Town of Gardiner, NY

ETHICS, CODE OF

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[HISTORY: Adopted by the Town Board of the Town of Gardiner 8-14-2018 by L.L. No. 2-2018. Amendments noted where applicable.]

§ 26-1. Title.

The present text of Chapter 26 of the Town Code of the Town of Gardiner as adopted by Local Law No. 9-2009 and as thereafter amended is hereby deleted and replaced as follows. This chapter shall be known as the "Ethics and Disclosure Law of the Town of Gardiner."

§ 26-2. Purpose.

The purposes of this chapter are to:
A. Promote public confidence and integrity in the agencies and administrative offices of our local government;
B. Establish standards of ethical conduct for town representatives;
C. Provide town representatives, whether elected or appointed, paid or volunteer, with clear guidance on such standards.
D. Facilitate the consideration of potential ethical problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people by requiring public disclosure of financial and other interests that may influence or be perceived to influence the actions of town representatives.
E. Provide for the fair and effective administration of this chapter. TOWN REPRESENTATIVES

§ 26-3. Statutory authority; construal of provisions; effect on prior chapter.

A. This chapter is enacted pursuant to § 10 of the Municipal Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law.
B. The standards, prohibited acts and procedures established within this chapter are in addition to any prohibited acts, conflicts of interest, provisions or procedures prescribed by statutes of the State of New York and also in addition to common-law rules and judicial decisions relating to the conduct of Town ~~officers~~ REPRESENTATIVES to the extent that the same are more severe in their application than this chapter.
C. This chapter shall supersede and replace Chapter 26, Ethics, of the Code of the Town of Gardiner (adopted 10/13/2009).

§ 26-4. DEFINITIONS

Unless otherwise stated or unless the context otherwise requires, the following terms shall, for the purpose of this chapter, have the meanings herein indicated:

CUSTOMER or CLIENT — Customer or client means any person or entity to which a TOWN REPRESENTATIVE (AS DEFINED BELOW) ~~an official 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 $10,000 INCREASING AT A RATE OF $500 ANNUALLY FOR THE NEXT 10 YEARS UPON THE PASSAGE OF THE LAW . Minor retail sales shall be excluded from this provision.

~~CONSULTANT — An individual contracted to perform services to the Town for remuneration.~~

ETHICS BOARD — The Ethics Board of the Town of Gardiner established pursuant to Article IV of this chapter.

FAMILY MEMBER — For purposes of this chapter, a person who is a spouse, child or stepchild, sibling, parent, grandparent or grandchild of the ~~officer or employee~~ TOWN REPRESENTATIVE or a member of the household of the ~~officer or employee.~~ TOWN REPRESENTATIVE.

GIFT, FINANCIAL BENEFIT OR INTEREST — Includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, or any promise thereof, or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial interest but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial interest" do not include campaign contributions authorized by law.

MINISTERIAL ACT — An action performed in a legally-prescribed manner, not requiring the exercise of independent judgment and without the need for discretion.

MISDEMEANOR - A CLASS A MISDEMEANOR AS DEFINED BY NEW YORK STATE (Check w

Town Attorney as this is the highest class of offense not the lowest by default, is the TB empowered to create a Class A offence?)

~~OFFICER or EMPLOYEE —~~ TOWN REPRESENTATIVE Shall be defined as any of the following:
A. A PERSON WHO IS EMPLOYED BY THE TOWN, WHETHER FULL TIME, PART TIME, PAID, OR UNPAID; AND
B. ELECTED OFFICIAL;
C. APPOINTED OFFICIAL;
D. PERSON WHO IS COMPENSATED OR UNCOMPENSATED
E. BOARD MEMBER
F. COMMISSION MEMBER
G. COMMITTEE MEMBER
H. WORKING GROUP ACTIVE UNDER A PROGRAM ADOPTED AND/OR APPROVED, OR AT THE BEHEST OF THE TOWN BOARD/TOWNSUPERVISOR
I. ANYONE REQUIRED TO TAKE AND FILE AN OATH OF OFFICE UNDER THE PUBLIC OFFICERS LAW
J. CONSULTANTS ENGAGED BY THE TOWN-COMPENSATED OR UNCOMPENSATED

§ 26-5. Standards of conduct.

