshen 3-23-2000 by L.L. No. 1-2000; Amendments noted where applicable.]

GENERAL REFERENCES

Legal defense of officers and employees — See Ch. 17.

1. Editor's Note: This local law stated that it supersedes § 808 of the General Municipal Law, to the extent that it is inconsistent with the provisions of § 808, by imposing greater ethical restrictions, and that it is not intended to authorize any conduct prohibited by Art. 18 of the General Municipal Law.

ARTICLE I
Substantive Provisions

§ 14-1. Code of Ethics for Town officers and employees.

- A. General prohibition. No Town officer, employee or Town consultant shall use his or her official position, office or employment or take or fail to take any action in a manner which he or she knows or has reason to know may result in a personal financial benefit for any of the following persons:
- (1) The Town officer, employee, or consultant;
 - (2) His or her outside employer or business;
 - (3) A member of his or her household;
 - (4) A customer or client;
 - (5) A relative; or
 - (6) A person from whom the officer or employee has received election campaign contributions of more than \$1,000 in aggregate during the past 12 months.
- B. Recusal. A Town officer, employee or consultant shall promptly recuse himself or herself from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit any of the persons listed in Subsection A of this section.
- C. Gifts. A Town officer or employee shall not solicit anything of value from any person who has received or sought a financial benefit from the Town, nor accept anything of value from any person who the Town officer, employee or consultant knows or has reason to know has received or sought a financial benefit from the Town within the previous 24 months.
- D. Representation. A Town officer or employee shall not represent any other person in any matter which that person has before the Town nor represent any other person in any matter against the interest of the Town. A Town consultant shall not represent any person in any matter which that person has before the Town agency or board to which the consultant provides consulting services.
- E. Appearances. A Town officer or employee shall not appear before any agency of the Town, except on his or her own behalf or on behalf of the Town.
- F. Confidential information. A Town officer, employee or consultant or former Town officers, employees or consultants shall not disclose any confidential information or use it to further anyone's personal interests.
- G. Political solicitation. A Town officer or employee shall not knowingly request or knowingly authorize anyone else to request any subordinate of the Town officer or employee to participate in an election campaign or contribute to a political committee.

- H. **Revolving door.** A Town officer or employee shall not appear or practice before the Town, except on his or her own behalf, or receive compensation for working on any matter before the Town, for a period of one year after the termination of his or her Town service or employment; however, the bar shall be permanent as to particular matters on which the Town officer or employee personally worked while in Town service. A Town consultant shall not appear or practice before the Town agency or board to which the consultant provides consulting services for a period of one year after the termination of his or her Town service or employment; however, the bar shall be permanent as to particular matters on which the consultant personally worked while in Town service.
- I. **Avoidance of conflicts.** Town officers, employees and consultants shall not knowingly acquire, solicit, negotiate for or accept any interest, employment or other thing of value which would put them in violation of this Code of Ethics.
- J. **Inducement of others.** A Town officer, employee or consultant shall not induce or aid another Town officer, employee or consultant to violate any of the provisions of this Code of Ethics.

§ 14-2. Transactional disclosure.

- A. Whenever a Town officer, employee or consultant is required to recuse himself or herself under the Code of Ethics set forth in § 14-1 of this chapter, he or she shall:
 - (1) Immediately refrain from participating further in the matter.
 - (2) Promptly inform his or her superior, if any, and
 - (3) Promptly file with the Town Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of the board.
- B. A Town officer, employee or consultant shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed with the governing body of the Town a disclosure statement complying with requirements of § 14-5 of this chapter.

§ 14-3. Exclusions from Code of Ethics and transactional disclosure.

The provisions of §§ 14-1 and 14-2 of this chapter shall not prohibit, or require recusal or transactional disclosure as a result of:

- A. An action specifically authorized by statute, rule or regulation of the State of New York or of the United States.
- B. A ministerial act.
- C. Gifts:
 - (1) Received by the Town officer, employee or consultant from his or her parent, spouse or child; or

- (2) Having an aggregate value of \$75 or less during any twelve-month period; or
 - (3) Accepted on behalf of the Town and transferred to the Town.
- D. Gifts or benefits having a value of \$50 or less that are received by a Town officer, employee or consultant listed in § 11 of the Domestic Relations Law of the State of New York for the solemnization of a marriage by that officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.
- E. Awards from charitable organizations.
- F. Receipt of Town services or benefits, or use of Town facilities, that are generally available on the same terms and conditions to residents or a class of residents in the Town.
- G. Representation of constituents by elected officials without compensation in matters of public advocacy.
- H. Town officers and employees appearing or practicing before the Town or receiving compensation for working on a matter before the Town after termination of their Town service or employment where they performed only ministerial acts while working for the Town.

§ 14-4. Inducement of violations of Code of Ethics.

No person, whether or not a Town officer or employee, shall induce or attempt to induce a Town officer or employee to violate any of the provisions of § 14-1 or 14-2 of this chapter.

§ 14-5. Interests in contracts with Town.

- A. Prohibited interests. No Town officer, employee or consultant shall have an interest in a contract with the Town, or an interest in a bank or trust company, that is prohibited by § 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the Town in which there is an interest prohibited by that section shall be null, void and wholly unenforceable, to the extent provided by § 804 of that law.
- B. Discloseable interests. Any Town officer, employee or consultant who has, will have or later acquires an interest in any actual or proposed contract with the Town shall publicly disclose the nature and extent of that interest in accordance with § 803 of the General Municipal Law. The Clerk of the governing body of the Town shall cause a copy of that disclosure to be filed promptly with the Ethics Board.
- C. Violations. Any Town officer, employee or consultant who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by § 805 of the General Municipal Law.

§ 14-6. Definitions.

