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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of MARBLETOWN

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STATE RECORDS
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DEPARTMENT OF STATE

Local Law No. 10 of the year 2022

A local law A LOCAL LAW KNOWN AS "CODE OF ETHICS"
(Insert Title)

Be it enacted by the _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of MARBLETOWN

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)



Town of Marbletown

Local Law 10 of 2022

Chapter 24, Ethics Code of

§ 24-1 Purpose; Statutory Authority

Pursuant to the provisions of Article 18, § 806, of the New York State General Municipal Law, the Town Board of the Town of Marbletown recognizes that there are rules of ethical conduct for public officers and employees (TO/TE) which must be observed if a high degree of ethical conduct is to be obtained and public confidence is to be maintained in all aspects of local government.

The Town Board has adopted these rules of ethical conduct. These rules shall not conflict with, but shall be in addition to, any prohibition or section of Article 18 of the New York State General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 24-2 Definitions

As used in this Code of Ethics, the following terms shall have the meanings indicated below:

Board: The governing board of a municipality and any municipal administrative board, commission, or other agency. This includes the Town Board, administrative boards, town commissions and boards or other agencies, whether the members are elected, appointed or are volunteers.

Conflict Management Plan: Plan or Policy created to mitigate a specific Conflict created or arising from the activity of a TO/TE that mitigates the appearance or conflict.

Town Official (TO/TE): An officer or employee of the Town of Marbletown, whether paid or unpaid, including members of any administrative boards, town commissions and boards or other agency, whether the members are appointed or are volunteers.

Disclosure: Submitting in writing on the Marbletown Disclosure Form, annually or as otherwise required, information on investments, and on potential conflicts of interest (as defined in Section § 24-5)

Immediate Relative: An immediate family member includes a spouse, partner, parent, stepparent, sibling, stepsibling, sibling's or stepsibling's spouse, child, stepchild, parent-in-law, son or daughter-in-law.

Other Relative or Person: Other relatives include an uncle, aunt, nephew, niece, first cousin, household member or individual(s) who has a significant personal or professional relationship and

can influence the TO/TE.

Code: This Code of Ethics.

Interest: A direct or indirect pecuniary or material benefit accruing to a TO/TE in their individual capacity as a result of official action. Note: This does not include any interest or benefit arising from the provision or receipt of any services or official action that are generally available to the residents and/or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers

For the purposes of this Code, a TO/TE shall be deemed to have an Interest in the contract of:

- A. An Immediate Relative, except a contract of employment with the Town of Marbletown which such officer or employee serves.
- B. A firm, partnership or association of which such TO/TE is a member or employee.
- C. A corporation of which such TO/TE is an officer, director, trustee or employee.
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such Officer or Employee.

Official of a Political Organization: The office of chairperson or vice chairperson (or equivalent) in a political party, political club or association, political society, or political committee.

§ 24-3 Standards of Professional and Personal Conduct.

Every TO/TE of the Town of Marbletown shall be subject to and abide by the following standards of conduct to assure that all elected and appointed officials and employees, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Marbletown's government:

- A. No TO/TE shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, an Immediate Relative, or any private organization in which he or she has an Interest as specified in § 24-4.
- B. While executing the duties of their office, the professional and personal conduct of TO/TEs must strive to be above reproach and make every effort to avoid even the appearance of a conflict of interest or other impropriety. TO/TEs shall refrain from abusive conduct, personal charges, or verbal or written attacks upon the character or motives of other TO/TEs or the public. In addition, TO/TEs shall not directly or indirectly induce, encourage, or aid anyone in violating this Code. Every TO/TE shall make a good faith effort to report and address apparent violations of this Code of Ethics in writing to the Town Clerk.

- C. TO/TEs shall support the maintenance of a positive and constructive environment for citizens and businesses dealing with the Town and for all serving on its committees and commissions, provided however that petty slights, annoyances, and isolated incidents (unless extremely serious or frequently repeated) will not rise to the level of a violation of this Code. To violate this Section, the conduct must create an environment that would be intimidating, hostile, or offensive to a reasonable person.
- D. Confidential information. A TO/TE shall not disclose confidential information acquired by virtue of their status as a TO/TE; TO/TEs must maintain the confidentiality of all written materials and verbal information provided which is confidential or privileged. TO/TEs shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.
- E. TO/TEs shall only use Town resources, assets, and personnel for Town business and not for their own interests or those of any other person.
- F. Every TO/TE shall complete and file a disclosure statement each year, update such statement as needed to reflect changed circumstances and otherwise fully comply with Section 24-5.

