

Town of Cairo Ethics Policy

§1. Definitions

Unless otherwise stated or unless the context otherwise requires, when used in this chapter, the following terms shall have the following meanings:

APPEAR and APPEAR BEFORE – Communicating in any form, including, without limitation, personally or through another person, by letter, facsimile, electronic mail or telephone.

CONFIDENTIAL INFORMATION – Any data acquired through the course of employment or public office which the town has protected from disclosure by law or that is not protected from disclosure by law but poses or may pose a conflict of interest.

CONFLICT OF INTEREST – Any action or omission which is in conflict or gives or may reasonably give the appearance of conflict with the performance of official town business or government.

CORPORATION – An artificial person or being, endowed by law with the capacity of perpetual succession, and shall include corporations organized as public, private, charitable, civil, domestic, foreign, closed, open, municipal and not-for-profit institutions.

CUSTOMER OR CLIENT:

- A. Any person to whom a town officer or employee has supplied goods or services during the previous 24 months having, in the aggregate, a value greater than \$1000; or
- B. Any person to whom a town officer's or employee's outside employer or business has supplied goods or services during the previous 24 months having, in the aggregate, a value greater than \$1000, but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or service.

ETHICS BOARD – The Ethics Board of the town established pursuant to this chapter.

GIFT and FINANCIAL BENEFIT – Except as specifically set forth herein, include any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, privilege, exemption or any promise thereof, or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.

HOUSEHOLD- Those who dwell under the same roof as a family.

MINISTERIAL ACT – An action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

OUTSIDE EMPLOYER or BUSINESS:

- A. Any activity, other than service to the town, from which the town officer or employee receives compensation for services rendered or goods sold or produced:

- B. Any entity, other than the town, of which the town officer or employee is a member, Officer, director, or employee and from which he or she receives compensation for services rendered or goods sold or produced; or
- C. Any entity in which the town officer or employee has an ownership interest, except a corporation of which the town officer or employee owns less than 5% of the outstanding stock.

For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

PERSON – Includes both individuals and entities.

PROFESSIONAL LICENSE – A privilege granted by the State of New York to conduct an occupation or trade.

PUBLIC BENEFIT CORPORATION – A corporation organized to construct or operate a public improvement that is located partially or totally in New York State and the profits from this corporation benefit New York State or other states or the people of New York State.

RELATIVE – A spouse, child, stepchild, brother, sister or parent of the town officer or employee, or a person claimed as a dependent on the town officer's or employee's latest individual state income tax return, or the spouse of any such person.

TOWN – The Town of Cairo, but shall not include of Town Court.

TOWN AGENCY – Any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee of the town other than the Town Court.

TOWN OFFICE or EMPLOYEE – Any officer or employee of the town, whether elected or appointed, paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee of the town. Any attorney who is a partner in a law firm or a principal in a professional corporation whose legal opinion concerning the validity of the issuance of any debt instrument is generally provided in connection with the issuance of any bond or other instrument by the town, or any public benefit corporation whose members are appointed by the Supervisor or the Town Board, shall be deemed a town officer or employee.

"Town officer or employee" shall not include:

- A. Judge, justice, officer or employee of the unified court system.
- B. Unless otherwise specifically listed on Exhibit A, an advisory board of the town if, but only 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. No entity established pursuant to the General Municipal Law of the State

§2. Code of Ethics for Town Officers and Employees.

A. General prohibition. A town officer shall not use his or her official position or office, or take or fail to take any action, in a manner which he or she knows, or has reason to know, may result in a personal financial benefit for any of the following persons:

- (1) The town officer or employee.
- (2) His or her outside employer or business.
- (3) A member of his or her household.
- (4) A customer or client.
- (5) A relative.

B. Specific town officers and employees.

(1) Professionally licensed. All town officers and employees with professional licenses are prohibited from knowingly exercising any discretion in any matter of town interest which shall involve any person, firm or corporation which is a client of his/hers or a client of his/her firm or has been a client within the immediate past one year and shall not knowingly have any interest in or accept compensation, direct or indirect, from any person, firm or corporation which has an interest in matters coming before any town agency or before any public benefit corporation whose members are appointed by the Supervisor or Town Board.

(2) Authorized to conduct inspections and issue permits. All town officers and employees with the authority to conduct inspections or issue permit approvals shall not engage in a business or have a financial interest in any firm engaged in a business within the town where said business conducts, as a regular and significant part of its business, matters requiring such inspections or such permits.

