

**REGULAR AND VOUCHER MEETING OF THE TOWN BOARD
OF THE TOWN OF WHITESTOWN, HELD ON
WEDNESDAY, SEPTEMBER 19, 2007, 7:00 P.M.
AT THE COMMUNITY CENTER IN SAID TOWN**

Upon the motion of Councilman Brooks, seconded by Councilman Sullivan, it is **RESOLVED**, that Chapter 13 in the Whitestown Code entitled "Code of Ethics" shall be amended, the three member Board will be changed to five, a brief disclosure statement will be acceptable, as well as appointing their own Chairman.

All voted aye.

Motion carried.

Ethics" is hereby amended as follows:

A. Section 13-11 entitled "Distribution of Copies" is hereby renumbered as Section 13-12. **TOWN OF WHITESTOWN
LOCAL LAW #4 OF THE YEAR 2007**

A Local Law amending the "CODE OF THE TOWN OF WHITESTOWN" at Chapter 30 entitled "CODE OF ETHICS".

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF
WHITESTOWN, NEW YORK, AS FOLLOWS:**

SECTION I: Chapter 30 of the Code of the Town of Whitestown entitled "Code of Ethics" is hereby amended at Section 13-8 entitled "Establishment; Membership" which section is hereby repealed in its entirety, and a new section is adopted in its place to read as follows:

" Section 13-8 Establishment of Board of Ethics:

A Board of Ethics is hereby established, pursuant to § 808 of Article 18, and any amendments thereto of the General Municipal Law, which is incorporated by reference herein, to be composed of five (5) members who have a good reputation and a record of honorable community service to serve without compensation and at the terms set forth below:

(A) Qualifications of members.

(i) No more than one (1) member of the Board of Ethics shall be an officer or employee of the Town of Whitestown.

(ii) No more than two (2) members shall be from any one political party.

(iii) No Board of Ethics member shall hold office in a political party, including a committeeperson, or be employed or act as a paid lobbyist or hold elective office in the Town served by the Board of Ethics. A Board of Ethics member may make campaign contributions but may not participate in any election.

(B) Appointments to the Board of Ethics shall conform to the following:

(i) The members of the Board of Ethics shall be appointed by the Town Board, and the Supervisor shall annually designate one of the appointed members to serve as chairperson.

(ii) The members of the Board of Ethics shall be appointed annually no later than January 30th in accordance with the provisions of this section.

(iii) The terms of the current members of the Board of Ethics shall expire upon designation of the new Board members appointed in accordance with the provisions of this section.

(iv) The terms of office of appointed Board of Ethics members shall be three (3) years and shall run from January 1st to December 31st, except that one of the members currently serving may be re-appointed to serve until December 31, 2008; and two (2) of the current members may be re-appointed to serve until December 31, 2009, and two (2) members shall be

appointed to serve until December 31, 2010.

(v) An Board of Ethics member shall serve until his or her successor has been appointed. If a vacancy occurs, it shall be filled, within sixty (60) days, for the unexpired portion of the term in the same manner as the original appointment.

(vi) An Board of Ethics member may be removed from office by the Town Board for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or conviction of a misdemeanor or felony after written notice and opportunity for such member to respond.

(vii) A quorum shall be three (3) members, and action shall be by a majority of the whole number of the Board. "

SECTION II: Chapter 30 of the Code of the Town of Whitestown entitled "Code of Ethics" is hereby amended at Section 13-9 entitled "Establishment; Membership" which section is hereby repealed in its entirety, and a new section is adopted in its place to read as follows:

" § 13-9. Duties and Powers of the Board of Ethics.

(A) The Board of Ethics shall render advisory opinions to officers, employees or former employees of the Town of Whitestown with respect to Article 18 of the General Municipal Law and this Code of Ethics. Such advisory opinions shall be rendered pursuant to the written request of an affected individual officer, employee [**or former employee**] of the Town of Whitestown, the Supervisor or by resolution of a majority of the Town Board.

(B) The Board of Ethics shall make available to all officers and employees of the Town copies of this chapter and, upon request, all applicable forms adopted by the Town Board and such state statutes which it believes may be of assistance to the officers and employees in complying with applicable ethics provisions.

(C) Investigations:

(i) Investigations. 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 Board of Ethics shall have the authority to conduct any investigation necessary to carry out the provision of this chapter. In conducting any such investigation, the Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records which it may deem relevant and material.

(ii) Hearings; penalties. In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law, the Board of Ethics may recommend in writing to the Town Board appropriate disciplinary action.

(iii) The Board of Ethics may only act with respect to officers, employees [**and former employees**] of the Town. [**The termination of a Town officers, employee's or former employee's term of office or employment with the Town shall not affect the jurisdiction of the Board with respect to the requirements imposed by this chapter on the former officer, or former employee.**]

(iv) The Town Board shall receive the recommendation(s) of the Board of Ethics and may take such disciplinary action and impose such penalties as provided in this chapter. The Town Board may review the findings of fact and the record, if any, as shall be made available to it by the Ethics Board which shall remain confidential as provided for herein.