§ 24-4. Conflict of interest

No TO/TE shall use his or her municipal position or official powers and duties to (i) secure a financial or material benefit for himself or herself, a Relative, or any organization in which he or she is has an interest or even an appearance of an interest, as defined below or (ii) participate in any hearing or other decision-making process regarding a matter in which such TO/TE has an Interest or otherwise which would create or appear to create a conflict of interest. There shall thus be no conflicts of interest, or even appearances of conflicts of interest, in the conducting of Town matters. In the event of a conflict of interest or appearance of such a conflict, the steps set forth in Section 24-6 shall be consulted.

- A. **Gifts.** An officer or employee shall not solicit any gift or accept or receive any gift having a current fair market value of \$25 or more for any individual gift, and a total of \$75 per year, whether in the sum of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that such gift was intended to influence the officer or employee or could reasonably be expected to influence the officer or employee in the performance of official duties, or was intended as a reward for any official action on the officer's or employee's part. This Section shall not prohibit any other gift, including (1) Gifts made to the Town; (2) Gifts from a person with a familiar or personal relationship with the TO/TE when the circumstances make it clear that the personal relationship, rather than the recipient's status as a TO/TE is the primary motivating factor for the gift; (3) Awards or plaques having a value of \$75 or less which are publicly presented in recognition of service or as owner of a town landmark; or (4) Meals and refreshments provided when the TO/TE is a speaker or participates at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.
- B. **Representation Before One's Own Board with or without Compensation.** A TO/TE shall not represent any matter, unless on behalf of the Town of Marbletown, before any Town agency

of which the individual is an officer, member or employee, or of any Townagency over which the individual has jurisdiction or to which the individual has the power to appoint any member, officer or employee. In the case a TO/TE is a member of the Board to which he or she is presenting, the TO/TE should recuse him or herself from all presentations and discussions and deliberations regarding such matter.

C. Prohibited Compensation or Contingency Fee. A TO/TE shall not receive compensation, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the Town, whereby the officer's or employee's compensation is to be dependent or contingent (in whole or in part) upon any action by such agency with respect to such matter. This provision shall not prohibit the earning or fixing at any time, of fees based upon the reasonable value of the services rendered, where services rendered were not anticipated at the time of review, or contingent, and where if aware of potential involvement, the TO/TE recused themselves from all matters related to the approval(s).

D. Personal or Material Interest in Legislation or Action. Each TO/TE who participates in the discussion of, or gives an official opinion to, the Town Board on any legislation or other official action before the Town Board, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation or action and shall recuse themselves from any official action related to the approval(s). This Section shall not prohibit a TO/TE from participation in discussions regarding actions that benefit the entire community.

E. Investments or Business Ownership Which Conflict with Official Duties. A TO/TE or Immediate Relative may not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private entity which creates a conflict with the TO/TE's official duties. The following are illustrative, but not all encompassing, of investments or business ownership which may create conflicts of interest:

(1) No TO/TE may acquire the following investments: **a.** Investments or business interests that can be reasonably expected to require more than sporadic recusal and abstention under § 24.6 of this code; or **b.** Investments or business or professional interests that would otherwise impair the TO/TE's independence of judgment in the exercise or performance of his or her official powers and duties.

(2) This section does not prohibit a TO/TE from acquiring any other investments or the following assets: **a.** Real property located within the municipality and used as his other personal residence; or office or business; **b.** Less than 5% of the stock of a publicly traded corporation; or **c.** Bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

F. Private Employment in Conflict with Official Duties. No TO/TE, during his or her tenure as a TO/TE, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

(1) Can be reasonably expected to require more than sporadic recusal and abstention pursuant to § 24-6 of this Code; or

(2) Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a TO/TE; or

(3) Violates Article 18 of the General Municipal Law (certain action prohibited).

