



Ulster

TOWN OF LOYD

Thomas Shay Square, 12 Church St., Highland, NY 12528

23, January 2012

Martin J. Mack
Executive Deputy Attorney General
Division of Regional Offices
Office of the Attorney General
The Capitol
Albany, New York 12224-0341

Dear Mr. Mack,

In reference to your letter dated January 2012 pursuant to General Municipal Law §806(1)(a), §808(1) and §808(3) with regard to the establishment of the Board of Ethics, enclosed please find a copy of Town of Lloyd Code of Ethics in its entirety. The Town of Lloyd also has an appointed Board of Ethics committee and the members with contact information and term expirations are listed below:

Jill Indelicato, chair – term expires 12/31/2014
401 New Paltz Rd. Highland, NY 12528

Rafael Diaz – term expires 12/31/2012
449 N. Eltings Cors. Rd., Highland, NY 12528

Mark Elia – term expires 12/31/2013
50 Main Street, Highland, NY 12528

Kevin Harris – term expires 12/31/2013
25 Laurretta Drive, Highland, NY 12528

Deborah Haab, Superintendent HCSO - term expires 12/31/2013
320 Pancake Hollow Road, Highland, NY 12528

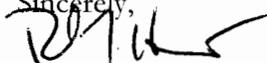


TOWN OF LOYD

Thomas Shay Square, 12 Church St., Highland, NY 12528

Joseph A. Indelicato, Alternate – term expires 12/31/2012
61 Argent Drive, Highland, NY 12528

Please do not hesitate in contacting my office should you require any additional information.

Sincerely,

Paul J. Hansut
Supervisor

PJH/kj
enclosures

Chapter 10
ETHICS, CODE OF

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| § 10-9. Private employment in conflict with official duties. | § 10-18. Board of Ethics. |
| | § 10-19. Posting and distribution. |
| | § 10-20. Training. |
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| | § 10-22. Enforcement. |

[HISTORY: Adopted by the Town Board of the Town of Lloyd 11-9-2011 by L.L. No. 8-2011.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Alternate members — See Ch. 3, Art. 1.
Open public meetings — See Ch. 16.
Officers and employees — See Ch. 18.

Access to public records — See Ch. 23, Art. 1.
Discrimination and harassment — See Ch. 26.

§ 10-1. Purpose.

As a municipal officer or employee, your job by its very nature places you in a position of public trust. You are responsible for ensuring that public resources are used in the best interests of the public. You also have a duty to use the limited public resources available to you as effectively and efficiently as possible. When serving in your public capacity, the interests of your municipality must come before your own. In fact and appearance, your actions and interests must be above reproach.

1. Editor's Note: This local law also repealed former Ch. 10, Ethics, Code of, adopted 7-11-2007 by L.L. No. 6-2007, as amended.

§ 10-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD — The governing board of a municipality and any municipal administrative board (e.g., Planning Board, Zoning Board of Appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

CODE — This Code of Ethics.

INTEREST — A direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

MUNICIPALITY — The Town of Lloyd. The word "municipal" refers to the municipality.

MUNICIPAL OFFICER OR EMPLOYEE — A paid or unpaid officer or employee of the Town of Lloyd, including, but not limited to, the members of any municipal board.

RELATIVE — A spouse, child, stepchild, parent, stepparent, brother-in-law, sister-in-law, grandparent, grandchild, sibling, stepsibling, sibling's spouse, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

§ 10-3. Applicability.

This Code of Ethics applies to the officers and employees of the Town of Lloyd and shall supersede any prior municipal Code of Ethics. The provisions of this Code of Ethics shall apply in addition to all applicable state and local laws relating to conflicts of interest and ethics, including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Lloyd.

§ 10-4. Use of municipal position for personal or private gain prohibited.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

§ 10-5. Disclosure of interest in legislation and other matters.

- A. Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

- B. The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
- C. In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor, or if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

§ 10-6. Recusal and abstention.

- A. No municipal officer or employee may participate in any decision, including discussing the matter and voting on it, or take any official action with respect to any matter requiring the exercise of discretion, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
- B. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
 - (1) If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
 - (2) If the power or duty is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy, or if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
 - (3) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

§ 10-7. When prohibition inapplicable; disclosure, recusal and abstention not required.

- A. This code's prohibition on use of a municipal position (§ 10-4), disclosure requirements (§ 10-5), and requirements relating to recusal and abstention (§ 10-6) shall not apply with respect to the following matters:
 - (1) Adoption of the municipality's annual budget.
 - (2) Any matter that does not require the exercise of discretion.

- B. Recusal and abstention shall not be required with respect to any matter which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by § 10-6 of this code.

§ 10-8. Investments in conflict with official duties.

- A. No municipal officer or employee may acquire the following investments:
- (1) Investments that can be reasonably expected to require more than sporadic recusal and abstention under § 10-6 of this code; or
 - (2) Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- B. This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
- (1) Real property located within the municipality and used as his or her personal residence;
 - (2) Less than 5% of the stock of a publicly traded corporation; or
 - (3) Bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

§ 10-9. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- A. Can be reasonably expected to require more than sporadic recusal and abstention pursuant to § 10-6 of this code;
- B. Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- C. Violates § 805-a, Subdivision 1c or d, of the General Municipal Law; or
- D. Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

§ 10-10. Future employment.