(3) Public Safety. No public safety officer shall have any interest in or be employed in the town by any company, corporation, partnership, association or individual for the purpose of providing private investigations, accident reconstruction, fire prevention or fire inspection or any other activity related to such public safety officer's employment with the town. This shall not be construed as prohibiting membership or service in volunteer fire or emergency medical organizations. Additionally, public safety officers may be employed in the town for the purpose of providing security or traffic services.

The foregoing town officers and employees are listed due to the unique nature of his/her offices and positions, which in turn raise ethical conflicts unique to those offices and positions. This list is not to be deemed all-inclusive. Every town officer and employee shall endeavor to pursue a course of conduct consistent with the spirit of this chapter as well as the actual provisions and strive to act so as not to raise suspicion among the public that he/she is likely to be engaged in activities that are in violation of his/her trust.

C. Recusal. A town officer or employee shall promptly recuse himself or herself from acting on a matter before the town when acting on the matter, or failing to act on the matter, may financially benefit any of the persons listed in Subsection A of this section.

D. Gifts. Except as set forth herein, a town officer or employee shall not solicit anything of value from any person who has received or sought a financial benefit from the town, nor accept anything of value from any person who the town officer or employee knows or has reason to know has received or sought a financial benefit from the town within the previous 24 months. The purpose of this provision is to

avoid circumstances where it could reasonably be inferred that the gift was intended to influence such town officer or employee, or could reasonably be expected to influence such town officer or employee in the performance of his or her official duties, or was intended as a reward for any official action taken by such town officer or employee.

- E. Use of town property. No town officer or employee shall use or permit the use of town property (including land, vehicles, equipment, materials and any other property) for personal convenience or profit, except when such use is available to town citizens generally or is provided as a matter of written town policy.
- F. Representation. A town officer or employee shall not represent any other person in any matter that person has before the town nor represent any other person in any matter against the interests of the town.
- G. Appearances. A town officer or employee shall not appear before any agency of the town, except on his or her own behalf or on behalf of the town.
- H. Confidential information. Town officers and employees and former town officers and employees shall not disclose any confidential information or use it to further anyone's personal interests.
- I. Revolving door. A town officer or employee who is required to file an annual disclosure statement pursuant to this chapter, shall not appear or practice before the particular town agency in which the town officer or employee served or by which he or she was employed, except on his or her own behalf, or receive compensation for working on any matter before the particular town agency in which the town officer or employee served or by which he or she was employed, for a period of one year after the termination of his or her town service or employment; however, the bar shall be permanent for any town officer or employee as to particular matters on which the town officer or employee personally worked while in town service that are still pending after the termination of his or her town service employment.
- J. Avoidance of conflicts. Town officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment or other thing of value which would put them in violation of this Code of Ethics.
- K. Inducement of others. A town officer or employee shall not induce or aid another officer or employee of the town to violate any provisions of this Code of Ethics.
- L. Conflict with other codes of conduct.
 - (1) Recognizing the need for professional integrity and the fact that various professional associations have adopted standards of conduct for their members, the town hereby requires that each town officer or employee who is affected by a professional Code of Ethics be bound, in addition to the within chapter, by his/her respective Codes of Ethics. Any conflict between the provisions of this chapter and a given professional code of conduct of a town officer or employee is to be resolved by the Ethics Board. However, the Ethics Board must at all times give the greatest latitude to said

individual's professional code of conduct and, whenever possible, reconcile this to complement and respect the individual's professional code of conduct.

- (2) Substantial consideration shall be given to the effect that deviation from an individual's professional code of conduct will have on that individual's ability to practice his/her profession. If need be, the Ethics Board is authorized and required to obtain advisory options from the appropriate professional association to clarify any given situation.

§3. Transactional disclosure.

- A. Whenever a town officer or employee is required to recuse himself or herself pursuant to this chapter, he or she:
 - (1) Shall immediately refrain from participating further in the matter;
 - (2) Shall promptly inform his or her superior, if any; and
 - (3) Shall promptly file with the Town Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board shall state that information upon the public record of the board.
- B. A town officer or employee shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed with the Town Clerk a disclosure statement complying with requirements of § 33-105 of this chapter.

§4. Exclusions from Code of Ethics and transactional disclosure.