G. Future Testimony and Employment. A TO/TE shall not appear before or receive compensation in a matter before his/her former board, commission, agency or employer for a period of two (2) years after departure except to represent him/herself in a personal matter. He/she is permanently barred from appearing or receiving compensation regarding a matter he/she was personally involved in as a TO/TE.

H. Employment of Relatives. An Immediate Relative or Other Relative of a TO/TE may be considered for employment by the Town if the applicant possesses all of the qualifications for employment. However, unless the relationship has been disclosed and a conflict management plan has been created to mitigate and manage the conflict as contemplated by Section 24-6, an Immediate Relative or Other Relative may not be hired if the employment would create either a direct or indirect supervisory/subordinate relationship with the family member; or create either an actual conflict of interest or the appearance of a conflict of interest. These criteria will also be considered when assigning, transferring or promoting an employee.

(1) No TO/TE, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge an Immediate Relative or Other Relative or Person for any position at, for or within the municipality or a municipal board.

(2) Disclosure of relationships, as defined in § 24.2, must be made by the person seeking employment and/or appointment with the Town of Marbletown or their employed Relative.

(3) TO/TEs who marry or become Immediate Relatives or Other Relatives, or Persons may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between the employees, or an actual conflict of interest or the appearance of a conflict of interest. Should one of the above situations occur, either a conflict management plan will be developed as contemplated by Section 24-6 or the Town will attempt to find a suitable position with the Town to which one of the affected employees may be appointed. Such appointment must be in accordance with applicable state and local statutes, including Civil Service Law and related rules and regulations. If accommodations of this nature are not feasible, the employees will be permitted to determine which one of them will resign

I. Political Solicitations.

(1) No TO/TE shall directly or indirectly compel or induce, or attempt to compel or induce, a TO/TE to make, or promise to make, any political contribution to or for the benefit of any person or entity, whether by gift of money, service or other thing of value.

(2) No TO/TE may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or

compensation of any TO/TE, or an applicant for a position as a TO/TE, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

- (3) No TO/TE shall use his or her official position to obtain, provide, furnish or supply any municipal resource, including but not limited to personnel, services, equipment, supplies or facilities on behalf of any political party or candidate, political club or association or any political society or committee. In addition, no elected official or any chairperson or vice chairperson of any Town committee, commission or board shall be an Official of a Political Organization. This provision shall not be interpreted or construed as precluding any TO/TE from being involved in the political affairs of the Town as a private citizen, nor shall it preclude any TO/TE from soliciting and/or receiving campaign contributions in the course of a political campaign for public office conducted pursuant to the laws of the State of New York, nor shall it exempt any TO/TE from any federal, state, or local rules, regulations, codes of conduct or other restrictions imposed by law.

§ 24-5. Disclosure of Conflicts of Interest

A. The following individuals are required to complete, and submit to the Town Clerk, a Disclosure form: Town Board members, members of commissions and boards and committees, nonunion department heads, any TO/TEs responsible for purchasing, the town engineer, and the town attorney. The initial disclosure form provided by the Town of Marbletown shall be submitted within 30 days of appointment or employment, or within 30 days of the effective date of this chapter, whichever comes earlier. Disclosure forms shall be updated annually by each person responsible for filing no later than November 30th of each year.

Failure to file the required disclosure statement or any update thereto in a timely fashion shall be deemed a violation of this chapter.

The Board of Ethics shall specify a disclosure form for use, consistent with this Code of Ethics, and update such form from time to time. The form shall document all material and financial Interests that could result in a direct or indirect financial or material benefit to such person, an Immediate or Other Relative, or any private organization in which he or she is deemed to have an interest that could create a conflict of Interest as defined in §24-4, or the appearance of a conflict of interest. The individual shall disclose, in writing, the nature of the Interest on the Disclosure form provided and retained by the Town Clerk.

B. Disclosure forms shall be reviewed by the Board of Ethics and may be discussed in one or more closed sessions of the Board of Ethics, but shall remain confidential.

C. In the event that a change in circumstances occurs with respect to any information required on the aforesaid disclosure statement, the party required to file such a statement shall within 15 days of the occurrence of such change in circumstances file an amended statement

reflecting any such change.