A. Prohibited conflicts of interest. In accordance with NYS General Municipal Law Article 18 § 805-a, a ~~Town officer or employee~~ TOWN REPRESENTATIVE shall not use his/her official position or office or take or fail to take any action in a matter that he/she knows or has reason to know may provide a personal financial benefit or secure privileges or exemptions not generally available to the public at large for any of the following persons:
(1) TOWN REPRESENTATIVE
(2) His/her outside employer, employee or business;
(3) A family member AS DEFINED ABOVE of a member who is a TOWN REPRESENTATIVE
(4) A customer or client;
(5) A Board, association or organization on which a TOWN REPRESENTATIVE serves as officer or director .

B. A Town ~~officer or employee~~ REPRESENTATIVE must avoid circumstances that compromise or reasonably appear to compromise ~~his or her~~ THEIR ability to make decisions solely in the public interest or that violate the spirit or intent of this Ethics Code.

C. Recusal and disclosure.
(1) A Town REPRESENTATIVE shall promptly recuse ~~himself/herself~~ THEMSELF from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit the persons listed above in Subsection A, in a manner generally not available to the public at large.
(3) Whenever a Town REPRESENTATIVE is required to recuse, ~~he/she~~ THEY must not deliberate, vote or participate in any way in such matter, and should physically step away from the board and leave the room while the matter is being discussed or deliberated. The

officer or employee should disclose the apparent conflict on the record of his or her board or in writing filed with the Town Clerk, and refrain from participation in the matter. REGARDLESS OF THEIR STATUS OF RECUSAL

(5) IN MATTERS RELATING TO LAND USE, A TOWN REPRESENTATIVE SHALL RECUSE IF THE APPLICATION BEFORE THE BOARD OF WHICH SUCH TOWN REPRESENTATIVE IS A MEMBER INVOLVES REAL PROPERTY LOCATED WITHIN 1000 FEET OF THE REAL PROPERTY OWNED BY THE TOWN REPRESENTATIVE OR ANY OF THE PERSONS OR ORGANIZATIONS REFERENCED AT 26-5(A).

D. Gifts.

(1) A Town ~~officer or employee~~ REPRESENTATIVE shall not solicit any gifts whatsoever nor shall a Town ~~Officer or employee~~ REPRESENTATIVE accept any gift valued over $75 in aggregate annually, whether financial or in any other form. A Town ~~officer or employee~~ REPRESENTATIVE shall not request or accept anything from any person or entity other than the Town for doing his or her municipal job.

(2) The following are examples of what can be accepted:

(a) Reasonable and customary presents given on special occasions;

(b) Gifts given by someone based on a personal or family relationship;

(c) An invitation to attend a personal or private event with no connection to the Town; meals received when the ~~officer or employee~~ REPRESENTATIVE serves as a participant or speaker in a job-related professional or educational program and meals are available to all participants;

(d) Modest items of food or refreshment offered other than as part of a meal;

(e) Unsolicited advertisement or promotional material of little intrinsic value;

(f) Awards and plaques presented in recognition of service;

(g) Rewards or prizes given to competitors in contests or events, including random drawings open to the public;

(h) Under some circumstances, meals, entertainment or hospitality, but not travel or lodging, from an applicant, vendor or contractor of the Town when participation in an event is for a Town purpose and related to official duties, that is, when participation will further Town programs, and the event is widely attended.

E. Representation before one's own board. A Town REPRESENTATIVE shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to:

(1) Any matter before such ~~officer or employee ;~~ REPRESENTATIVE;

(2) Any matter before any board of which the Town ~~officer or employee~~ REPRESENTATIVE is a member; or

(3) Any matter before any Town ~~officer or employee or board~~ REPRESENTATIVE over which ~~he or she~~ THEY HAVE jurisdiction or which ~~he or she has~~ THEY HAVE power to appoint any ~~officer or employee.~~ REPRESENTATIVE

F. This code shall not be construed as prohibiting a municipal ~~officer or employee~~

REPRESENTATIVE from:
(1) Representing ~~himself or herself,~~ THEMSELF or ~~his or her~~ THEIR family as defined herein before the municipality; ~~or;~~
(2) Asserting a claim against the municipality on ~~his or her~~ THEIR own behalf, or on behalf of ~~his or her~~ THEIR spouse or minor children; or
(3) Receiving a salary for such services rendered to the Town pursuant to an employment agreement or as an authority by the Town Board.