The provisions of this chapter shall not prohibit or require recusal or transactional disclosure as a result of:

- A. An action specifically authorized by statute, rule or regulation of the State of New York or of the United States.
- B. A ministerial act.
- C. Gifts:
 - (1) Received by the town officer or employee from his or her relative.
 - (2) Having an aggregate value of \$75 or less during any twelve-month period; or
 - (3) Accepted on behalf of the town and transferred to the town.
- D. Gifts or benefits having a value of \$75 or less that are received by a town officer or employee listed in §11-c of the Domestic Relations Law of the State of New York for the solemnization of a marriage by the officer or employee at a place other than his or her normal public place of business or at a time other than the normal hours of business.
- E. Awards from charitable organizations.
- F. Receipt of town services or benefits, or use of town facilities, that are generally available on the same terms and conditions to residents or a class of residents in the town.

§5. Inducement of violations of Code of Ethics.

No person, whether or not a town officer or employee, shall induce or attempt to induce a town officer or employee to violate any of the provisions of this chapter.

§6. Interests in contracts with the town.

- A. Prohibited interests. No town officer or employee shall have an interest in contract with the town, of an interest in a bank or trust company, that is prohibited by § 801 of the General Municipal Law of the State of New York, unless said contract is entered into as a result of a competitive bidding process pursuant to the Code of the Town of Cairo, regardless of the value of the contract. Any contract willfully entered into by or with the town in which there is an interest prohibited by that section shall be null, void and wholly unenforceable, to the extent provided by § 804 of that law.
- B. Discloseable interests. Any town officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the town shall disclose, in writing, the nature and extent of that interest in accordance with § 803 of the General Municipal Law and promptly file such written disclosure with the Town Clerk. The Town Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.
- C. Violations. Any town officer or employee who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by § 805 of the General Municipal Law.

§7. Appearances by outside employers and business of town officers and employee.

- A. Except as provided in Subsection C of this section, the outside employer or business of a town officer or employee shall not appear before the particular agency in which the town officer or employee serves or by which he or she is employed.
- B. Except as provided in Subsection C of this section, the outside employer or business of a town officer or employee shall not appear before the particular agency in which the town agency if the town officer or employee has the authority to appoint any officer, employee or member of the agency or to review, approve, audit or authorize any budget, bill, payment or claim of the agency, or if there exists any likelihood that such town officer or employee may derive, directly or indirectly, a financial benefit as a result thereof.
- B. Nothing in this section shall be construed to prohibit the outside employer or business of a town officer or employee from:
 - (1) Appearing on its own behalf, or on behalf of the town, before a town agency.
 - (2) Seeking or obtaining a ministerial act.
 - (3) Receiving a town service or benefit, or using a town facility, which is generally available to the public.

§8. Annual disclosure.

- A. Town officers and employees require to file. Town officers and employees holding the job titles or positions set forth on Exhibit A annexed hereto, or as amended from time to time by the Town Board, shall be required to file a signed annual disclosure statement.
- B. Time and place for filing. Annual disclosure statements shall be filed with the Ethics Board.
- (1) Within 120 days after the effective date of this section;
 - (2) Within 30 days after becoming subject to the requirements of Subsection A of this section; and
 - (3) No later than February 15 of each year thereafter.
- C. Contents of annual disclosure statement.
- (1) Disclosure shall be set forth on the form as prescribed in Exhibit B annexed hereto, or as amended from time to time by the Ethics Board.
 - (2) Any town officer or employee required to file an annual disclosure statement may request that one or more items of information be redacted from his/her disclosure statement when said statement is made available to the public. In order for the Ethics Board to grant a request for redaction, the information sought to be redacted must have no material bearing on the discharge of the official duties of the town officer or employee and, if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of Subdivision two of § 89 of the New York State Freedom of Information Law or would otherwise likely endanger the life or safety of any person. A request for redaction shall be in the form as set forth in Exhibit C hereto, or as amended from time to time by the Ethics Board.
- D. Extension of time for filing annual disclosure statement.
- (1) The Ethics Board shall be empowered to grant an extension of time for filing the annual disclosure statement. In order for the Ethics Board to grant a request for an extension of time to file the annual disclosure statement beyond the February 15 deadline, the Ethics Board shall find that there is justifiable cause for filing after the deadline or that application of the deadline will impose an undue hardship.
 - (2) A request for an extension of time shall be filed with the Ethics Board on or before February 1 in the year for which the extension is sought or, in the case of a new town officer or employee, no more than 15 days after such person commences his or her duties with the town. A request for an extension to file shall be in the form annexed hereto, or as amended from time to time by the Ethics Board.