Unless otherwise stated or unless the context otherwise requires, when used in this chapter the following terms shall have the meanings indicated:

APPEAR and APPEAR BEFORE — Communicating in any form, including, without limitation, personally, through another person, by letter or by telephone.

CUSTOMER or CLIENT — Any person to whom a Town officer, employee or consultant has supplied goods or service during the previous 24 months having, in the aggregate, a value greater than \$1,000 or any person to whom a Town officer's, employee's or consultant's outside employer or business has supplied goods or services during the previous 24 months having, in the aggregate, a value greater than \$1,000 but only if the Town officer, employee or consultant knows or has reason to know the outside employer or business supplied the goods or services.

ETHICS BOARD — The Ethics Board of the Town of Goshen established pursuant to § 14-14 of this chapter.

GIFT and FINANCIAL BENEFIT — Include any money, service, license, permit, contract, authorization, loan, travel, entertainment or hospitality, or any promise thereof, or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.

INTEREST — Any claim, account or demand against or in agreement with the Town, express or implied, including designation of a depository of public funds and the designation of an official newspaper, and direct or indirect pecuniary or material benefit accruing to an officer or employee as a result of a business or professional transaction with the Town. For the purposes of this chapter, an officer or employee shall be deemed to have a direct interest in the affairs of.

- A. His spouse, minor children and dependents.
- B. A business concern, partnership or association of which such officer or employee is a member, partner, owner, director or employee.
- C. A corporation of which such officer or employee is an officer, director or employee.
- D. A corporation any stock of which is owned or controlled, directly or indirectly, by such officer or employee.

MINISTERIAL ACT — An action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

OUTSIDE EMPLOYER OR BUSINESS —

- A. Any activity, other than service to the Town, from which the Town officer, employee or consultant received compensation for services rendered or goods sold or produced.

- B. Any entity, other than the Town, of which the Town officer, employee or consultant is a member, officer, director or employee and from which he or she received compensation for services rendered or goods sold or produced.
- C. Any entity in which the Town officer, employee or consultant has an ownership interest, except a corporation of which the Town officer or employee owns less than 5% of the outstanding stock.

For the purposes of this definition, "compensation" shall not include reimbursement for necessary reasonable expenses, including travel expenses.

PERSON — Includes both individuals and entities.

RELATIVE — A spouse, child, step-child, brother, sister or parent of the Town officer or employee, or a person claimed as a dependent on the Town officer's or employee's latest individual state income tax return.

SUBORDINATE OF A TOWN OFFICER OR EMPLOYEE — Another Town officer or employee over whose activities he or she has direction, supervision or control, except those who serve in positions that are in the exempt classification under § 41 of the Civil Service Law of the State of New York or in the unclassified service under Subdivisions (a) through (f) of § 35 of that law.

TOWN — The Town of Goshen but shall not include the Town Court.

TOWN CONSULTANT — Any individual, group or firm which renders ongoing services on behalf of the Town to any Town officer, Town Board, Planning Board, Zoning Board of Appeals or any other Town agency or commission. "Town consultant" shall not include a consultant specially retained solely for a particular project.

TOWN OFFICER OR EMPLOYEE — Any officer or employee of the Town, whether paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the Town. "Town officer or employee" shall not include:

- A. A judge, justice, officer or employee of the unified court system.
- B. A volunteer firefighter or civil defense volunteer, except a fire chief or assistant fire chief.
- C. A member of an advisory board of the Town if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the Town or to restrict the authority of the Town to act. No entity established pursuant to the General Municipal Law of the State of New York shall be deemed an advisory board for purposes of this subsection.

§ 14-7. Appearances by outside employers and businesses of Town officers and employees.

- A. Except as provided in Subsection C of this section, the outside employer or business of a Town officer, employee or consultant shall not appear before the particular agency in which the Town officer, employee or consultant serves or by which he or she is employed.
- B. Except as provided in Subsection C of this section, the outside employer or business of a Town officer, employee or consultant shall not appear before any other Town agency if the Town officer, employee or consultant has the authority to appoint any officer, employee or member of the agency or to review, approve, audit or authorize any budget, bill, payment or claim of the agency.
- C. Nothing in this section shall be construed to prohibit the outside employer or business of a Town officer, employee or consultant from:
 - (1) Appearing on its own behalf, or on behalf of the Town, before a Town agency.
 - (2) Seeking or obtaining a ministerial act.
 - (3) Receiving a Town service or benefit, or using a Town facility, which is generally available to the public.

§ 14-8. Annual disclosure.

- A. Officers and employees required to file. Officers and employees holding the following job titles or positions shall be required to file a signed annual disclosure statement:
 - (1) Town Supervisor.
 - (2) Town Councilpersons.
 - (3) Town Clerk.
 - (4) Deputy Town Clerk.
 - (5) Highway Superintendent.
 - (6) Receiver of Taxes.
 - (7) Deputy Receiver of Taxes.
 - (8) Assessor.
 - (9) Planning Board Members.
 - (10) Zoning Board of Appeals Members.
 - (11) Building and Zoning Inspector.
 - (12) Town Engineer.

- (13) Town Attorney.
 - (14) Assessment Board of Review.
 - (15) Environmental Review Board.
 - (16) Town Board of Ethics.
- B. Time and place for filing. Annual disclosure statements shall be filed with the Ethics Board:
- (1) Within 120 days after the effective date of this section;
 - (2) Within 30 days after becoming subject to the requirements of Subsection A of this section; and
 - (3) No later than May 15 of each year thereafter.
- C. Changes in disclosed information. Within 30 days after a change in the information contained in his or her most recently filed annual disclosure statement, an officer or employee shall file a signed amendment to the statement indicating the change.
- D. Contents of annual disclosure statement. The annual disclosure statement shall disclose:
- (1) The location of any real property within the Town, or within one mile of the boundary of the Town, in which the officer or employee, or his or her relative, has a financial interest.
 - (2) With respect to each outside employer or business of the Town officer or employee:
 - (a) Its name (if any);
 - (b) The nature of its business;
 - (c) Whether it is self employment, a sole proprietorship or an entity and, if an entity, what type of entity;
 - (d) The Town officer's or employee's relationship to it, such as owner, partner, officer, director, member, employee or shareholder.
 - (3) With respect to each outside employer or business of the Town officer's or employee's spouse: the information required by Subsection D(2) of this section.
- E. Good-faith efforts. Failure to disclose the information required by Subsection D of this section with respect to a Town officer's or employee's spouse or other relative shall not constitute a violation of that subsection if the officer or employee has made a good-faith effort to obtain the information and if he or she also sets forth those efforts in his or her disclosure statement.