G. Representation in litigation. A Town ~~officer or employee~~ REPRESENTATIVE shall not represent any private interest OTHER THAN THEIR OWN in any litigation in which the Town of Gardiner is a party or complainant.

H. Confidential information. A Town officer or employee shall not disclose confidential information gained by reason of ~~his/her~~ THEIR official position or authority or use such information for any nonmunicipal purpose, even after leaving municipal service.

I. Political solicitation. A Town ~~officer or employee~~ REPRESENTATIVE shall not request or authorize anyone else to request any subordinate of the ~~officer or employee~~ REPRESENTATIVE to participate in an election campaign or contribute to a political committee.

J. Revolving door. For a period of ~~one year~~ after termination of ~~his/her~~ THEIR term of office or employment AS A TOWN REPRESENTATIVE with the Town, other than acting on behalf of ~~himself/herself,~~ THEMSELF no former Town official or ~~employee~~ REPRESENTATIVE may appear before any boards and commissions on which the former official or employee has represented the Town, in relation to any matter upon which ~~he/she~~ THEY HAVE had discretionary power during ~~his/her~~ THEIR term of office or employment with the Town, unless requested to provide information by the applicable board or commission. This prohibition shall include any appearance that would be prohibited while the ~~officer or employee~~ TOWN REPRESENTATIVE was in office OR FOR WHICH THE TOWN REPRESENTATIVE RECUSED THEMSELF WHILE IN OFFICE

K. Avoidance of conflicts. ~~Town officers and employees~~ A REPRESENTATIVE shall not knowingly acquire, solicit, negotiate, or accept any interest, employment, or anything of value that would put them in violation of this Code of Ethics.

L. Inducement of others. No person or entity shall induce or aid ~~an officer or employee~~ A TOWN REPRESENTATIVE of the Town to violate any of the provisions in this Code of Ethics.

M. Investments. A Town ~~officer or employee~~ REPRESENTATIVE shall not invest or hold any investment directly or indirectly in any business, financial, commercial or other private transaction that would create a conflict with his or her official duties.

N. Nepotism.

(1) Every applicant related to a Town ~~officer or employee~~ REPRESENTATIVE shall disclose such relationship in ~~his or her~~ THEIR application. Every Town ~~officer or employee~~ REPRESENTATIVE related to any person seeking employment with the Town shall disclose such relationship as provided in this section.
(2) ~~Any~~ WHEN ANY FAMILY MEMBER OF A TOWN REPRESENTATIVE IS SEEKING EMPLOYMENT OR MAKING APPLICATION BEFORE SUCH REPRESENTATIVES' BOARD OR DEPARTMENT, SUCH REPRESENTATIVE SHALL DISCLOSE THAT RELATIONSHIP. ~~HEREIN OF the officer or employee of the Town related or CO-HABITATING WITH any person(s) seeking employment or making application before such officer or employee's board or department shall disclose such relationship as provided in this section.~~
(3) For purposes of this provision on nepotism, "related" shall mean a family member ~~of the officer or employee~~ OF THE REPRESENTATIVE as defined herein. Disclosure required by this section shall be made in writing filed with the Town Clerk and the person or board with appointing authority.

O. Use of municipal resources.
(1) Municipal resources shall only be used for lawful municipal purposes. Municipal resources include, but are not limited to, personnel (while on duty), and the municipality's money, vehicles, equipment, materials, supplies or other property.
(2) No ~~municipal officer or employee~~ TOWN REPRESENTATIVE may use or permit the use of municipal resources for political, personal or private purposes, but this provision shall not be construed as prohibiting:
(a) Any use of municipal resources authorized by law or municipal policy;
(b) The use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
(c) The occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
(3) No ~~municipal officer or employee~~ TOWN REPRESENTATIVE shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§ 26-6. Interest in contracts with Town.