§9. Applicant disclosure generally.

- A. Where a person requests the town or a town officer or employee to take or refrain from taking any action (other than a ministerial act) that may result in a financial benefit both to such person and to either any officer or employee of the town, or to one of the other persons listed in this chapter, such person shall disclose the names of any such persons, including town officers or employees, that may financially benefit from such action or

inaction by the town or a town officer or employee, to the extent known to such person at the time of the request.

- B. If the request is made in writing to the Ethics Chairperson, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in writing and filed with the Town Clerk.
- C. A person shall not be required to file a disclosure statement pursuant to this section if he/she, with respect to the same matter, has filed a disclosure statement complying with the requirements of this chapter.

§10. Applicant disclosure for land use applications.

- A. Disclosure. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of the town, shall state the name, residence and nature and extent of the interest of any town officer or employee in the person or entity making such application, petition or request, to the extent known to such applicant and as otherwise required by § 809 of the General Municipal Law of the State of New York.
- B. Violations. Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by § 809 of the General Municipal Law.

§11. Void contracts.

Any contract or agreement entered into by or with the town, which results in or from a violation of any provision of this chapter shall be void unless ratified by the Town Board. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this chapter or any other provision of law.

§12. Penalties.

- A. Disciplinary action. Any town officer or employee who engages in any action that Violates any provision of this chapter may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.
- B. Civil fine. Any town officer or employee who violates any provision of this chapter may be subject to a civil fine of up to \$1,500 for each violation. A civil fine may be

imposed in addition to any other penalty contained in any other provision of law or in this chapter.

- C. Damages. Any person, whether or not a town officer or employee, who violates any provision of this chapter shall be liable in damages to the town for any losses or increased costs incurred by the town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter.
- D. Misdemeanor. Any person, whether or not a town officer or employee, who intentionally or knowingly violates any provision of this chapter shall be guilty of a Class A misdemeanor and, upon conviction thereof, if a town officer or employee, shall forfeit his or her town office or employment.

§13. Injunctive relief.

- A. Any resident, officer or employee of the town may initiate an action of special Proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin an officer or employee of the town from violating this chapter or to compel an officer or employee of the town to comply with the provisions of this chapter. In lieu of, or in addition to, injunctive relief, the action special proceeding, as appropriate, may seek a declaratory judgment.
- B. No action or special proceeding shall be prosecuted or maintained pursuant to Subsection A of this section, unless:
 - (1) The plaintiff or petitioner shall have filed with the Ethics Board a sworn complaint alleging the violation by the officer or employee;
 - (2) It shall appear by, and as an allegation in, the complaint or petition filed with the court that at least six months have elapsed since the filing of the complaint with the Ethics Board and that the Ethics Board has failed to determination in the matter; and
 - (3) The action or special proceeding shall be commenced within 10 months after the alleged violation occurred.

§14. Designation of town officers and employees required to file annual disclosure statements.

- A. Within 30 days after the effective date of this chapter, and by March 15 each year thereafter, the Supervisor of the town shall cause to be filed with the Ethics Board a list of the offices or positions of all town officers and employees required to file annual disclosure statements pursuant to this chapter and file a copy of such list with the Town Clerk.
- B. With 30 days after the effective date of this chapter, and by January 15 each year thereafter, the Town Clerk shall notify all such town officers and employees of their obligation to file an annual disclosure statement.

§15. Maintenance of disclosure statements.

- A. The Town Clerk shall transmit promptly to the Ethics Board each transactional and Applicant disclosure statement filed pursuant to this chapter.
- B. The Ethics Board shall index and maintain on file for a least seven years all disclosure statements filed with the Ethics Board pursuant to this chapter.

§15. Ethics Board: establishment; qualifications of members; appointment of members; terms of office.