- D. In the case of a person serving in an elective or appointed office, the Disclosures shall be filed with the Town Clerk. In all other cases, the disclosure shall be reviewed and signed by the person's supervisor or, if the person does not have a supervisor, the disclosure shall be reviewed and signed by the municipal officer, employee or board having the power to appoint the person's position. After any such review, all forms shall be forwarded to the Town Clerk for further distribution to the Board of Ethics.
- E. Disclosure forms shall be maintained in the TO/TE's confidential personnel file.
- F. Within 30 days of the due date for any disclosure form or update thereof, the Town Clerk shall report to the Town Board and to the Board of Ethics the names and titles of any persons failing to submit such disclosure or update. The Town Board, in consultation with the Board of Ethics, shall within 30 days thereafter either (i) consult with the non-disclosing person to promptly bring about compliance with the requirements of this section or (ii) upon 30 days written notice to such person, act to suspend or terminate such person's position or role on behalf of the Town and (iii) in each case, consider pursuing such other remedies as may be available under applicable law.

§ 24-6 Management of Conflicts of Interest; Recusal and Abstention

In the event that information disclosed pursuant to Section §24-5 or otherwise pursuant to this Code constitutes a conflict of interest or appearance thereof or other violation or potential violation of this Code, :

- A. The TO/TE with the conflict of interest (or appearance thereof) may request that the Board of Ethics consider approval of a conflict management plan to mitigate or eliminate the conflict of interest. The Board of Ethics will determine whether such a conflict management plan will be sufficient to mitigate or eliminate the conflict and, if so, will propose such a plan to the Town Board for approval and implementation. All determinations by the Board of Ethics will be in writing delivered to the person requesting the conflict management plan and to the Town Board.
- B. Absent a conflict management plan reviewed by the Board of Ethics and approved by the Town Board, a conflict of interest (or appearance thereof) may be eliminated or managed in one or more of the following ways:
 - (i) If the power or duty is vested in a Town officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board, with the person recused from all relevant hearings and decision-making relating thereto; or
 - (ii) If the power or duty is vested in a Town officer individually, then the power or

duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function, in each case with the person recused from all matters and decision-making relating thereto; or

(iii) If the power or duty is vested in a Town employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty, with the person recused from all matters and decision-making relating thereto.

§ 24-7 Establishment, Composition, Removal, and Operation of Board of Ethics

A. Such board of ethics shall consist of five full members, a majority of whom shall not be officers or employees of Marbletown and at least one of whom shall be an elected or appointed officer or employee of the Town. The members of such board shall reside in the Town and shall not be an Official of a Political Organization. They shall receive no salary or compensation for their services as members of such board and shall be approved by the Town Board. No more than a majority minus one shall be registered in the same political party.

B. Terms of Members. Terms Shall Be Fixed. Five Year Terms. In the creation of a new Board of Ethics, or the reestablishment of an existing Board, the appointment of members to the Board shall be for terms so fixed that one member's term shall expire at the end of the calendar year in which such member was initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of the calendar year next following the calendar year in which such member was appointed; one member's term shall expire at the end of the second calendar year next following the calendar year in which such member was appointed; one member's term shall expire at the end of the third calendar year next following the calendar year in which such member was appointed; and one member's term shall expire at the end of the fourth calendar year next following the calendar year in which such member was appointed. At the expiration of each original member's appointment, each replacement member shall be appointed for a term of five years. Consecutive service shall not exceed ten years. When a vacancy occurs, it shall be promptly filled within 60 days by the Town Board, provided that a member shall serve until his or her successor has been appointed.

C. Board of Ethics Officers. The Board of Ethics shall designate the Chairperson thereof and, in the absence of a Chairperson, the Board of Ethics may designate a member to serve as Acting Chairperson. A member shall not be removed without good cause, and without a written complaint of specific charges, and an opportunity to contest them with an attorney and a hearing. Good cause shall include, but not be limited to, a failure of a member to recuse himself/herself on any issue before the Board where there is a conflict of interest, an appearance of a conflict of interest, or a personal or official connection to the member. The Board of Ethics shall designate a member to serve as Secretary who shall be in charge of recording its minutes and maintaining its books and records. In the absence of a

Secretary, the Board of Ethics may designate a member to serve as Acting Secretary.

D. Quorum and Voting. Four members of the Board of Ethics shall constitute a quorum and are required for a vote. Virtual participation is permissible to the extent permitted by law.

