

(Use this form to file a local law with the Secretary of State.)

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

JAN 19 1993

[Signature]
Secretary of State

~~County~~

~~City~~

Town

~~Village~~

of Hyde Park

Local Law No. 2 of the year 19 93

To Amend the Code of the Town of Hyde Park by deleting and repealing Chapter 11 thereof, Code of Ethics, and replacing it with a new Chapter 11, to (Insert Title) be entitled Code of Ethics, which Chapter establishes a new Code of Ethics for members of the Town of Hyde Park government.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~

Town

~~Village~~

of Hyde Park as follows:

(SEE ATTACHED)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law No. 2 of 1993
of the Town of Hyde Park

"CODE OF ETHICS"

A LOCAL LAW TO AMEND the Code of the Town of Hyde Park by deleting and repealing Chapter 11 thereof, Code of Ethics, and replacing it with a new Chapter 11, to be entitled Code of Ethics, which Chapter establishes a new Code of Ethics for members of the Town of Hyde Park government.

BE IT ENACTED BY the Town Board of the Town of Hyde Park
as follows:

Section 1.

The Code of the Town of Hyde Park is hereby amended by deleting and repealing Chapter 11, Code of Ethics.

Section 2.

The Code of the Town of Hyde Park is hereby amended by adding thereto a new chapter, to replace Chapter 11 hereinabove repealed, to be Chapter 11, Code of Ethics, to read as follows:

§ 11-1. Purpose.

The proper administration of the Town of Hyde Park requires its officials and employees, whether elected or appointed, paid or unpaid, to be independent, impartial, and free from conflicts of interest in fulfilling their public responsibilities so that citizens will have confidence in the integrity of their town government. Therefore, the public

interest requires that this Code of Ethics be adopted as a standard of conduct, in addition to the standards prescribed in Article 18 of the General Municipal Law, for the officials and employees of the Town of Hyde Park.

§ 11-2. Definitions.

As used in this Code of Ethics, the following terms shall have the meanings indicated:

APPEAR BEFORE -- to communicate in whatever form, whether personally or through another person.

FAMILY MEMBER -- shall include spouse or domestic partner and other dependent and non-dependent members of the household of a Town officer or employee.

BOARD AND TOWN BOARD -- shall mean the Town Board of the Town of Hyde Park.

TOWN OFFICER OR EMPLOYEE -- shall mean any elected or appointed official or employee of the Town, whether paid or unpaid, including the members of all boards, commissions, and agencies of the Town.

TOWN AGENCY -- any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the Town.

PERSONAL INTEREST -- shall mean a pecuniary or material benefit accruing directly or indirectly to one's self or family.

§ 11-3. Conflicts of Interest.

- A. General Prohibition. No Town officer or employee shall participate in any matter that comes before the Town that would result in financial or other benefit to him or her, or to any of his or her family members, outside employers, business associates, clients, or campaign contributors who has contributed \$250 or more in cash or goods or services in the aggregate during the preceding 24 months. In the event that such a matter comes before the Town, the officer or employee shall promptly recuse him or herself in accordance with § 11-7(B) of this Code of Ethics. This provision shall not be construed to apply to the setting of salaries of elected officials by the Town Board in accordance with Article 8 of the Town Law.
- B. No Town officer or employee in a supervisory position shall hire or cause to be hired his or her relative as a Town employee.
- C. No Town officer or employee shall solicit, negotiate for, or accept private employment or engage in any business transaction or professional activity or make any investment which will impair his or her independence of judgment or interfere in any manner with the discharge of his or her official duties.
- D. No Town officer or employee shall use or permit the use of any personal or real property owned or leased by the

Town for any purpose other than official business or for any activity that has not been officially approved by the Town Board.

- E. No Town officer or employee or former Town officer or employee shall disclose any confidential information or use it to further the interest of any party other than the Town.
- F. No Town officer or employee shall represent any party against the interests of the Town, nor shall any Town officer or employee appear before any agency of the Town on behalf of any party other than the Town or himself or herself.
- G. No Town officer or employee shall have a personal interest in any transaction with the Town when the official or employee has the authority to negotiate, prepare, authorize, approve or audit such transaction or the vouchers or claims for its payment, or to appoint another official or employee with such authority.
- H. No former Town officer or employee shall appear before any Town agency as agent or attorney for, or otherwise represent, any party other than the Town, or make any oral or written communication with the intent to influence on behalf of any party, in a matter in which he or she participated personally and substantially as a Town officer or employee.
- I. No Town officer or employee shall request or authorize

anyone else to request any subordinate of the officer or employee to participate in an election campaign or contribute to a political committee.