- A. There is hereby established an Ethics Board consisting of five members.
- B. The members of the Ethics Board shall be residents of the town.
- C. No member of the Ethics Board may be a town officer or employee or hold any appointed Town position.
- D. Of the total membership of the Ethics Board, no more than two shall be registered in the same political party.
- E. No Ethics Board member shall hold office concurrently in a political party or be employed or act as a lobbyist or hold elective office in any local, state or federal government. An Ethics Board member may make campaign contributions and may participate in any election campaign.
- F. Within 30 days after the effective date of this chapter, and no later than December 31 each year thereafter, the Town Board shall appoint the members of the Ethics Board.
- G. The term of office of Ethics Board members shall be three years and shall run from January 1 through December 31, except that of the members first appointed, two members shall serve until December 31 of the year in which the Ethics Board is established, two shall serve until the second December 31, and three shall serve until the third December 31.
- H. Ethics Board members shall serve until a successor has been appointed. Consecutive service on the Ethics Board shall not exceed two consecutive three year terms.
- I. The members of the Ethics Board shall not receive compensation but are authorized to incur any and all expenses necessary to effectuate the purposes of the Ethics Board within amounts, which are to be appropriated by the Town Board annually.

§16. Ethics Board: vacancies

When a vacancy occurs in the membership of the Ethics Board, the vacancy shall, within 60 days, be filled for the unexpired portion of the term in the same manner as the original appointment. Any person appointed to fill a vacancy on the Ethics Board shall meet the qualifications set forth in this chapter.

§17. Ethics Board: removal of members.

An Ethics Board member may be removed from office in the same manner in which he or she was appointed, after written notice and opportunity for reply. Grounds for removal shall be failure to meet the qualifications set forth in §15 of this law, substantial neglect of duty; gross misconduct in office; inability to discharge the powers or duties of Office; having more than three (3) consecutive unexcused absences from a duly called meeting; or violation of this chapter or any other town law.

§18. Ethics Board: meetings

The Town Board shall select a Chairman, and at its first meeting each year, the Ethics Board shall elect a Vice-Chairman and Secretary from among its members. A majority shall be required for the Ethics Board to take any action. The Chairman or a majority of its members may call a meeting of the Ethics Board. The Ethics Board shall hold at least one meeting annually regardless of whether there are any matters pending before the Ethics Board.

§19. Ethics Board: jurisdiction, powers and duties.

- A. The Ethics Board may only act with respect to town officers and employees of the town.
- B. The termination of the term of office or employment of a town officer or employee with the town shall not affect the jurisdiction of the Ethics Board with respect to the Requirements imposed on him or her by this chapter.
- C. The Ethics Board shall have the following powers and duties:
 - (1) To prescribe and promulgate rules and regulation governing its own internal organization and procedures in a manner consistent with this chapter as so authorized by the Town Board.
 - (2) To review, index and maintain on file lists of town officers and employees and disclosure statements filed with the Ethics Board, pursuant to this chapter.
 - (3) To recommend the names of any other town officer or employee that the Ethics Board determines should appear on the list.
 - (4) To review, revise or amend the form and content of the annual disclosure statement annexed hereto as authorized by the Town Board.
 - (5) To review, index, maintain on file, and dispose of sworn complaints and to make notifications and conduct.
 - (6) To conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceeding pursuant to this chapter.
 - (7) To render, index, and maintain on file advisory opinions as set forth herein.
 - (8) To provide training and education to town officers and employee.
 - (9) To prepare reports and recommend changes to this chapter.
 - (10) To provide for public inspection of certain records.
 - (11) To select provisions of this chapter for reproduction and distribution.
 - (12) To review and decide, pursuant to the procedure and requirements

- outlined in this chapter, all requests for redaction of disclosure and extension of time to file; and
- (13) To otherwise enforce and administer all of the provisions of this chapter.

§20. Review of lists and disclosure statements.

- A. The Ethics Board shall review:
- (1) The lists of town officers and employees, prepared pursuant to this chapter, to determine whether the lists are complete and accurate.
 - (2) All annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this chapter.
 - (3) All transactional disclosure statements.
- B. If a person required to file an annual or transactional disclosure statement with the Ethics Board has failed to file such a statement, has filed a deficient statement or, having filed such a statement, reveals a possible or potential violation of this chapter, the Ethics Board shall notify the reporting person, in writing, of such deficiency or possible or potential violation and of the penalties for failure to comply with this chapter and provide the person with a 15 day period to cure the deficiency.

§21. Investigations.