§ 24-8 Powers and Duties of the Board of Ethics

On written request, the Board of Ethics established hereunder shall render advisory opinions to TO/TEs or to the Town Board. The Board of Ethics shall administer the complaint process described in Section 24-8B and render advisory opinions to the Town Board, recommending appropriate action. The Board of Ethics will consider and administer requests for conflict management plans pursuant to Section 24-7. In addition, upon written request of the Town Board or on its own initiative, the Board of Ethics shall make recommendations to the Town Board as to any amendments to the Code of Ethics. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the TO/TE be disclosed except to authorized persons and agencies. All opinions may, at the election of the Board of Ethics or the Town Board, receive advice of counsel employed by the Board of Ethics or, if none, of the Attorney to the Town Board.

A. Procedures The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall promptly render advisory opinions as described above.

1. The Ethics Board is authorized pursuant to this chapter, subject to Town Board approval, to employ the services of an attorney to provide legal assistance and advice at any stage of the Ethics Board's inquiry into any matter.
2. The Ethics Board shall promptly deliver its advisory opinions to the Town Clerk together with a confidential copy thereof to each member of the Town Board and to the attorney for the Town. The Town Board shall convene a meeting, **in executive session, if necessary**, to review such opinion and thereafter shall take such action as is appropriate under the circumstances.
3. Within two business days following a final determination by the Town Board with respect to the matters contained in an advisory opinion of the Ethics Board, the Town Clerk, unless expressly prohibited by law, shall furnish to the subject of the ethics inquiry a copy of such Town Board determination together with a copy of the advisory opinion of the Ethics Board.
4. It shall be a violation of this chapter for any municipal officer, employee, or consultant to influence or attempt to influence the independent exercise or performance of the official duties or responsibilities of the Ethics Board with respect to any inquiry. For purposes of this subsection, the presence of and participation by a member of the Town Board as liaison to the Ethics Board at its meetings and in its deliberations shall not constitute a violation of this chapter.
5. Advisory opinions of the Ethics Board shall be subject to Article 6, § 87 of the

Public Officers Law of the State of New York (Freedom of Information Law ((FOIL)) and, if required subject to such law, shall be reported to and made available by the Town Clerk, as the Town records access officer, to the subject of the inquiry and to the public in accordance with Article 6, § 87 of the Public Officers Law of the State of New York (FOIL). The accuser or person filing the request for review shall receive a copy of the final decision.

B. Complaint Process

- (1) Any resident, property owner, lessee or vendor in the Town of Marbletown may file a complaint under Article 18 of the New York State General Municipal Law and/ or this Code of Ethics.
- (2) The Board of Ethics shall maintain a protocol for processing complaints under this Code and a form of complaint, in each case consistent with this section addressing such additional procedural matters as the Board of Ethics shall determine and make such protocol and form available to the Town Clerk for publication.
- (3) Any such complaint must (a) name the person filing the complaint and the name(s) and positions(s) of the individual(s) against whom the complaint is made, (b) identify the section of the law alleged to be violated, (c) include relevant evidence if available, (d) be based on personal knowledge of the person signing the complaint and verified under oath by a notary public and (e) certify that the complainant does not have knowledge of any complaint or legal action pending before a court of administrative body relating to the matters described in the complaint
- (4) The Board of Ethics shall not process a complaint on a matter which is then pending before a court of law or administrative agency of the State. Prior to proceeding with any complaint, the Board of Ethics shall inquire with the Town Board as to its knowledge of any such complaint or action.
- (5) The person named in the complaint as respondent shall be provided with a copy of the complaint and shall be provided with an opportunity to be heard by the Board of Ethics and submit relevance documentation.
- (6) The Board of Ethics shall, under normal circumstances, review any complaint and make a recommendation to the Town Board within thirty (30) days of the earlier to occur of (a) receipt by the Board of Ethics of a response from the respondent to such complaint or (b) failure of the respondent to respond. The Board of Ethics may, for good reason and upon notice to the Town Clerk, the complainant, and the respondent, extend this time to up to sixty (60) days.