- A. No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 90 days following final disposition of the matter.

- B. No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she served.

§ 10-11. Personal representations and claims permitted.

This code shall not be construed as prohibiting a municipal officer or employee from:

- A. Representing himself or herself or his or her spouse or minor children before the municipality; or
- B. Asserting a claim against the municipality on his or her own behalf or on behalf of his or her spouse or minor children.

§ 10-12. Use of municipal resources.

- A. Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel and the municipality's money, vehicles, equipment, materials, supplies or other property.
- B. No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - (1) Any use of municipal resources authorized by law or municipal policy;
 - (2) The use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
 - (3) The occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
- C. No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§ 10-13. Interests in contracts.

- A. No municipal officer or employee may have an interest in a contract that is prohibited by § 801 of the General Municipal Law.
- B. Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by § 803 of the General Municipal Law.

§ 10-14. Nepotism.

Except as otherwise required by law:

- A. No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
- B. No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

§ 10-15. Political solicitations.

- A. No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- B. No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

§ 10-16. Confidential information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may use such information to further his or her personal interests or disclose or use such information unless the disclosure or use is required by law or is in the course of exercising or performing his or her official powers and duties.

§ 10-17. Gifts.

- A. No municipal officer or employee shall solicit, accept or receive a gift in violation of § 805-a, Subdivision 1a, of the General Municipal Law as interpreted in this section.
- B. No municipal officer or employee may directly or indirectly solicit any gift.
- C. No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of \$75 or more when:
 - (1) The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
 - (2) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
 - (3) The gift is intended as a reward for any official action on the part of the officer or employee.
- D. For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other

form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed \$75 must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

- (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
 - (2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding 12 months.
- E. This section does not prohibit any other gift, including:
- (1) Gifts made to the municipality;
 - (2) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
 - (3) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
 - (4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
 - (5) Awards and plaques having a value of \$75 or less which are publicly presented in recognition of service as a municipal officer or employee or other service to the community; or
 - (6) Meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

§ 10-18. Board of Ethics.

A. Membership.

- (1) There shall be a membership of five members appointed by the Lloyd Town Board consisting of:

- (a) Five members of the general public residing in the Town of Lloyd; and
 - (b) Two alternate members to act only in any meeting wherein an appointed member is absent or recused from sitting on a particular matter. The alternates will be chosen to sit on a particular matter on an alternating basis. An alternate appointed to sit on a particular matter shall continue to sit as a regular member in place of the absent or recused member and vote on the cases in which he or she has attended for the absent or recused member.
- (2) Upon adoption of this chapter, the current terms of appointment of the existing Board shall be re-established by the Town Board such that the appointment of members to the Board shall be for terms so fixed that one member's term shall expire at the end of the calendar year in which such member was initially appointed and the remaining members' terms shall be so fixed that the terms of two members shall expire at the end of the next year thereafter and two members' terms shall expire at the end of the second year next succeeding the end of the year in which such members were initially appointed. At the expiration of each original member's appointment, each replacement member shall be appointed for a term of three years, which shall be subject to continuous term renewal in the discretion of the Town Board for a term not exceeding three years.
- B. Role of Board of Ethics. The function of the Board of Ethics is to render advisory opinions to the Town Board regarding General Municipal Law Article 18 and this local Code of Ethics when a request is made regarding a third-party alleged ethical misconduct. The Board of Ethics shall also render advisory opinions to the officers and employees who have requested ethical clarification with respect to Article 18 of the General Municipal Law and this code. It may also act as the repository of any financial disclosure documents. Such advisory opinions shall be rendered pursuant to the written request of the Town Board, a Town officer or Town employee, under such rules and regulations as the Town Board may prescribe, and shall have the advice and counsel furnished by the Town Board. In addition, it may make recommendations with respect to the drafting and adoption of amendments to the Code of Ethics, or a new Code of Ethics, upon the request of the Town Board. The Town Board retains subpoena power in connection with the collection of information for the Board of Ethics, and the Board of Ethics shall have no subpoena power in connection with its duties.

§ 10-19. Posting and distribution.

- A. The Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within 10 days following the date on which the code takes effect. An amendment to the code must be posted within 10 days following the date on which the amendment takes effect.
- B. The Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Lloyd.

- C. Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Town of Lloyd Town Clerk, who must maintain such acknowledgments as a public record.
- D. The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this Code of Ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

§ 10-20. Training.

Municipal officials must attend periodic training, scheduled by the Town Board, concerning the requirements of the Code of Ethics and the procedure for seeking an opinion or investigation by the Board of Ethics. Training may also be received at the annual Association of Towns meeting. The Town Board may approve alternate training.

§ 10-21. Exception for bid to perform Town work.

A member of a board or commission who is appointed by the Town Board and serves without remuneration may submit a bid to propose to perform paid work for the Town, provided that:

- A. The procurement policy of the Town must be followed.
- B. The job must be unrelated to the employee's duties as a board or committee member.

§ 10-22. Enforcement.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