A. Prohibited interests. ~~Officers and employees~~ TOWN REPRESENTATIVES are prohibited from entering into certain contracts with the Town pursuant to Article 18 of the General Municipal Law. Except as expressly provided in § 802 of Article 18 of the New York State General Municipal Law, no Town ~~officer or employee~~ REPRESENTATIVE shall have an interest in a contract that is prohibited by § 801 of the General Municipal Law. Any contract 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 the General Municipal Law.

B. Disclosure of interests. Except as expressly provided in § 802 of Article 18 of the General Municipal Law, any Town ~~officer or employee~~ REPRESENTATIVE who has, will have, or later acquires an interest in any actual or proposed contract with the Town or has a reasonable expectation of a financial interest or benefit from the contract, shall publicly disclose the nature and extent of that interest in accordance with § 803 of the General Municipal Law. The Town Clerk shall promptly provide a copy of any such disclosure to the Ethics Board. Town ~~officers or employees~~ REPRESENTATIVES are required to recuse themselves pursuant to § 26-5C from any matter requiring disclosure under this section.
C. 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. Any such violation shall be a violation of this Ethics Code.

§ 26-7. Applicant disclosure in land use applications.

A. Disclosure. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of 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, to the extent known to such applicant shall disclose in its application, petition or request the name, residence, and nature and extent of any interest of a Town ~~officer or employee~~ REPRESENTATIVE and fully comply with § 809 of the General Municipal Law. A Town ~~officer or employee~~ REPRESENTATIVE shall be deemed to have an interest in such application if the application involves property
(a) owned by SUCH REPRESENTATIVE or
(b) owned by the applicant.
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.

§ 26-8. Establishment.

A. Membership. The Ethics Board shall consist of five members appointed by the Town Board, ONE OF WHOM SHALL BE AN ELECTED OR APPOINTED TOWN REPRESENTATIVE, MUNICIPAL OFFICER, OR EMPLOYEE. (NOTE: State law requires “at least one” this draft proposes just one.)

B. Term of office. ~~There is hereby established a Board of Ethics consisting of five members, to be appointed by the Town Board.~~ The term of office for a member is five years, with the exception of initial appointments. ~~Initial a~~ Appointment ~~terms~~ TERMS will be staggered with members appointed ~~for one-, two-, three-, four- and five-year appointments~~ so that one member's term expires each year.

C. Maintenance and operation. There shall be funds appropriated annually by the Town Board sufficient to meet the Ethics Board's maintenance and operation. Additional funds may be allocated as determined by the Town Board. The Ethics Board shall meet a minimum of two times a year to fulfill the duties described at ~~§ 26-10I and K.~~ HEREIN. THE COMMITTEE SHALL HAVE A MONTHLY STANDING MEETING DATE TO BE UTILIZED AS

NEEDED. The Chairperson or a majority of the Board may call a meeting of the Board.

D. Legal and advisory services.
(1) The Town Attorney or Attorney for the Town is authorized to provide legal and advisory services to the Ethics Board as it may require in the performance of its duties and may represent member(s) of the Ethics Board if a legal matter arises from members' work as a member of the Ethics Board. If the Town Attorney or Attorney for the Town has a potential conflict of interest, or is unable or unwilling to represent the member, the Town shall make funds available for outside counsel.
(2) The Ethics Board shall be given access to other advisory services as needed from both the Town officials and outside resources. The Ethics Board shall determine when it requires outside, independent advisors and may seek said advice.

E. Compensation. Members shall serve without compensation but will be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

F. Board Chair. The Town Board shall annually designate the Chair of the Board of Ethics.

G. Vacancies. A person appointed to fill a vacancy shall serve the unexpired term of the member he/she replaces.

H. Quorum. Three members of the Board are required for the purpose of conducting a meeting. A concurring vote of three members shall be required for the Board to take action. MEETINGS SHALL BE HELD IN PERSON BUT MAY OCCUR REMOTELY/VIRTUALLY OR HYBRID VIA THE TOWN APPROVED PLATFORM DUE TO HARDSHIP FACTORS OF ONE OR MORE MEMBERS.

I. Failure of duties or violations. An Ethics Board member may be removed from office by a majority vote of the Town Board for failure to fulfill the duties of the office or for violation of this chapter or other good cause. Prior to any vote by the Town Board, the Ethics Board member shall be given written notice of alleged acts or omissions and an opportunity to reply in writing and/or be heard by the Town Board before a vote is taken.