§ 14-9. Applicant disclosure generally.

- A. Where a person requests the Town or a Town officer or employee to take or refrain from taking any action (other than a ministerial act) that may result in a financial benefit both to the requester and to either any officer or employee of the Town or one of the other persons listed in § 14-1A of this chapter, the requester shall disclose the names of any such persons, to the extent known to the requester at the time of the request.
- B. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in a writing filed with the Town Clerk.
- C. A person shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed a disclosure statement complying with requirements of § 14-10 of this chapter.

§ 14-10. Applicant disclosure for land use applications.

- A. Disclosure. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of the Town, shall state the information required, to the extent required, by § 809 of the General Municipal Law of the State of New York.
- B. Violations. Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by § 809 of the General Municipal Law.

§ 14-11. Void contracts.

Any contract or agreement entered into by or with the Town which results in or from a violation of any provision of § 14-1, 14-2 or 14-7 of this chapter shall be void unless ratified by the governing body of the Town. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this chapter or any other provision of law.

§ 14-12. Penalties for offenses.

- A. Disciplinary action. Any Town officer or employee who engages in any action that violates any provision of this chapter may be warned or reprimanded or suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.

- B. Civil fine. Any Town officer or employee who violates any provision of this chapter may be subject to a civil fine of up to \$1,500 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to Subsection D of this section. A civil fine may not be imposed for a violation of § 14-5 of this chapter.
- C. Damages. Any person, whether or not a Town officer or employee, who violates any provision of this chapter shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to Subsection D of this section.
- D. Civil forfeiture. Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this chapter may be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit he or she received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil fine pursuant to Subsection B or damages pursuant to Subsection C of this section. Civil forfeiture shall not be available for a violation of § 14-5 of this chapter.
- E. Misdemeanor. Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this chapter shall be guilty of a Class A misdemeanor and, upon conviction thereof, if a Town officer or employee, shall forfeit his or her Town office or employment. This subsection shall not apply to a violation of § 14-5 of this chapter.

§ 14-13. Debarment.

- A. Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this chapter shall be prohibited from entering into any contract with the Town for a period not to exceed three years. Debarment may not be imposed for a violation of § 14-5 of this chapter.
- B. No person, whether or not a Town officer or employee, shall enter into a contract in violation of a bar imposed pursuant to Subsection A of this section.
- C. Nothing in this section shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, which is generally available to the public.
- D. Under this section, a corporation, partnership or other entity shall not be held vicariously liable for the actions of an employee. A corporation, partnership or other entity shall not be debarred because of the actions of an employee unless the employee acted in the execution of company policy or custom. A store, region, division or other unit of an entity shall not be debarred because of the actions of an employee of that unit unless the employee acted at the direction, or with the actual knowledge or approval, of the manager of the unit.

ARTICLE II
Board of Ethics

§ 14-14. Establishment; membership.

A. Establishment of Town Board of Ethics.

- (1) A local Board of Ethics for the Town of Goshen is hereby established.
- (2) The Board of Ethics shall consist of three members, all of whom shall be appointed by the Town Board. Of the initial members one shall be appointed for three years, one shall be appointed for two years, and one shall be appointed for one year. All subsequent appointees shall be appointed to three-year terms commencing January 1.
- (3) All members of the Board of Ethics shall reside within the Town. No political party officer, lobbyist or elected official may be a member and not more than one Town officer or employee may be a member.

B. Special-purpose member. The Town Board of the Town of Goshen may, in any year it deems necessary, appoint a temporary special purpose member to the Ethics Board to serve as provided in this section. The temporary member shall be appointed on a one-year term of office. The chairperson of the Board of Ethics shall assign the temporary member as necessary when conflict of interest of regular members of the Board would otherwise prevent a full Board from considering any pending matter. Once designated to serve on a particular matter before the Board, the temporary member shall have the same powers and duties as regular members of the Board until that matter is concluded. Any determination by the Board consisting of a temporary member shall have the same weight and be entitled to the same authority as the act or deed of the regular Board and all laws, statutes and regulations shall apply and be applied with equal force and effect. A temporary member appointed pursuant to this section shall be paid for its respective services as fixed by resolution of the Town Board.

§ 14-15. Operation.

- A. Appropriate funds shall be allocated by the Town Board for the operation and maintenance of the Board of Ethics.
- B. Matters before the Board of Ethics shall be confidential and, therefore, all meetings of the Board to discuss or hear a matter concerning the ethical conduct of an officer or employee shall be closed to the public. Opinions and requests for opinions shall be confidential records, except as provided in § 14-20D below or unless the individual who is the subject of the opinion specifically requests otherwise, in writing, to the Board of Ethics. All opinions and requests for opinions shall be indexed and maintained on file in an appropriate manner by the Board of Ethics.
- C. The Attorney for the Town shall provide such legal and advisory services to the Board of Ethics as the Board may require for the performance of its duties.

§ 14-16. Compensation.

Members of the Board of Ethics shall not receive compensation for the performance of their official duties but shall be reimbursed for reasonable and necessary expenses.

§ 14-17. Removal of Board member.

