



# TOWN OF WOODSTOCK ETHICS BOARD

UPDATE FOR WOODSTOCK TOWN BOARD

DECEMBER 15, 2020

# RECOMMENDATIONS FOR THE TOWN BOARD

- The Town of Woodstock can set an example for ethical behavior
- Set tone at the top – important for all Town Officers to complete annual disclosure statement
- Distribute disclosure statements to all employees both annually and upon appointment
- Post FAQs
- Provide training on Employment Practices Compliance Handbook and Ethics Law to current and newly appointed Town Employees, as well as information to the public

# FREQUENTLY ASKED QUESTIONS

## 1. What does the Town of Woodstock's Ethics and Disclosure Law (the "Ethics Law") cover?

- The Ethics Law is generally aimed at prohibiting *conflicts of interest* – where someone has a reason to act *not* in the Town's best interest, but in their own or someone else's interest.
- The Law has specific provisions aimed at gifts, investments, nepotism, supervising family members, and use of Town property or equipment for non-official purposes.
- Importantly, the Ethics Law does *not* cover general misconduct, such as acting unprofessionally, rudely, negligently, or in a harassing manner. That is covered by the Employee Handbook, which you can find at: <https://townwoodstock.digitaltowpath.org:10111/content/Generic/View/8:field=documents;/content/Documents/File/148.pdf>

## 2. Does the law cover only actual conflict of interest or appearance of conflicts?

- The Ethics Law prohibits *both* actual conflicts and the appearance of them – but the appearance must be "reasonable."

## 3. Who determines whether an appearance of a conflict of interest is "reasonable"?

- The Ethics Board makes that determination.
- Not every action creates a "reasonable" appearance of a conflict of interest. The Ethics Board's decisions over several years establish that Town employees are presumed to act in the best interests of the Town. So, for example, having an ordinary friendship or business relationship with someone who appears before your Town commission does not create a reasonable appearance of a conflict – otherwise, Town government would grind to a halt in small communities like Woodstock.
- But specific facts can overcome that presumption and create the reasonable appearance of a conflict of interest or impropriety.
- When in doubt, consult with the Ethics Board.

# FREQUENTLY ASKED QUESTIONS

## 4. Who is covered by Ethics law and who is not?

- Covered: All Town officers (such as the Town Supervisor, other Town Board members, and the Town Clerk) and Town “employees” are covered by the law. *Employees includes not just paid staff, but also unpaid volunteer members of most Town commissions, committees, boards, etc.*
- Not covered: Employees of other governmental entities, such as the Woodstock Library, Onteora School District, County or State employees and Town justices as well as employees of the court system, volunteer firefighters or civil defense volunteers, and certain purely advisory boards (the Town Clerk will know if your advisory group is covered) are not covered by the Ethics law.
- If you need to know if you are covered, please consult the Town Ethics Board.

## 5. What are my obligations under the Ethics law?

- Sign and return the disclosure statement within 30 days of assuming your position and annually.
- Abide by the provisions of the Ethics Law, including promptly recusing yourself entirely for any matter that may give the reasonable appearance of a conflict of interest or impropriety. (If you have questions about whether something could violate the Ethics Law you may request an advisory opinion from the Ethics Board.)
- You are not *required* to report violations of the Ethics Law, but you are encouraged to do so.

# FREQUENTLY ASKED QUESTIONS

## 6. Where can I find the Ethics Law?

- You can find the Ethics Law at <https://townwoodstock.digitaltowpath.org:10111/content/Boards/View/3:field=documents;/content/Documents/File/1417.pdf>. It is also available from the Town Clerk.

## 7. What do I do if I want to file a complaint against someone?

- Submit your *complaint*, in writing, to the Ethics Board. You can 1) mail it to Ethics Board, Town of Woodstock, 45 Comeau Drive, Woodstock, NY 12498; 2) place it in the Ethics Board's mailbox at the Town offices at 45 Comeau Drive or 3) email it to [Ethics@woodstockny.org](mailto:Ethics@woodstockny.org). The complaint form can be found at <https://townwoodstock.digitaltowpath.org:10111/content/Boards/View/3#documents>.
- Be sure to include specific facts. If possible, please indicate what provision of the Ethics Law you believe is being violated.

## 8. What are the penalties for violating the Ethics Law?

- The Ethics Board does not have power to impose disciplinary action on its own. It may make recommendations to the Town Board, which can then take actions including, warning, reprimand, suspension or removal from office, or other actions sanctioned by law or collective bargaining agreement.

## 9. Who is on the Ethics Board?

- The Ethics Board consists of five individuals appointed by the Town Board.
- To avoid concerns about partisanship, no more than two of the five members may belong to the same political party. In addition, Ethics Board members can make political contributions to, but cannot otherwise participate in the election campaigns for Town officials



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## 10. How do I learn more?

- To learn more visit the Town's website on the Ethics Board, <https://townwoodstock.digitaltowpath.org:1011/content/Boards/View/3>. The Ethics Board submits annual reports to the Town Board, which are public and available on the website.
- You can also attend the public sections of the Town Ethics Board meetings, which are posted.