§ 26-9. Qualifications.

A. Residency. All members of the Ethics Board shall reside in the Town of Gardiner.

B. High ethical standards. Members of the Ethics Board shall be chosen for their independence, integrity, and high ethical standards.
(1) No more than three members of the Ethics Board may be enrolled in the same political party, at the time of appointment.
(2) No member shall hold office in a political party and shall avoid public displays of partisan support. A member may make campaign contributions but not otherwise participate in any Town of Gardiner election campaign or political controversy.

(3) A member of the Ethics Board shall recuse her/himself if an inquiry is brought before the Ethics Board and the member has taken a public position related to that inquiry and/or the member feels her/his political campaign contributions create an appearance of impropriety.

C. Town affiliations. ~~Not more than one member may, but need not, be an appointed officer or employee of the Town. No members may hold elective office in the Town of Gardiner.~~ CONSISTENT WITH GML 808 (3) ONE MEMBER SHALL BE AN ELECTED OR APPOINTED TOWN REPRESENTATIVE, MUNICIPAL OFFICER, OR EMPLOYEE.

D. ~~This section is intended to supplement the provisions of Article 18, § 808, of the General Municipal Law regarding the composition of a municipal board of ethics.~~ THE CHAIR WILL MAINTAIN RECORDS OF CONTINUING EDUCATION OF THE MEMBERS AND INCLUDE IT IN THEIR ANNUAL REPORT TO THE TOWN BOARD.

§ 26-10. Powers and duties.

The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions only with respect to matters addressed in Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant to such article, under such rules and regulations as the Ethics Board shall prescribe AS PER ADOPTED PROCEDURES. The goal of the Ethics Board is to support a culture of ethical inquiry in the Town of Gardiner, offer guidance in the form of advisory opinions, training and offer recommendations with respect to this Code of Ethics or amendments thereto to the Town Board of the Town of Gardiner.

A. Authority. The Board of Ethics shall administer, and the Town Board may enforce all the provisions of this chapter.

B. Organization. The Board of Ethics shall prescribe and promulgate rules and regulations governing its own organization and procedures, including a formal written application process for advisory requests and complaints. AN ACCURATE STATEMENT OF THE RULES AND REGULATIONS/"PROCEDURAL RULES" OF THE ETHICS BOARD SHALL BE MAINTAINED ON FILE WITH THE TOWN CLERK AT ALL TIMES.

C. Advisory opinions on request. The Board of Ethics shall render written advisory opinions to Town ~~officers and employees~~ REPRESENTATIVES, only with respect to the application of the Town Code of Ethics and GML Article 18, and only to said REPRESENTATIVE'S own conduct.
(1) When a request for an advisory opinion is received from an officer or employee of the Town, the Board of Ethics shall index the request and place it on a meeting agenda with reasonable promptness.
(2) The Board of Ethics may request additional oral or written information from the requesting officer or employee.
(3) Advisory opinions shall be based on the applicable provisions of the Town Ethics Code.

(4) A copy of any written advisory opinion shall be provided to the requesting ~~officer or employee.~~ REPRESENTATIVE AND FILED WITH THE TOWN CLERK. Such advisory opinions shall be nonbinding and shall be confidential to the extent permitted by law. THE REQUESTING PARTY IS RECOMMENDED BUT NOT REQUIRED TO MAINTAIN CONFIDENTIALITY. THE REQUESTING PARTY MAY NOT DISLOSE PERSONALLY IDENTIFIABLE INFORMATION OF ANY OTHER PERSON CONTAINED IN THE ADVISORY OPINION.

D. Complaints. The Board of Ethics may review complaints ONLY WITH RESPECT TO THE APPLICATION OF THE TOWN CODE OF ETHICS AND GML ARTICLE 18 and render decisions with or without recommendations to the Town Board with respect to a complaint by any person alleging a violation of the Town Code of Ethics.
(1) Any complaint must be signed and duly sworn, under penalty of perjury, by the individual complainant and must include her or his residential address.
(2) When a complaint is received, the Board of Ethics shall index the complaint and place it on a meeting agenda. The Board shall promptly provide a copy of the complaint to the employee or officer who is the subject of the complaint, except in the discretion of the Board where the complaint has been summarily dismissed or where the matter has been referred for criminal investigation. THE CHAIRPERSON SHALL KEEP THE RECORD OF THE INDEX OF COMPLAINTS IN PERPETUITY AND SHALL TRANSMIT THE RECORD TO THE SUBSEQUENT CHAIRPERSON OR TOWN CLERK UNTIL A NEW CHAIRPERSON IS APPOINTED.

