

(This form is used to file a local law with the Secretary of State.)

Text of law is given as proposed. Matter being eliminated is not struck through, and underlining is not used to indicate new or changed matter.

Town of Woodstock

Local Law No. 4 of the year 2022

A local law amending Chapter 71 of the Woodstock Code, the Ethics Law of the Town of Woodstock, Ulster County, New York, as previously amended, to modify the standards of conduct section and certain definitions.

Be it enacted by the Town Board of the Town of Woodstock as follows:

Section 1. Statutory Authority.

This Local Law is enacted in accordance with § 806 of the General Municipal Law of the State of New York, and § 10 of the Municipal Home Rule Law, and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law.

Section 2. Findings, Purposes and Intent.

The Town Board finds that the Ethics Law can streamline the collecting of disclosure forms by having the Supervisor's office handle the process. Further purposes of this Local Law are to clarify waiver request, when a disclosure form is due, which employees should file one and the composition of the Ethics Board.

Section 3. Amendments to Chapter 71 of the Woodstock Code, the Ethics Law of the Town of Woodstock, as previously amended.

A. The following changes are hereby made to § 71-3, Standard of conduct.

1) To ensure proper confidentiality of Ethics Board matters, to encourage people to be candid in their annual disclosure forms as well as in their requests for advisory opinion and complaints, add the following as a second paragraph under **Section 71-3F** (Confidential information):

No Town officer or employee, including but not limited to members of the Ethics Board and those involved in administering disclosure forms, waiver requests, disclosable interests, or ethics complaints or investigations pursuant to the Ethics and Disclosure Law, shall disclose

anything relating to those matters to anyone other than members of the Ethics Board without authorization of the Ethics Board, the individual or as required by law. Any unauthorized disclosure, however inadvertent, must be immediately reported to the Ethics Board.

2) To remove the Town Clerk's office from involvement in Ethics Board matters, amend the first sentence of **Section 71-3L(3) (Nepotism)** as follows:

The disclosure requirements of this section shall be made in writing, directed to the Town Board, and shall be made at the earliest opportunity . . .

3) To clarify the roles relating to waiver requests, amend **Section 71-3(N) (Waiver)** as follows:

Waiver. A Town officer or employee may apply to the Ethics Board for a waiver from any of these standards upon showing of compelling need. A waiver request form shall be available from the Town Clerk, Town Supervisor's Office, or the Ethics Board, and may be modified by the Town Board, following consultation with the Ethics Board, from time to time as deemed necessary.

4) To reflect the fact that disclosure forms are not submitted only an annual basis, and to clarify the roles in administering the disclosure form process, change the heading under **Section 71-7 (Annual disclosure)** from "Annual disclosure" to "Disclosure forms," and replace subsection 71-7B in its entirety with the following:

Time and place for filing. Completed disclosure forms (i.e., disclosure statements) shall be filed with the Town Supervisor's office: (1) no later than January 31 of each year and/or (2) within 30 days of taking office of those positions listed above. The Town Supervisor's office shall be responsible for distributing the disclosure forms to all those listed above on a timely basis, receiving the statements in sealed envelopes, keeping track of those who have submitted or failed to submit such statements by examining the exterior of the sealed envelopes, and

transmitting those statements in sealed envelopes and the list of those who have submitted or failed to submit such statements to the Town Ethics Board. At the Ethics Board's request, the Town Supervisor's office shall, from time to time, issue reminders to those who have not submitted their disclosure statements by the deadlines above.

Processing disclosure forms is entirely separate and distinct from handling ethics complaints and requests for advisory opinions, in which all communications should be provided in writing directly to the Ethics Board, either in a sealed envelope addressed to the Ethics Board or via email sent to the Ethics Board, with no involvement by the Town Supervisor's office in the process

5) To clarify roles with respect to the content of disclosure and waiver forms, replace **Section 71-7D** in its entirety as follows:

Contents of disclosure and waiver forms. The disclosure statement shall contain the information and be in the form approved by the Ethics Board as set forth in Appendix A hereto. The waiver request shall contain the information and be in the form approved by the Town Board, following consultation with the Ethics Board, set forth in Appendix B hereto.

6) To clarify the timing and roles of transmitting disclosure statements and waiver requests to the Ethics Board, replace Section **71-7E** in its entirety as follows:

Timing of transmission and maintenance of disclosure statements and waiver requests. The Town Supervisor's office shall notify the Ethics Board, and transmit to the Ethics Board, all disclosure statements and waiver requests, within five business days of receiving such statement(s). The Ethics Board shall maintain records of disclosure statements and waiver requests.

7) To conform the composition of the Ethics Board to current interpretations of New York State law and to avoid actual or the appearance of conflicts of interest, replace Section **71-8A(5)** in its entirety as follows:

One member of the Ethics Board may be an elected or appointed municipal officer or employee as that term is defined in Section 800 of the New York State General Municipal Law, except that in order to avoid actual conflicts of interest, or the appearance of such, neither the Town Supervisor nor any full- or part-time employee, whether paid or unpaid, of the Town Supervisor's office may serve on the Ethics Board.

8) To reflect the fact that "disclosure forms" and "disclosure statements" are not just provided or completed on an annual basis, but throughout the year as individuals are appointed:

Remove the adjective "annual" in front of all provisions of the Ethics and Disclosure Law **except Section 71-13B.**

B. The following change is hereby made to § 71-5, Definitions.

1) **Section 71-5 (Definitions)** of the Ethics Law currently excludes from the definition of Town Officer or Employee, and thus from the scope of the Ethics Law, "member[s] of an advisory board of the Town 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." The Ethics Board believes that are several problems with this exclusion. First, it makes it more difficult to administer the Ethics Law, because it creates two categories of board members – those who are covered by the Law and those who are not. Second, it is sometimes debatable whether a board qualifies for the exclusion. Third, and more fundamentally, boards that currently qualify for this exclusion are often addressing important and highly sensitive issues, and it is important that the members of those boards also be free from nepotism, the

misuse of confidential information, and the types of conflicts of interest that are prohibited by the Ethics Law.

To ensure that the Ethics Law covers all members of boards and committees appointed by the Town Board, and thereby promote the integrity of, and public confidence in, their work:

Revise Subsection C under the definition of Town Officer or Employee in **Section 71-5**

TOWN OFFICER OR EMPLOYEE

Any officer or employee of the Town, whether paid or unpaid, and includes, without limitation, all members of any office, or department of the Town. It also includes the members of all boards, committees, commissions, and task forces appointed by or with the approval of the Town Board or Town Supervisor.

"Town officer or employee" shall not include:

- A.** A judge, justice, officer, or employee of the court system; or
- B.** A volunteer firefighter or civil defense volunteer, except fire chief or assistant fire chief.
- C.** While all Town officers and employees, as described above, are subject to the substantive provisions of the Ethics Law, not all are required to complete disclosure forms. The members of the following entities must complete disclosure forms as required by the Ethics Law: the Town Board, the Planning Board, the Zoning Board of Appeals, the Ethics Board, the Board of Assessment Review and the Woodstock Environmental Commission. The members of all other boards, committees, commissions, and task forces appointed by or with the approval of the Town Board or Town Supervisor must also complete disclosure forms, unless explicitly exempted from doing so by resolution of the Town Board.

Section 4. Severability.

If any section, sub-section, sentence, clause, phrase, or other part of this Local Law is, for any reason, held by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portion(s) of this Local Law.

Section 5. Effective Date.

This Local Law shall take effect upon being filed in the office of the New York State Secretary of State.