- A. If the Ethics Board preliminarily finds, on its own review of an annual disclosure statement or transactional disclosure statement, or pursuant to its review of a request for an advisory opinion, or pursuant to receipt of a complaint alleging a violation of this chapter upon the written request of any individual, or pursuant to an investigation initiated by the Ethics Board in carrying out the provisions of this chapter, that a possible violation of this chapter exists, the Ethics Board may, but shall not be required to, provide the person(s) affected with a reasonable opportunity to cure such violation. Such a preliminary finding shall be confidential and not subject to public disclosure. If under any other circumstances, such as through the filing and investigation of a complaint, the Ethics Board determines that there is reasonable cause to believe that a violation of this chapter has occurred, or after any grace period granted by the Ethics Board has expired and such violation remains uncured, it shall send a notice of reasonable cause to:
- (1) The reporting/applicable person;
 - (2) The complainant, if any; and
 - (3) The Supervisor and the Town Board.
- B. Before any such "reasonable cause" finding shall be made, the Ethics Board shall:
- (1) Notify, in writing, the reporting/affected person as to the possible or alleged violation of this chapter;

- (2) Afford the reporting/affected person an opportunity to submit, in writing, a written response setting forth such information as said reporting/affected person deems relevant to the activities cited by the Ethics Board as a possible or alleged violation of this chapter; and
 - (3) Upon written request, afford the affected person a hearing wherein this affected person may provide either a written or oral response setting forth such information as the affected person deems necessary or appropriate in response to the actions by the Ethics Board.
- C. Upon receipt of a sworn complaint by any person alleging a violation of this chapter, or upon determining on its own initiative that a violation of this chapter may exist, the Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this chapter.
- D. The Ethics Board shall state, in writing, the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all sworn complaints shall be indexed and maintained on file by the Ethics Board.
- E. Any person filing a sworn complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.
- F. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this chapter, or any other law, the Ethics Board shall promptly transmit to the Town Board a copy of the complaint. The Ethics Board may request the Greene County Ethics Commission to conduct an investigation of itself or of any of its members or staff.

§22. Hearings; assessment of penalties; injunctive relief.

- A. Disciplinary action. In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend appropriate disciplinary action pursuant to this chapter. The recommendation of the Ethics Board shall be made to Supervisor and the Town Board or such other person or body authorized by law to impose such disciplinary action. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the Town Board or such other person or body authorized by law to impose disciplinary action or unless the Ethics Board refers the matter to the appropriate prosecutor. If such a referral is made, the Ethics Board may adjourn the matter pending determination by the Town Board, person, body, or prosecutor, as the case may be.
- B. Civil fine. In its discretion, and after a hearing providing for due process procedural mechanisms, the Ethic Board, pursuant to this chapter, may assess a civil fine, not to exceed \$1,500 for each violation, upon any town officer or employee found by the

Ethics Board shall conduct and complete the hearing with reasonable promptness. The civil fine shall be payable to the town.

- C. Damages. The Town Board may initiate an action in the court of appropriate jurisdiction to obtain damages, as provided herein.
- D. Injunctive relief. The Town Board, or the Ethics Board on behalf of the town, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin a violation of this chapter or to compel compliance with this chapter as provided herein.
- E. Prosecutions. The Ethics Board may refer to the appropriate prosecutor possible criminal violations of the chapter. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any violation of this chapter or of any law.

§23. Advisory opinions.

- A. Upon the written request of any town officer or employee or town resident, the Ethics Board may render a written advisory opinion with respect to the interpretation or application of this chapter or of Article 18 of the NYS General Municipal Law.
- B. In rendering advisory opinions, the Ethics Board may request the advice and counsel of the attorney employed by the Ethics Board or, if none, the Attorney for the Town.
- C. An advisory opinion rendered by the Ethics Board, until and unless amended or revoked, shall be binding on the Ethics Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced and shall be a defense in any criminal or civil action. Such request shall be confidential, however the Ethics Board may publish such opinions, provided that the name of the requesting person and other identifying details shall be redacted from the publication.
- D. Advisory opinions and request for advisory opinions shall be indexed and maintained on file by the Ethics Board.
- E. Any person who has submitted to the Ethics Board a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Ethics Board to issue the advisory opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with § 3001 of the Civil Practice Law and Rules determining the question posed in the request for the advisory opinion. No action or special proceeding shall be prosecuted or maintained pursuant to this subsection unless:
 - (1) It shall appear by, and as an allegation in, the petition or complaint that at least six months have elapsed since the filing of the request and that the Ethics Board has failed to file any determination in the matter; and

- (2) The action or special proceeding shall be commenced within 10 months after the submission of the request for the advisory opinion.

§24. Public inspection of Code of Ethics.