- J. No Town officer or employee shall induce, attempt to induce, or aid another officer or employee to violate any of the provisions of this Code of Ethics.

§ 11-4. Conduct of Specific Officials.

Certain officers and employees are hereby listed specifically due to the unique nature of their offices and positions which may in turn raise ethical conflicts unique to those offices and positions.

A. Office of the Assessor.

An Assessor or his or her family members shall not engage in any real estate, construction, building contracting or building materials business, or have a financial interest in or accept compensation from any person or other entity engaging in such business within the Town of Hyde Park during his or her term of office.

B. Professionally Licensed Officials and Employees.

Any Town officer or employee with a professional license, including the Town's attorney, engineer, and accountant, shall promptly recuse himself or herself from acting on any matter before the Town or any Town agency involving any person or other entity that has been a client within the past two years.

C. Officers and Employees Authorized to Conduct Inspections and Issue Permits.

No Town officer or employee with the authority to conduct inspections or issue permit approvals, or the family members of any such officer or employee, shall engage in a business or have a financial interest in or accept compensation from any firm engaging in a business regularly subject to such inspections or requiring such permits within the authority of such officer or employee.

D. Public Safety Officers; e.g., Police Officers, Animal Control Officers, Building Inspectors, Fire Inspectors.

No Public Safety officer shall have any financial interest in or receive compensation from any commercial firm that within the Town of Hyde Park engages in private investigations, accident reconstruction, fire prevention or inspection, sales and/or installation of alarm systems, or any other activity related to the officer's official duties, except that such officers shall be permitted to participate in volunteer fire or emergency medical organizations. Police officers shall be permitted to engage in off-duty employment as security guards or traffic police on terms and conditions agreed to by the Town and the Police Benevolent Association.

§ 11-5. Gifts, Privileges and Favors.

Town officers and employees shall not use their official positions to secure special privileges or exemptions for themselves or others. No Town officer or employee shall

directly or indirectly solicit, accept, or agree to accept any gift or favor, whether in the form of money, services, loan, travel, entertainment, hospitality, thing, promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of official duties, or was intended as a reward for any official action on his or her part. This restriction does not apply to situations in which the interests of the Town are served by the participation of Town officers or employees in public ceremonies or events.

§ 11-6. Town Board of Ethics.

- A. A local Board of Ethics, to be known as the Hyde Park Board of Ethics, is hereby established pursuant to § 808 of the General Municipal Law.
- B. The Board of Ethics shall consist of five (5) members appointed by the Town Board of the Town of Hyde Park to serve without compensation for terms of five years, except the initial terms upon adoption of this Code shall be for one year, two years, three years, four years, and five years. All members shall reside in the Town and at least one member shall be a Town officer or employee. The Board of Ethics shall elect its own chairperson and act by a majority vote of its total members. The Town's Attorney shall serve as counsel to the Board of Ethics, except in any matter where a conflict of interest may

exist. Any member of the Board of Ethics may be removed by the Town Board for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of his or her office, or violation of this Code of Ethics, after written notice and an opportunity to reply.

- C. Advisory Opinions. The Board of Ethics shall render advisory opinions to Town officers, employees and agencies with respect to this Code of Ethics and the provisions of Article 18 of the General Municipal Law. Such advisory opinions shall be rendered pursuant to written request under such rules and regulations as the Board of Ethics may deem advisable and with the advice of the Town's attorney. The Board of Ethics shall be bound by any such opinion, until amended or revoked, in any subsequent proceeding concerning the person who requested the opinion, where such person in good faith relied on the opinion, unless material facts were omitted or misstated in the request.
- D. Investigations. In addition to all powers provided for in Article 18 of the General Municipal Law, the Board of Ethics shall have the power and duty to conduct investigations upon the receipt of a sworn complaint alleging a violation of this Code of Ethics or of Article 18 of the General Municipal Law, or upon its own determination that such a violation may exist, under such

rules and regulations as the Board of Ethics may deem advisable. Pursuant to this power and duty, the Board of Ethics may administer oaths or affirmations and subpoena witnesses and documents. Upon the completion of any investigation, the Board of Ethics shall render to the Town Board a written confidential report of its findings, opinions, and recommendations, which report shall be provided to the subject of the investigation.