E. Board review on own motion. The Board may proceed on its own motion to review compliance with the provisions of the Town Code of Ethics, and may provide decisions in accordance with the procedure for the consideration of complaints.

F. Reasonable cause findings.
(1) Before the Board finds "reasonable cause" to believe that a violation of this Ethics Code or GML Article 18 has occurred, the Ethics Board shall:
(a) Notify, in writing, the affected officer or employee as to the possible or alleged violation of this chapter;
(b) Afford the affected officer or employee an opportunity to submit a written response setting forth such information as said person deems relevant to the alleged violation of this chapter; and
(c) Afford both the complainant and person who is the subject of the complaint a hearing wherein said person may provide either a written or oral statement setting forth such information as they deem relevant to the alleged violation. Members of the Ethics Board shall have the right to make such inquiries as they deem appropriate. Notice of such hearing shall be provided not less than 10 days prior to the hearing and such hearing may be adjourned from time to time as determined by the Ethics Board.
(d) A HEARING PROCESS SHALL COMMENCE WITHIN 90 DAYS OF THE RECEIPTS OF THE SWORN COMPLAINT AND COMPLETED WITHIN 180 DAYS.
(2) The Ethics Board shall maintain a record of the disposition of written complaints.

(3) The Board of Ethics may require additional oral or written information from a complaining party or from the affected ~~officer or employee~~. TOWN REPRESENTATIVE. Following a hearing, ~~if requested,~~ the Ethics Board ~~may~~ shall render an ~~adviosry~~ opinion REGARDING A COMPLAINT to the Town Board. ~~regarding whether there is reasonable cause to find that a violation of the Town Ethics Code has occurred and remains unresolved. Advisory o~~ Opinions shall be based on the applicable provisions of the Town Ethics Code and the factual findings of the Board of Ethics. A copy of any written ~~advisory~~ opinion of reasonable cause shall be sent to the affected TOWN REPRESENTATIVE, ~~and to the Town Board~~ AND FILED WITH THE TOWN CLERK WHO SHALL DISSEMINATE TO THE TOWN BOARD.

G. Town Board action. The Board of Ethics may make a written recommendation to the Town Board as to the appropriate sanction, discipline or other action to be taken or imposed with respect to any finding or determination of reasonable cause to believe that a violation of this chapter has occurred.
(1) In the interests of transparency and guided by the purposes set forth in § 26-2, Purpose, of this chapter, the Town Board shall acknowledge receipt in writing to the Board of Ethics within 30 days, accept, reject, or modify any recommendation offered by the Ethics Board and notify a complainant and the subject of the complaint of the action taken by the Town Board within 90 days of receipt from the Board of Ethics.

H. Annual report. The Ethics Board shall prepare and submit, by ~~July 30~~ FEBRUARY 15 of each year, an annual report to the Town Board summarizing the activities of the Ethics Board, PROVIDING THE ANNUAL INDEX OF COMPLAINTS, listing any recommended changes to the text or administration of this chapter, and detailing budgetary expenditures and requests.

I. Public inspections. Records of the Ethics Board shall be centrally maintained by the Town Clerk. At the conclusion of all hearings and/or the disposition of all complaints, records shall be ~~kept~~ FILED by the Town Clerk. The Town Clerk shall provide for public inspection of certain records TO THE EXTENT REQUIRED BY THE FREEDOM OF INFORMATION ACT (FOIL) through the Town's Records Access Officer:
(1) The only records of the Ethics Board which shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law of the State of New York or by some other state or federal law or regulation.
(2) No meeting or proceeding of the Ethics Board concerning a particular Town ~~officer or employee~~ REPRESENTATIVE shall be open to the public, unless required by the provisions of Article 7 of the Public Officers Law (OPEN MEETINGS LAW) or by some other state or federal law or regulation.