The Ethics Board shall make information concerning this chapter and Article 18 of the General Municipal Law available to the town offices and employees, to the public and to persons interested in doing business with the town.

§25. Annual reports; review of Code of Ethics.

- A. The Ethics Board shall prepare and submit an annual report to the Supervisor and the Town Board, summarizing the activities of the Ethics Board by April 15 for the previous fiscal year.
- B. The Ethics Board shall periodically review this chapter and the Ethics Board's rules, regulations and administrative procedures to determine whether they promote integrity, public confidence and participation in town government and whether they set forth clear and enforceable, common-sense standards of conduct. At any time, the Ethics Board may recommend changes to the text or administration of this chapter to the Town Board.

§26. Public inspection of records; public access to meetings.

- A. Notwithstanding the provisions of Article 6 of the Public Officers Law of the State of New York, the only records of the Ethics Board which shall be available for public inspection are:
 - (1) The information set forth in an annual disclosure statement or transactional disclosure statement filed pursuant to this chapter, except any item of information redacted pursuant to this chapter.
 - (2) Notices of reasonable cause set forth hereunder.
 - (3) Redacted advisory opinions prepared as provided in this chapter.
 - (4) Assessments of civil penalties, sanction, discipline or other action taken or imposed as provided in this chapter.
- B. Notwithstanding the provisions of Article 7 of the Public Officers Law or by other applicable state or federal law or regulation, no meeting or proceeding of the Ethics Board, including any such proceeding contemplated in this chapter, shall be open to the public, except upon request of the town officer or employee under investigation or as expressly provided otherwise by the Town Board.

§27. Miscellaneous provisions.

- A. No existing right or remedy shall be lost, impaired or affected by reason of this chapter.

- B. Nothing in this chapter shall be deemed to bar or prevent a present or former town office or employee from timely filing any claim, account, demand or suit against the town on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.
- C. If any provision of this chapter is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness or the remaining provisions of this chapter.

§28. Distribution and posting.

- A. With 30 days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Supervisor and Town Clerk, in a form suitable for posting, copies of those provisions of this chapter which the Town Board deems necessary for posting in the town. Within 10 days after receipt of those copies, the town Clerk shall cause the copies to be posted conspicuously in a place designated for the posting of public notices.
- B. With 30 days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Supervisor, or the town officer or employee as designated by the Supervisor, in a form suitable for distribution, copies of those provisions of this chapter which the Town Board deems necessary for distribution to the town officers and employees. Within 10 days after receipt of those copies, the Supervisor, or his or her designee, shall cause the copies to be distributed to every town officer and employee and made readily available to the public. Every town officer or employee elected or appointed thereafter shall be furnished a copy of those provisions within 10 days after entering upon the duties of his or her position.
- C. Failure of the town to comply with the provisions of this section or failure of any town officer or employee to receive a copy of the provisions of this chapter shall have no effect on duty of compliance with this chapter or on the enforcement of its provision.

Exhibit A

**Town Officers And Employees Required To
File Annual Statement Of Disclosure**

- 1. Supervisor**
- 2. Town Board**
- 3. Planning Board**
- 4. Chairman, Planning Board**
- 5. Variance Board**
- 6. Chairman, Variance Board**
- 7. Town Clerk**
- 8. Highway Superintendent**
- 9. Environmental Council**

**TOWN OF CAIRO
ETHICS BOARD
REQUEST FOR REDACTION OF INFORMATION**

Pursuant to §8.C. of the Town of Cairo Ethics Policy, in the event that a request is made for the release of the Annual Disclosure Statement, the affected employee or officer may request the redaction of any information contained therein if disclosure would result in an unwarranted invasion of personal privacy under the provisions of Subdivision (2) of § 89 of the New York State Public Officers Law (FOIL) or would otherwise likely endanger the life or safety of any person.

This form is the request to be utilized by the employee or officer who is the subject of a request for release of an Annual Disclosure Statement, to redact such information.

NAME OF EMPLOYEE/OFFICER: _____

INFORMATION REQUESTED TO BE REDACTED: _____

REASON FOR REDACTION REQUEST: _____

DATED: _____

SIGNED: _____

For Official Use Only By the Ethics Board:

Date of Review and Consideration of Request for Redaction by Board: _____

Determination and Vote of the Board: _____

Rationale for Determination: _____

Date: _____

Signed: _____ ***Chairman***

(Additional pages may be attached if necessary)