(v) The Board of Ethics may refer any violation of any provision of this chapter to an appropriate [prosecutorial agency/Town Board].

(D) Generally, opinions of the Board are required in order to comply not only with the letter of the Code of Ethics, but also with the spirit of preventing violations of an acceptable code of conduct. All opinions of the Board of Ethics shall be published and available in the Town Clerk's office, with all references to names, addresses and other information that would constitute a breach of confidentiality removed therefrom. The Board shall at all times protect the confidentiality of all

Town officials, officers, employees [or former employees] of the Town or any subdivision thereof requesting an opinion therefrom.

(E) Consistent with its duties and mandate and due process of law, the Board of Ethics shall operate under such rules and regulations as it deems reasonable and necessary to orderly administer and fulfill its duties and functions. The rules and regulations shall be filed with the Town Board, and, unless rejected or modified within sixty (60) days, shall be deemed adopted.

(F) The Board of Ethics shall present an annual report of its activities to the Town Board at a public hearing.

(G) The Board of Ethics shall have the powers and duties in connection with Disclosure of Interest Statements as set forth in this code.

(H) The Board of Ethics shall have such other powers and duties as shall be provided by a pursuant to Article 18, and any amendments thereto, of the General Municipal Law of the State of New York, which is incorporated by reference herein.

(I) Training and education. The Board of Ethics shall develop educational materials, an educational program on the provisions of this chapter and shall be required to provide annual training to all Town employees. The Board of Ethics shall file a copy of all such materials with the Town Clerk and make information concerning this chapter and the Code of Ethics available to the officers and employees of the Town, to the public, and to persons interested in doing business with the Town of Whitestown. "

SECTION III- Chapter 30 of the Code of the Town of Whitestown entitled "Code of Ethics" is hereby amended at Section 13-10 entitled "Establishment; Membership" which section is hereby repealed in its entirety, and a new section is adopted in its place to read as follows:

" § 13-10. Disclosure of Interest Statements required of officers and employees.

A. The Board of Ethics shall be the repository for completed annual Disclosure of Interest Statements. The Board of Ethics shall decide who is required to file a Disclosure of Interest Statement consistent with the purpose and intent of this code.

B. The Board of Ethics is hereby authorized pursuant to § 811(1)(d) of the General Municipal Law to promulgate rules and regulations governing the filing of Disclosure of Interest Statements and transactional disclosure forms, as such forms are adopted by the Town Board, and to enforce such filing requirements.

C. The Board of Ethics is authorized to grant written exceptions with respect to complying with the timely filing of such Disclosure of Interest Statements upon the showing of undue hardship and to prescribe rules and regulations relating to such exceptions with respect to extensions and additional periods of time within which to file such financial statements, including the imposition of a time limitation upon such extensions.

D. The Board of Ethics shall notify the appropriate Town officer of the failure to timely receive an annual Disclosure of Interest Statements complying with this code.

E. Annual Disclosure of Interest Statements shall be filed by all of the following:

- (1) Elected officials.
- (2) Appointed officials (salaried or unsalaried) to Town offices or related agencies under the aegis of the Town.
- (3) Managerial and supervisory personnel for both the Town and related agencies.
- (4) All code compliance and enforcement personnel of the Town or related agencies.
- (5) All employees having any personnel duty assignment authority.
- (6) All employees with legal or financial duties of the Town or related duties.
- (7) All information and data entry personnel.
- (8) All personnel having discretionary authority with property assessments.
- (9) All personnel having authority in receipt of taxes.

(10) All personnel with discretionary authority related to the issuance of licenses, permits and the receipt of fees.

F. If the Board of Ethics determines that an annual Disclosure of Interest Statements is deficient or reveals a possible or potential violation of this chapter, the Board of Ethics shall notify the person in writing of the deficiency or possible or potential violation, afford the individual a reasonable period to correct such deficiency and explain the penalties for failure to comply with this chapter. “

SECTION IV- Chapter 30 of the Code of the Town of Whitestown entitled “Code of Ethics” is hereby amended at Section 13-11 entitled “Establishment; Membership” which section is hereby repealed in its entirety, and a new section is adopted in its place to read as follows:

“ **§ 13-11. Filing of Disclosure of Interest Statement; review.**

All officers and employees required to file a Disclosure of Interest Statements as provided for herein shall file such statement with the Board of Ethics of the Town of Whitestown on official forms as established by resolution of the Town Board on or before the 31st day of January of each year or within thirty (30) days after their election, or appointment to office (or related agency) in the Town of Whitestown, whichever shall occur first. “

SECTION V- Chapter 30 of the Code of the Town of Whitestown entitled “Code of

B. Section 13-12 entitled “Filing of Copy” is hereby deleted;

C. Section 13-13 entitled “Appropriation of Monies” is renumbered as Section 13-14.

SECTION VI - EFFECTIVE DATE.

This Local Law shall take effect upon filing with the Secretary of State of the State of New York.

Nancy Hartman will be accepting any letters of interest from residents to join the Board of Ethics, those letters will be reviewed by the Town Board Members and based on the Board’s review will be appointed to the Board of Ethics.