A member of the Board of Ethics serves at the pleasure of the Town Board and may be removed with cause after a hearing by a majority vote of the Town Board.

§ 14-18. Quorum, voting and meetings.

At its first meeting each year the Board of Ethics shall elect a Chairman from among its membership. Two members of the Board shall constitute a quorum, and a vote of at least two members shall be required for the Board to take any action. The Board shall hold at least one regularly scheduled meeting per year, in March of each year, and other meetings as needed. The Chairman or any two members of the Board may call a meeting of the Board upon reasonable notice.

§ 14-19. Powers, duties and responsibilities.

The Board of Ethics shall have the following powers, duties and responsibilities:

- A. Prescribe and promulgate rules and regulations governing its own organization and procedures in a manner consistent with the Code.
- B. Review and maintain lists of officers and employees and any annual financial disclosure statements which may be promulgated by the Town Board.
- C. Issue advisory opinions to any Town officer or employee in accordance with § 14-20 below.
- D. Index and maintain the confidentiality of advisory opinions.
- E. Provide training and education to Town officers and employees with respect to the provisions of the Code.
- F. Prepare an annual report to the Town Board summarizing the activities of the Board of Ethics.
- G. Recommend changes to the Code of Ethics if deemed necessary or appropriate by the Board.
- H. Act only with respect to officers, employees and consultants of the Town of Goshen.

§ 14-20. Advisory opinions.

- A. Upon the written request of a municipal officer or employee, the Board of Ethics shall render an advisory opinion to such officer or employee with respect to any matter addressed by the Code as such matter may apply to the subject officer or employee.
- B. In addition, the Town Board, by majority plus one vote, may make a written request to the Board of Ethics to render such an advisory opinion to a specified officer or employee. Such request by a Town Board member shall set forth specific reasons in support of the request.
- C. Any advisory opinion rendered by the Board of Ethics shall be in writing, shall set forth supporting reasons and shall be delivered only to the subject officer or employee. Such opinion shall remain confidential unless knowingly and intentionally waived by such officer or employee, except as provided in Subsection D below or unless the subject officer or employee specifically requests otherwise in writing to the Board of Ethics.
- D. If the Town Board advises the Board of Ethics, in writing, that the Town Board (or any other Town body with disciplinary authority) is investigating pending disciplinary charges against any officer or employee based, in whole or part, on an alleged violation of any matter addressed by the Code or any alleged breach of ethical conduct, and the Town Board requests a copy of any advisory opinion the Board of Ethics has rendered with respect to the subject matter of the Town Board's request, then the Board of Ethics shall transmit said copy to the Town Board. The Town Board shall maintain the confidentiality of any such advisory opinion, except the opinion may be made public as part of a disciplinary hearing. If the Board of Ethics has not rendered an advisory opinion on that subject or if the subject officer or employee has not requested such an advisory opinion, then the Board of Ethics shall so advise the Town Board.
- E. Upon written request of any board or commission of the Town, the Board of Ethics shall render a written advisory opinion with respect to the general interpretation or application of any provision of the Code.

**ARTICLE III
Administrative Provisions**

§ 14-21. Designation of officers and employees required to file annual disclosure statements.

Within 90 days after the effective date of this chapter, and during the month of January each year thereafter, the Town Clerk shall:

- A. Cause to be filed with the Ethics Board a list of the names and offices or positions of all Town officers and employees required to file annual disclosure statements pursuant to § 14-8 of this chapter.
- B. Notify all such officers and employees of their obligation to file an annual disclosure statement.

§ 14-22. Maintenance of disclosure statements.

- A. The Town Clerk shall transmit promptly to the Ethics Board each transactional and applicant disclosure statement filed pursuant to §§ 14-2, 14-5, 14-9 and 14-10 this chapter.
- B. The Ethics Board shall index and maintain on file for at least seven years all disclosure statements filed with the Board pursuant to §§ 14-2, 14-5, 14-9 and 14-10.

§ 14-23. Miscellaneous provisions.

- A. No existing right or remedy shall be lost, impaired or affected by reason of this chapter.
- B. Nothing in this chapter shall be deemed to bar or prevent a present or former Town officer or employee from timely filing any claim, account, demand or suit against the Town on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.
- C. If any provision of this chapter is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of this chapter.
- D. No provision of this law shall be interpreted to have any retroactive application.

§ 14-24. Distribution and posting.

- A. Within 90 days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Town Clerk, in a form suitable for posting, copies of those provisions of this chapter which the Ethics Board deems necessary for posting in the Town. Within 10 days after receipt of those copies, the Town Clerk shall cause the copies to be posted conspicuously in every public building under the jurisdiction of the Town.
- B. Within 90 days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Town Clerk, in a form suitable for distribution, copies of those provisions of this chapter which the Ethics Board deems necessary for distribution to the officers and employees of the Town. Within 10 days after receipt of those copies, the Town Clerk shall cause the copies to be distributed to every officer and employee of the Town and made readily available to the public. Every Town officer or employee elected or appointed thereafter shall be furnished a copy of those provisions within 10 days after entering upon the duties of his or her position.
- C. Failure of the Town to comply with the provisions of this section or failure of any Town officer or employee to receive a copy of the provisions of this chapter shall have no effect on the duty of compliance with this chapter or on the enforcement of its provisions.

**TOWN OF GOSHEN
ETHICS LAW**

BE IT ENACTED by the Town Board of the Town of Goshen, County of Orange as follows:

Section 1. Title.

This local law shall be known and may be cited as the "Ethics Law of the Town of Goshen."

Section 2. Purpose.

