

The Ethics and Disclosure Law

Presentation to Town Board

June 18, 2024

WHO is covered?

- ▶ All Town officers and employees (paid or unpaid) are covered by the substantive provisions of the Ethics Law, except (1) a judge, justice, officer or employee of the court system and (2) a volunteer firefighter or civil defense volunteer.
- ▶ To help the Ethics Board administer the Law, all employees must complete a disclosure form annually or upon appointment, unless exempted by the Town Board. The Law provides that the following cannot be exempted: Town Board, Planning Board, ZBA, Ethics Board, Board of Assessment Review, and Woodstock Environmental Commission.

WHAT conduct is prohibited?

- ▶ Actions taken, or actions failed to be taken, in an official capacity.
 - ▶ That the person knows, or has reason to know, that provide a personal financial benefit, or secure unwarranted privileges or exemptions, for the person or that person's employer, relative, or client.
 - ▶ That may benefit the persons listed above, financially or otherwise;
 - ▶ That may give the reasonable appearance of a conflict of interest or impropriety.
- ▶ The focus of the Ethics Law is on a person being free from conflicts, or the appearance of conflicts, that may interfere with their acting in the best interests of the Town.
- ▶ The Ethics Law does *not* cover other forms of misconduct (rudeness, sexual harassment) that are addressed by the Woodstock Employment Practices Compliance Handbook. Nor does it cover violations of *other* laws, other than Section 801 of the NYS General Municipal Law, which deals with contracts with the Town.

HOW does the Ethics Board do its work?

- ▶ Receives complaints and (from Town employees) requests for guidance in writing.
- ▶ Required to meet 6 times per year. Generally has 10 regularly scheduled meetings, which include a “public be heard” session
- ▶ Reviews disclosure forms
 - ▶ If a potential conflict is flagged, will notify Town employee
- ▶ Conducts investigations in stages
 - ▶ Preliminary investigation that is confidential to determine if a violation possibly exists.
 - ▶ If yes, seeks to determine if there is reasonable cause to determine that a violation exists. This involves: Notifying employee of complaint, affording them the opportunity to respond in writing, and informing them that they can request a hearing.
 - ▶ If yes, sends a notice to the subject of complaint, the complainant, the Town Supervisor, and Town Board. (Notices to Town Board now to be sent individually.)
 - ▶ Recommends actions to be taken by the Town Board.
- ▶ The Town Supervisor is to inform the Ethics Board in writing within 30 days of the action, if any, the Town Board has taken and the reasons thereof.

WHAT are the goals of the Ethics Law?

- ▶ To provide clear guidance.
- ▶ To promote public confidence.
- ▶ To address potential ethical problems before they arise, to reduce suspicion and enhance accountability.

The Ethics Board's work is intended, therefore, to be educational and corrective, not punitive.

The Ethics Board begins with a presumption of good faith on the part of the Town employee in assessing whether there are factors that nonetheless create a reasonable appearance of a conflict of interest or impropriety.

ITEMS for the Town Board's consideration

- ▶ Whether and how to take into account if those being appointed/reappointed to Town boards, commissions, and committees have failed to complete their disclosure forms.
- ▶ Whether and how to consider if those being appointed to Town boards, commissions, and committees have an inherent conflict of interest.
- ▶ Whether to adopt a code of conduct for Town officials, who are exempt from the Woodstock Employment Practices Compliance Handbook that applies to all other Town employees (paid and unpaid)
- ▶ How to address matters raised by the Town Ethics Board, whether in annual reports or specific referrals.
- ▶ How to best train employees on the Ethics Law.