- E. Confidentiality. With respect to all complaints and investigations and all related deliberations and findings, the Board of Ethics shall hold all such matters in confidence and meet in closed executive session to the fullest extent allowable by applicable law.
- F. Maintenance and Review of Disclosure Statements. The Board of Ethics shall make available the forms related to the disclosure of interest requirements of this Code of Ethics, which forms are set forth as "Appendix A". The Board of Ethics shall act as the repository for completed disclosure forms and shall determine whether such forms have been duly filed by all persons subject to the reporting requirements of this Code of Ethics. In the event that an officer or employee has failed to file, has filed a deficient statement, or has filed a statement revealing a possible violation of this Code of Ethics, the Board of Ethics shall notify such person in writing, state the failure to file or detail the deficiency, and

provide the person with a fifteen-day period to cure the deficiency. Upon a failure to cure the deficiency, the Board of Ethics shall notify the Town Board for appropriate disciplinary action.

- G. The Board of Ethics shall adopt, amend, and rescind such rules and regulations to govern its procedure as it deems appropriate, subject to the approval of the Town Board.

§ 11-7. Required Disclosure of Interest.

- A. Annual Disclosure of Interest. All Town officers and employees, except for members of advisory and ad hoc boards and committees and seasonal and emergency temporary employees, shall file an annual disclosure of interest statement with the Town Board of Ethics on the prescribed form as set forth in Appendix "A" below. Such statement shall be filed within thirty (30) days of the effective date of this Code of Ethics, and by the first day of June in each year thereafter. Any newly appointed officer or employee shall file the statement within thirty (30) days of his or her appointment. An officer or employee having a change in the information contained in his or her most recently filed annual disclosure statement shall file an amended statement indicating the change within thirty (30) days after its occurrence.
- B. Transactional Disclosure. Whenever any Town officer or employee is required to recuse himself or herself under

this Code of Ethics, he or she shall promptly (1) notify his or her supervisor or, if a member of a board, shall make such notification upon the public record of the board; (2) file with the Board of Ethics a signed statement disclosing the nature and extent of the prohibited action; and (3) refrain from any further participation in the matter.

- C. Applicant Disclosure. Any party who submits any application to any Town officer, employee, or agency, or otherwise requests the Town of Hyde Park to take any action, shall at the time of making such application or request disclose the names of all Town officers or employees and any of their family members, outside employers, business associates, clients, or campaign contributors who have contributed \$250 or more in cash or goods or services in the aggregate during the preceding 24 months, who, to his or her knowledge, has or is likely to have a personal interest in the outcome of any such application or request.

§ 11-8. Penalties and Voidable Transactions.

- A. Any Town officer or employee who shall violate this Code of Ethics may be disciplined, fined, suspended or removed from office or employment in the manner provided by law.
- B. If the Town Board of Ethics concludes in a written opinion rendered pursuant to § 11-6(D) that any action, including any approval or transaction, by any Town

officer, employee or agency was undertaken in violation of any of the provisions of this Code of Ethics, such action shall be voidable.

Section 3. Severability.

If any section of this local law or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section of the application of any part thereof to any other person or circumstances, and to this end, the provisions of each section of this local law are hereby declared to be severable.

Section 4. Effective date.

This local law shall take effect immediately upon its filing with the Secretary of State.

[Town of Hyde Park, Code of Ethics - Appendix "A"]

ANNUAL DISCLOSURE OF INTEREST STATEMENT

TOWN OF HYDE PARK

FOR 199__

Last Name	First Name	Initial
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Title	Department or Agency
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Work Address	Telephone Number
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If the answer to any of the following questions is "none," please so indicate.

1. Real estate ownership. List the address of each parcel of real property that you or any family member(s) own or have a financial interest in within the Town of Hyde Park. "Family member(s)" include(s) your spouse or domestic partner and other dependent and non-dependent members of your household.

<u>Address of Real Estate</u>	<u>Owner</u>	<u>Family Member (if not owned by you)</u>
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ANNUAL DISCLOSURE OF INTEREST STATEMENT FOR 199__
Town of Hyde Park
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2. Your outside employer or business. List the name of any outside employer or business in which you hold any interest, except a corporation of which you own less than five percent of the outstanding stock. State your position and/or interest in each listed company (e.g.; owner, partner, officer, director, member, shareholder or employee).

<u>Name of Employer or Business</u>	<u>Nature of Business</u>	<u>Position and/or Interest</u>
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3. Your spouse's or domestic partner's employer or business. List information requested in questions 2 for your spouse or living partner.

<u>Name of Employer or Business</u>	<u>Nature of Business</u>	<u>Position and/or Interest</u>
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Date: _____

Signed: _____