The purposes of this local law are:

- (a) To establish high standards of ethical conduct for officers, employees and consultants of the Town;
- (b) To afford officers, employees and consultants of the Town clear guidance on such standards;
- (c) To promote public confidence in the integrity of the governance and administration of the Town and its agencies and administrative offices;
- (d) By requiring public disclosure of financial interests that may influence or be perceived to influence the actions of the Town officers, employees and consultants to facilitate consideration of potential ethical problems before they arise and to prevent unwarranted suspicion, and enhance the accountability of government to the public and
- (e) To provide for the fair and effective administration of this local law.

This local law is enacted pursuant to Section 806 of the General Municipal Law of New York and Section 10 of the Municipal Home Rule Law and is not in conflict with any other provisions of law regulating ethics in local government, such as the Civil Service Law of the State of New York.

Section 3. Supersession of General Municipal Law §808; Repeal of Existing Town Ethics Resolutions.

To the extent this chapter is inconsistent with the provisions of Section 808 of the General Municipal Law by imposing greater ethical restrictions, this chapter shall supersede those provisions. This Chapter repeals all existing resolutions governing ethics in the Town that are rendered obsolete by this local law.

Section 4. Ethics Law.

The following sections, numbered 100 through 212 are added to the Town Code of the Town of Goshen:

**ETHICS LAW
PART A: SUBSTANTIVE PROVISIONS**

§100. Code of Ethics for town Officers and Employees.

1. General Prohibition.

No Town officer, employee or Town consultant shall use his or her official position, office, or employment or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit for any of the following persons:

- (a) the Town officer, employee, or consultant;
- (b) his or her outside employer or business;
- (c) a member of his or her household;
- (d) a customer or client;
- (e) a relative; or
- (f) a person from whom the officer or employee has received election campaign contributions of more than \$1,000 in aggregate during the past twelve months.

2. Recusal.

A Town officer, employee and consultant shall promptly recuse himself or herself from acting on a matter before the town when acting on the matter, or failing to act on the matter, may financially benefit any of the persons listed in subdivision 1 of this section.

3. Gifts.

A Town officer or employee shall not solicit anything of value from any person who has received or sought a financial benefit from the Town, nor accept anything of value from any person who the Town officer, employee and consultant knows or has reason to know has received or sought

a financial benefit from the Town within the previous twenty-four months.

4. Representation.

A Town officer and employee shall not represent any other person in any matter that person has before the Town nor represent any other person in any matter against the interest of the town. A Town Consultant shall not represent any person in any matter that person has before the Town agency or Board to which the consultant provides consulting services.

5. Appearances.

A Town officer and employee shall not appear before any agency of the Town, except on his or her own behalf or on behalf of the Town.

6. Confidential Information.

A Town officer, employee and consultant and former Town officers, employees and consultants shall not disclose any confidential information or use it to further anyone's personal interests.

7. Political Solicitation.

A Town officer or employee shall not knowingly request or knowingly authorize anyone else to request any subordinate of the Town officer or employee to participate in an election campaign or contribute to a political committee.

8. Revolving Door.

A Town officer and employee shall not appear or practice before the town, except on his or her own behalf, or receive compensation for working on any matter before the Town, for a period of one year after the termination of his or her Town service or employment; however, the bar shall be permanent as to particular matters on which the Town officer and employee personally worked while in Town service. A Town Consultant shall not appear or practice before the Town agency or Board to which the consultant provides consulting services for a period of one year after the termination of his or her Town service or employment; however, the bar shall be permanent as to particular matters on which the consultant personally worked while in Town service.

9. Avoidance of Conflicts.

Town officers, employees and consultants shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would put them in violation of this Code of Ethics.

10. Inducement of Others.

A Town officer, employee and consultant shall not induce or aid another Town officer, employee or consultant to violate any of the provisions of this Code of Ethics.

§101. Transactional Disclosure

1. Whenever a Town officer, employee and consultant is required to recuse himself or herself under the Code of Ethics set forth in Section 100 of this Chapter, he or she

- (i) shall immediately refrain from participating further in the matter,
- (ii) shall promptly inform his or her superior, if any, and
- (iii) shall promptly file with the Town Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of the board.

2. A Town officer, employee or consultant shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed with the governing body of the Town a disclosure statement complying with requirements of Section 104 of this Chapter.

§102. Exclusions from the Code of Ethics and from Transactional Disclosure.

The provisions of Sections 100 and 101 of this Chapter shall not prohibit, or require recusal or transactional disclosure as a result of:

- 1. An action specifically authorized by statute, rule, or regulation of the state of New York or of the United States.
- 2. A ministerial act.
- 3. Gifts
 - (a) received by the Town officer, employee or consultant from his or her parent, spouse, or child; or
 - (b) having an aggregate value of \$75 or less during any twelve-month period; or
 - (c) accepted on behalf of the Town and transferred to the Town.
- 4. Gifts or benefits having a value of \$50 or less that are received by a Town officer, employee or consultant listed in Section 11 of the Domestic Relations Law of the State of New York for the solemnization of a marriage by that officer or employee at a place other than his or her

normal public place of business or at a time other than his or her normal hours of business.

5. Awards from charitable organizations.

6. Receipt of Town services or benefits, or use of Town facilities, that are generally available on the same terms and conditions to residents or a class of residents in the Town.

7. Representation of constituents by elected officials without compensation in matters of public advocacy.

8. Town officers and employees appearing or practicing before the town or receiving compensation for working on a matter before the Town after termination of their Town service or employment where they performed only ministerial acts while working for the Town.

§103. Inducement of Violations of the Code of Ethics.

No person, whether or not a Town officer or employee, shall induce or attempt to induce a Town officer or employee to violate any of the provisions of Section 100 or 101 of this Chapter.

§104. Interests in Contracts with the Town.

1. Prohibited Interests.

No Town officer, employee or consultant shall have an interest in a contract with the Town, or an interest in a bank or trust company, that is prohibited by Section 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the Town in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by Section 804 of that law.