~~J. Education. The Board of Ethics shall annually conduct and/or arrange for a qualified person to conduct annual training for Town officers and employees REPRESENTATIVES regarding the provisions of this chapter.~~

~~K.~~ **J. Designation of powers and duties.** ~~The Ethics Board shall not carry out the powers and duties as defined in this section if it is determined that two members of such Board have a conflict of interest. In this event, the Ethics Board of Ulster County shall administer the duties of the Ethics Board of the Town of Gardiner.~~ IN THE EVENT THE BOARD FAILS TO REACH A QUORUM WITH REGARD TO ANY MATTER COMING BEFORE THEM, OR IN THE EVENT THAT A QUORUM EXISTS BUT THREE OR MORE VOTES IN FAVOR OF A DECISION ARE NOT CAST, THE MATTER SHALL BE REFERRED TO THE COUNTY BOARD OF ETHICS.

§ 26-11. Disciplinary action.

At its discretion, the Town Board may take disciplinary action, including without limitation a warning, reprimand, or, pursuant to legal process, suspension or removal from office or employment, impose a civil fine as provided in this chapter, or subject the Town REPRESENTATIVE to any other sanctions permitted by law.

§ 26-12. Hearing procedure and representation.

All hearings required to be conducted by the Board of Ethics pursuant to this chapter shall be conducted in accordance with the provisions of procedural rules approved by the Board of Ethics and filed in the office of the Town Clerk. Any person compelled to appear in person or who voluntarily appears shall be accorded the right to be accompanied, represented by, and/or advised by counsel.

§ 26-13. Distribution and posting.

~~A. Within 90 days after the effective date of this Ethics Code, and thereafter as appropriate, the Town Board shall transmit to the Town Clerk of the Town of Gardiner copies of this chapter. Within 10 days after receipt of those copies, the Town Clerk shall cause the copies to be posted conspicuously where public notices are generally posted.~~

~~B.~~ **A.** Within 90 days after the effective date of this section, UPON COMMENCING DUTIES AS A TOWN REPRESENTATIVE, AND ON AN ANNUAL BASIS COMMENCING WITHIN 90 DAYS OF ADOPTION OF THIS CHAPTER thereafter as appropriate, the Town Board of Gardiner shall transmit to the ~~officers and employees,~~ TOWN REPRESENTATIVES in a form suitable for distribution, copies of this chapter to the ~~officers and employees~~ TOWN REPRESENTATIVES of the Town. The Town Board shall cause the copies to be distributed to every ~~officer and employee~~ TOWN REPRESENTATIVE of the Town and make them readily available to the public. Every Town ~~officer or employee~~ TOWN REPRESENTATIVE thereafter shall be furnished a copy of this Ethics Code within 10 days after entering upon the duties of his or her THEIR position. Every Town ~~officer or employee elected or appointed~~ TOWN REPRESENTATIVE shall upon receipt of said chapter sign a receipt stating that ~~he/she has~~ THEY HAVE READ AND received a copy of said chapter. This receipt shall be filed with the Town Clerk.

~~C.~~ **B.** Failure of the Town to comply with the provisions of this section or failure of any Town ~~officer or employee~~ REPRESENTATIVE to receive a copy of the provisions of this chapter

shall have no effect on the duty of compliance with this chapter or on the enforcement of its provisions.

§ 26-14. Maintenance of certain rights; severability.

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 ~~officer or employee~~ REPRESENTATIVE from timely filing any claim, account, demand, or suit against the Town on behalf of ~~himself/herself~~ THEMSELF or any member of ~~his/her~~ THEIR 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 of the remaining provisions of this chapter.

§ 26-15. Penalties for offenses.

In addition to any penalty contained in any other provision of this chapter, any person who shall knowingly and intentionally violate any of the provisions of this chapter may be subject to a fine not to exceed $1,000 per violation, IMPRISONMENT NOT TO EXCEED ONE YEAR IN JAIL, AND/OR A SENTENCE OF PROBATION. ~~and or suspension or removal from office or employment.~~ IN ADDITION THE TOWN REPRESENTATIVE MAY BE SUSPENDED OR REMOVED FROM OFFICE OR EMPLOYMENT AND/OR AS OTHERWISE SANCTIONED AS PROVIDED BY LAW.