

## **TOWN OF WOODSTOCK ETHICS BOARD 2021 ANNUAL REPORT**

**The Ethics and Disclosure Law of the Town of Woodstock (the “Ethics Law”), Section VIII Ethics Board, C Powers and Duties, number 8 requires the Ethics Board to “... prepare and submit and annual report to the Town Board summarizing the activities of the Ethics Board, listing any recommended changes to the text or administration of the Local Law.” Herewith is our 2021 annual report:**

### **CURRENT MEMBERS AS OF JANUARY 24, 2022:**

Allison Dodd - Serving 3-year term (2022-24)

Paul Washington – Serving 3-year term (2022-24)

Neil Ratner – Serving 3-year term (2021-23)

Iris York – Serving 3-year term (2020-22)

### **ELECTION OF OFFICERS:**

There is no obligation under the Ethics Law to have a secretary, but we are required to elect a Chairperson. The Ethics Board decided, once again, not to appoint an official secretary, but to continue rotating the responsibilities for taking minutes and to ask Iris York to be responsible for a number of responsibilities such as interacting with the Town Clerk’s office with respect to scheduling meetings, providing finalized copies of minutes, etc. Paul Washington was re-elected as the Chairperson in January 2021.

### **ANNUAL DISCLOSURE FORMS:**

The Ethics Board performed its review of annual disclosure forms.

**ETHICS INQUIRIES:** One case (2020-1) was carried over into 2021. That case, along with a related case (2021-1) were addressed in 2021. The Ethics Board was not required to notify the Town Board of any matters pursuant to Section 71-8C(6) of the Ethics Law.

### **ETHICS LAW UPDATES:**

In early 2021, the Town Board appointed a member of the Town Clerk’s office to serve on the Ethics Board. In response, the Ethics Board unanimously advised the Town Board that, regardless of whether the appointment was permissible under the Ethics Law, the appointment was inadvisable because the Town Clerk’s office is responsible for administering the Annual Disclosure Form process under the guidance of the Ethics Board and because the Town Clerk’s office is prohibited by law from opening the correspondence received by the Ethics Board. The appointment was therefore in tension with over a century of precedent stemming from *Ryan v Green*, 58 N.Y. 295 (1874), which articulated the principles, as the New York State Attorney General’s office has articulated: “two offices are incompatible if one is subordinate to the other or if there is an inherent inconsistency between the two offices.”

The Town Board did not revoke the appointment. But, on June 22, the Town Board adopted a resolution temporarily suspending the role of the Town Clerk’s Office in carrying out administrative duties in connection with the Ethics Law. Town Councilperson Laura Ricci asked the Ethics Board to propose revisions to the Ethics Law to conform it to that resolution, as well as to make other changes in light of a recent court ruling making clear that a Town employee does not need to serve on the Ethics Board and to clarify other aspects of the Ethics Law to make it easier to administer.

In response to this request, the Ethics Board undertook a thorough review of the Ethics Law and discussed changes at its meetings on August 23 and September 27. The Ethics Board also discussed the proposed changes with Ms. Ricci at its meeting on September 27<sup>th</sup>. She said that she would discuss the changes with the Town Supervisor, but that she was comfortable with them.

To date, the Town Board has neither acted on the proposed changes or sought further advice from the Ethics Board. The Ethics Board remains ready to assist the Town Board.

### **ETHICS LAW PRESENTATION, TRAINING AND DISCLOSURES.**

The Ethics Board remains willing to work with the Town Board in updating the Town's Volunteer Handbook.

### **RECOMMENDATIONS:**

As noted in our reports to the Town Board for the past three years (2018, 2019, and 2020), the Ethics Board receives complaints alleging conduct that did not violate the Ethics and Disclosure Law, but that may violate the Town's Employment Practices Compliance Handbook (the "Handbook").

As underscored in our presentation to the Town Board in December 2020:

- The Ethics Board urges the Town (1) to provide the Handbook to all those who are covered by it (which includes not only paid employees, but also those who serve voluntarily on Town boards, committees, and commissions); (2) to provide comprehensive training to all Town employees on the Handbook and the Ethics Law, including the different types of conduct covered by the Handbook and the Ethics Law, and processes for reporting violations of each.
- We encourage all Town Board members to complete the annual disclosure forms on a timely basis, to set an example for Town employees.

During 2021, the Ethics Board will be pleased to work with the Town in updating the handbook for Town *volunteer* employees (which is in addition to the general Handbook noted above). We also stand ready to work with the Town on training for all Town employees, as noted above, on the Handbook and Ethics Law.

### **2021 Meetings:**

The Ethics Board met five times during 2021: January 25, July 26, August 23, September 27, and November 29. The Ethics Board had scheduled additional meetings in the spring 2021, but did not meet during that time as it sought to resolve a disagreement with the Town Board over whether a member of the Town Clerk's office should serve on the Ethics Board.

Respectfully submitted by the Woodstock Ethics Board – January 24, 2022