2. Discloseable Interests.

Any Town officer, employee or consultant who has, will have, or later acquires an interest in any actual or proposed contract with the Town shall publicly disclose the nature and extent of that interest in accordance with Section 803 of the General Municipal Law. The clerk of the governing body of the Town shall cause a copy of that disclosure to be filed promptly with the Ethics Board.

3. Violations.

Any Town officer, employee or consultant who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by Section 805 of the General Municipal Law.

§105 Definitions.

Unless otherwise states or unless the context otherwise requires, when used in this Chapter:

1. "Appear" and "appear before" mean communicating in any form, including, without limitation, personally, through another person, by letter, or by telephone.

2. "Customer or client" means (a) any person to whom a Town officer, employee or consultant has supplied goods or service during the pervious twenty-four months having, in the aggregate, a value greater than \$1,000 or (b) any person to whom a Town officer's, employee's or consultant's outside employer or business has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than \$1,000 but only if the Town officer, employee or consultant knows or has reason to know the outside employer or business supplied the goods or services.

3. "Ethics Board" means the Ethics Board of the Town of Goshen established pursuant to Section 201 of this Chapter.

4. "Gift" and "financial benefit" shall include any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, or any promise thereof, or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.

5. "Interest" means any claim, account or demand against or in agreement with the town, express or implied, including designation of a depository of public funds and the designation of an official newspaper, and direct or indirect pecuniary or material benefit accruing to an officer or employee as a result of a business or professional transaction with the town. For the purposes of this chapter, an officer or employee shall be deemed to have a direct interest in the affairs of:

(a) His spouse, minor children and dependents.

(b) A business concern, partnership or association of which such officer or employee is a member, partner, owner, director or employee.

(c) A corporation of which such officer or employee is an officer, director or employee.

(d) A corporation, any stock of which is owned or controlled, directly or indirectly, by such officer or employee.

6. "Ministerial act" means an action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

7. "Town" means the Town of Goshen but shall not include the Town court.

8. "Town consultant" means any individual, group or firm which renders on going services on behalf of the town to any town officer, Town Board, Planning Board, Zoning Board of Appeals or any other town agency or commission. "Town consultant" shall not include a consultant specially retained solely for a particular project.

9. "Town officer or employee" means any officer or employee of the town, whether paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the Town. "Town officer and employee" shall not include:

- (a) A judge, justice, officer, or employee of the unified court system;
- (b) A volunteer fire fighter or civil defense volunteer, except a fire chief or assistant fire chief; or
- (c) A member of an advisory board of the Town if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the Town or to restrict the authority of the Town to act. No entity established pursuant to the General Municipal Law of the State of New York shall be deemed an advisory board for purposes of this paragraph.

10. "Outside employer or business" means:

- (a) any activity, other than service to the Town, from which the Town officer, employee or consultant received compensation for services rendered or goods sold or produced;
- (b) any entity, other than the Town, of which the Town officer, employee or consultant is a member, officer, director, or employee and from which he or she received compensation for services rendered or goods sold or produced; or
- (c) any entity in which the Town officer, employee or consultant has an ownership interest, except a corporation of which the Town officer or employee owns less than five percent of the outstanding stock.

For the purposes of this definition, "compensation" shall not include reimbursement for necessary reasonable expenses, including travel expenses.

11. "Person" shall include both individuals and entities.

12. "Relative" means a spouse, child, step-child, brother, sister, or parent of the Town officer or employee, or a person claimed as a dependent on the Town officer's or employee's latest

For the purposes of this definition, "compensation" shall not include reimbursement for necessary reasonable expenses, including travel expenses.

11. "Person" shall include both individuals and entities.

12. "Relative" means a spouse, child, step-child, brother, sister, or parent of the Town officer or employee, or a person claimed as a dependent on the Town officer's or employee's latest individual state income tax return.

13. "Subordinate" of a Town officer or employee shall mean another Town officer or employee over whose activities he or she has direction, supervision, or control, except those who serve in positions that are in the exempt classification under Section 41 of the Civil Service Law of the State of New York or in the unclassified service under subdivisions (a) through (f) of Section 35 of that law.

§106. Appearances by Outside Employers and Businesses of Town Officers and Employees.

1. Except as provided in subdivision 3 of this section, the outside employer or business of a Town officer, employee or consultant shall not appear before the particular agency in which the Town officer, employee or consultant serves or by which he or she is employed.

2. Except as provided in subdivision 3 of this section, the outside employer or business of a Town officer, employee or consultant shall not appear before any other Town agency if the Town officer, employee or consultant has the authority to appoint any officer, employee, or member of the agency or to review, approve, audit, or authorize any budget, bill, payment, or claim of the agency.

3. Nothing in this section shall be construed to prohibit the outside employer or business of a Town officer, employee or consultant from:

- (a) Appearing on its own behalf, or on behalf of the Town, before a Town agency;
- (b) Seeking or obtaining a ministerial act; or
- (c) Receiving a Town service or benefit, or using a Town facility, which is generally available to the public.

§107. Annual Disclosure.

1. Officers and Employees Required to File.

Officers and employees holding the following job titles or positions shall be required to file a signed annual disclosure statement:

- (a) Town Supervisor
- (b) Town Councilpersons
- (c) Town Clerk
- (d) Deputy Town Clerk
- (e) Highway Superintendent
- (f) Receiver of Taxes
- (g) Deputy Receiver of Taxes
- (h) Assessor
- (i) Planning Board Members
- (j) Zoning Board of Appeals Members
- (k) Building & Zoning Inspector
- (l) Town Engineer
- (m) Town Attorney
- (n) Assessment Board of Review
- (o) Environmental Review Board
- (p) Town Board of Ethics

2. Time and Place for Filing.

Annual disclosure statements shall be filed with the Ethics Board:

- (a) Within 120 days after the effective date of this section;
- (b) Within 30 days after becoming subject to the requirements of subdivision 1 of this section; and
- (c) No later than May 15 of each year thereafter.

3. Changes in Disclosed Information.

Within 30 days after a change in the information contained in his or her most recently filed annual disclosure statement, an officer or employee shall file a signed amendment to the statement indicating the change.

4. Contents of Annual Disclosure Statement.

The annual disclosure statement shall disclose:

- (a) The location of any real property within the Town, or within one mile of the boundary of the Town, in which the officer or employee, or his or her relative, has a financial interest.
- (b) With respect to each outside employer or business of the Town officer or

- (iv) The Town officer's of employee's relationship to it, such as owner, partner, officer, director, member, employee, or shareholder.
- (c) With respect to each outside employer or business of the Town officer's or employee's spouse, the information required by paragraph (b) of this subdivision.

5. Good Faith Efforts.

Failure to disclose the information required by subdivision 4 of this section with respect to a Town officer's of employee's spouse or other relative shall not constitute a violation of that subdivision if the officer or employee has made a good faith effort to obtain the information and if he or she also sets forth those efforts in his or her disclosure statement.

§108. Applicant Disclosure: Generally.

1. Where a person requests the Town or a Town officer or employee to take or refrain from taking any action (other than a ministerial act) that may result in a financial benefit both to the requestor and to either any officer or employee of the Town or one of the other persons listed in subdivision 1 of section 100 of this Chapter, the requestor shall disclose the names of any such persons, to the extent known to the requestor at the time of the request.

2. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in a writing filed with the Town Clerk.

3. A person shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed a disclosure statement complying with requirements of section 109 of this chapter.

§109. Applicant Disclosure: Land Use Applications.

1. Disclosure.

Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of the Town shall state the information required, to the extent required, by section 809 of the General Municipal Law of the State of New York.

2. Violations.

Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by section 809 of the General Municipal Law.

§110. Void Contracts.

Any contract or agreement entered into by or with the town which results in or from a violation of any provision of section 100, 101, or 106 of this chapter shall be void unless ratified by the governing body of the Town. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this chapter or any other provision of law.

§111. Penalties.

1. Disciplinary Action.

Any Town officer or employee who engages in any action that violates any provision of this chapter may be warned or reprimanded or suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.

2. Civil Fine.

Any Town officer or employee who violates any provision of this chapter may be subject to a civil fine of up to \$1,500 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to subdivision 4 of this section. A civil fine may not be imposed for a violation of section 104 of this chapter.

3. Damages.

Any person, whether or not a Town officer or employee, who violates any provision of this chapter shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to subdivision 4 of this section.

4. Civil Forfeiture.

Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this chapter may be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit he or she received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty

contained in any other provision of law or in this chapter, other than a civil fine pursuant to subdivision 2 or damages pursuant to subdivision 3 of this section. Civil forfeiture shall not be available for a violation of Section 104 of this chapter.

5. Misdemeanor.

Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this chapter shall be guilty of a class A misdemeanor and, upon conviction thereof, if a Town officer or employee, shall forfeit his or her Town office or employment. This subdivision shall not apply to a violation of section 104 of this chapter.

§112. Debarment.

1. Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this chapter shall be prohibited from entering into any contract with the Town for a period not to exceed three years, as provided in subdivision 5 of section 210 of this chapter. Debarment may not be imposed for a violation of section 104 of this chapter.

2. No person, whether or not a Town officer or employee, shall enter into a contract in violation of a bar imposed pursuant to subdivision 1 of this section.

3. Nothing in this section shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, which is generally available to the public.

4. Under this section, a corporation, partnership, or other entity shall not be held vicariously liable for the actions of an employee. A corporation, partnership, or other entity shall not be debarred because of the actions of an employee unless the employee acted in the execution of company policy or custom. A store, region, division, or other unit of an entity shall not be debarred because of the actions of an employee of that unit unless the employee acted at the direction, or with the actual knowledge or approval, of the manager of the unit.

PART B: ESTABLISHMENT OF BOARD OF ETHICS

§201 Board of Ethics.

A. Establishment of Town Board of Ethics.

(1) A local Board of Ethics for the Town of Goshen is hereby established.

(2) The Board of Ethics shall consist of three (3) members, all of whom shall be appointed by the Town Board. Of the initial members one (1) shall be appointed for three (3) years, one (1) shall be appointed for two (2) years, and one (1) shall be appointed for one (1) year. All subsequent appointees shall be appointed to three-year terms commencing January 1.

(3) All members of the Board of Ethics shall reside within the town. No political party officer, lobbyist, or elected official may be a member and not more than one (1) town officer or employee may be a member.

B. Special Purpose Member

The Town Board of the Town of Goshen may, in any year it deems necessary, appoint a temporary special purpose member to the Ethics Board to serve as provided in this section. The temporary member shall be appointed for a one-year term of office. The chairperson of the Board of Ethics shall assign the temporary member as necessary when conflict of interest of regular members of the Board would otherwise prevent a full Board from considering any pending matter. Once designated to serve on a particular matter before the Board, the temporary member shall have the same powers and duties as regular members of the Board until that matter is concluded. Any determination by the Board consisting of a temporary member shall have the same weight and be entitled to the same authority as the act or deed of the regular Board and all laws, statutes and regulations shall apply and be applied with equal force and effect. A temporary member appointed pursuant to this section shall be paid for its respective services as fixed by resolution of the Town Board.

§202 Operation of Board of Ethics.

- 1) Appropriate funds shall be allocated by the Town Board for the operation and maintenance of the Board of Ethics.
- 2) Matters before the Board of Ethics shall be confidential and, therefore, all meetings of the Board to discuss or hear a matter concerning the ethical conduct of an officer or employee shall be closed to the public. Opinions and requests for opinions shall be confidential records, except as provided in paragraph G(4) below or unless the individual who is the subject of the opinion specifically requests otherwise in writing to the Board of Ethics. All opinions and requests for opinions shall be indexed and maintained on file in an appropriate manner by the Board of Ethics.
- (3) The attorney for the town shall provide such legal and advisory services to the Board of Ethics as the Board may require for the performance of its duties.

§203 Compensation.

Members of the Board of Ethics shall not receive compensation for the performance of their official duties but shall be reimbursed for reasonable and necessary expenses.

§204 Removal of Board Member.

A member of the Board of Ethics serves at the pleasure of the Town Board and may be removed with cause after a hearing by a majority vote of the Town Board.

§205 Quorum, voting and meetings.

At its first meeting each year the Board of Ethics shall elect a Chairman from among its membership. Two (2) members of the Board shall constitute a quorum, and a vote of at least two (2) members shall be required for the Board to take any action. The Board shall hold at least one (1) regularly scheduled meeting per year, in March of each year, and other meetings as needed. The Chairman or any two (2) members of the Board may call a meeting of the Board upon reasonable notice.

§206 Powers, duties and responsibilities.

The Board of Ethics shall have the following powers, duties and responsibilities:

- (1) Prescribe and promulgate rules and regulations governing its own organization and procedures in a manner consistent with the Code.
- (2) Review and maintain lists of officers and employees and any annual financial disclosure statements which may be promulgated by the Town Board.
- (3) Issue advisory opinions to any town officer or employee in accordance with §207 below.
- (4) Index and maintain the confidentiality of advisory opinions.
- (5) Provide training and education to town officers and employees with respect to the provisions of the code.
- (6) Prepare an annual report to the Town Board summarizing the activities of the Board of Ethics.
- (7) Recommend changes to the Code of Ethics if deemed necessary or appropriate by the Board.
- (8) Act only with respect to officers, employees and consultants of the Town of Goshen.

§207. Advisory Opinions.

(1) Upon the written request of a municipal officer or employee, the Board of Ethics shall render an advisory opinion to such officer or employee with respect to any matter addressed by the Code as such matter may apply to the subject officer or employee.

(2) In addition, the Town Board, by majority plus one vote, may make a written request to the Board of Ethics to render such an advisory opinion to a specified officer or employee. Such request by a Town Board member shall set forth specific reasons in support of the request.

(3) Any advisory opinion rendered by the Board of Ethics shall be in writing, shall set forth supporting reasons, and shall be delivered only to the subject officer or employee. Such opinion shall remain confidential unless knowingly and intentionally waived by such officer or employee except as provided in subsection (4) below or unless the subject officer or employee specifically requests otherwise in writing to the Board of Ethics.

(4) If the Town Board advises the Board of Ethics in writing that the Town Board (or any other Town body with disciplinary authority) is investigating pending disciplinary charges against any officer or employee based, in whole or part, on an alleged violation of any matter addressed by the Code or any alleged breach of ethical conduct, and the Town Board requests a copy of any advisory opinion the Board of Ethics has rendered with respect to the subject matter of the Town Board's request, then the Board of Ethics shall transmit said copy to the Town Board. The Town Board shall maintain the confidentiality of any such advisory opinion, except the opinion may be made public as part of a disciplinary hearing. If the Board of Ethics has not rendered an advisory opinion on that subject or if the subject officer or employee has not requested such an advisory opinion, then the Board of Ethics shall so advise the Town Board.

(5) Upon written request of any board or commission of the town, the Board of Ethics shall render a written advisory opinion with respect to the general interpretation or application of any provision of the Code.

PART C: ADMINISTRATIVE PROVISIONS

§208. Designation of officers and Employees Required to File Annual Disclosure Statements.

Within 90 days after the effective date of this local law, and during the month of January each year thereafter, the Town Clerk shall:

(a) Cause to be filed with the Ethics Board a list of the names and offices or positions of all Town officers and employees required to file annual disclosure statements pursuant to section 107 of this chapter; and

(b) Notify all such officers and employees of their obligation to file an annual

disclosure statement.

§209. Maintenance of Disclosure Statements.

1. The Town Clerk shall transmit promptly to the Ethics Board each transactional and applicant disclosure statement filed pursuant to sections 101, 104, 108 and 109 of this chapter.

2. The Ethics Board shall index and maintain on file for at least seven years all disclosure statements filed with the Board pursuant to sections 101, 104, 107, 108 and 109.

§210. Miscellaneous Provisions.

1. No existing right or remedy shall be lost, impaired, or affected by reason of this chapter.

2. Nothing in this chapter shall be deemed to bar or prevent a present or former Town officer or employee from timely filing any claim, account, demand, or suit against the Town on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.

3. If any provision of this chapter is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of this chapter.

4. No provision of this law shall be interpreted to have any retroactive application..

§211. Distribution and Posting.

1. Within 90 days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Town Clerk, in a form suitable for posting, copies of those provisions of this chapter which the Ethics board deems necessary for position in the Town. Within ten days after receipt of those copies, the Town Clerk shall cause the copies to be posted conspicuously in every public building under the jurisdiction of the Town.

2. Within 90 days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Town Clerk, in a form suitable for distribution, copies of those provisions of this chapter which the Ethics Board deems necessary for distribution to the officers and employees of the Town. Within ten days after receipt of those copies, the Town Clerk shall cause the copies to be distributed to every officer and employee of the Town, and made readily available to the public. Every Town officer or employee elected or appointed thereafter shall be furnished a copy of those provisions within ten days after entering upon the duties of his or her position.

3. Failure of the town to comply with the provisions of this section or failure of any Town officer or employee to receive a copy of the provisions of this chapter shall have no effect on the duty of compliance with this chapter or on the enforcement of its provisions.

Section 5. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State and in compliance with all applicable provisions of law.