- (7) If the Board of Ethics determines that the facts do not support a finding of a violation, the complaint shall be dismissed and a simple notice of dismissal, without further detail, shall be mailed to the complainant, the Town Board and the respondent.
- (8) If the Board of Ethics determines a violation has occurred, the Board of Ethics shall deliver written findings with a recommendation for sanctions or a range of sanctions to the Town Board. The Town Board shall review the recommendation, accept or reject the recommendation and determine the final sanctions. The Town Board may, instead, return the recommendation with specific comments and questions to the Board of Ethics with a request for further review.
- (9) All complaints will be reviewed by the Board of Ethics in a closed session which is not open to the public. Discussions of the Board of Ethics which are held in closed session shall remain confidential and will not be disclosed except as may be required by law. Except to the extent such records must be disclosed by law, all Board of Ethics records relating to a complaint shall remain confidential including without limitation any recommendations to the Town Board.
- (10) The Board of Ethics, upon notice to the Town Clerk and any party to a complaint, may extend any notice period in this protocol for good cause as determined in good faith by the Board of Ethics.

C. Requests for Advisory Opinions

The Board of Ethics may render advisory opinions, to the Town Board, subject to these limitations:

1. Requests for advisory opinions shall be in writing and shall have attached any originating request or inquiry.
2. Requests for advisory opinions must originate with a TO/TE or the Town Board who, upon receipt, shall promptly forward such request to the Board of Ethics.
3. Requests for advisory opinions must relate to the Town's Code of Ethics.
4. The opinion must be approved as to legal sufficiency by an Attorney for the Town.
5. Advisory opinions shall be issued by the Board of Ethics within thirty (30) days of the request unless the Board of Ethics notifies the Town Board and the TO/TE of the need for a longer period of time.
6. Except to the extent that such records must be disclosed by law, the Board of Ethics records relating to an advisory opinion shall remain confidential including without limitation any recommendations to the Town Board.

D. Meetings and Documentation. Meetings of the Ethics Board shall be limited to members of the Ethics Board, except when the Ethics Board requests testimony or information. The

Board Secretary will file advisory opinions with the Town Clerk and the Town Board. 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 (FOIL) or by another state or federal law or regulation. Personal and financial information disclosed by TO/TEs in the annual disclosure form or otherwise shall not be available for public inspection. All paper records must be kept in a locked file cabinet; stored digital records must be password-protected.

§ 24-9 Administration of the Code of Ethics.

All TO/TEs must acknowledge receipt and review of this Code of Ethics at the commencement of their employment or service. The Town Clerk shall retain signed forms acknowledging such receipt and review.

- A. The Supervisor must cause the following notice to be posted publicly and conspicuously in each building under the municipality's control: "Town of Marbletown officers, employees and consultants must abide by the requirements of Local Law Chapter 15, Ethics. Copies of the local law may be obtained from the Town Clerk."
- B. The Supervisor must promptly cause a copy of the Code, including any amendments thereto, to be distributed to every person who is or becomes a TO/TE of the Town of Marbletown within 30 days after its enactment.
- C. Each TO/TE elected or appointed thereafter shall be furnished a copy when commencing the duties of their office or employment. Each TO/TE elected or appointed thereafter shall be furnished a copy of the Code before beginning their duties.
- D. Every TO/TE must acknowledge, in writing, receipt and review of a copy of this Code.
- E. The failure to post this Code or an amendment to the Code does not affect either the applicability or enforceability of the Code or the amendment. The failure of a TO/TE to receive a copy of this Code of Ethics or an amendment to the Code, or to acknowledge receipt thereof, in writing, does not affect either the applicability or enforceability of the code or amendment to the Code.
- F. The Town of Marbletown, upon issuance of this Code and at least annually thereafter, shall conduct mandatory training sessions with respect to this Code.

§ 24-10 Appropriation of Funds.

The Town Board may appropriate moneys from the general Town funds for the maintenance of, and for personnel services including legal counsel to, the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town moneys except with the appropriations provided herein.

§ 24-11 Filing of Claims Against Town.

Nothing herein shall be deemed to bar or prevent the timely filing, by a present or former TO/TE, of any claim, account, demand, or suit against the Town of Marbletown or any agency thereof on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 24-12 Penalties for Offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code may be censured, fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law. Civil penalties: Any TO/TE who violates any provision of this law, including any reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this chapter, shall be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of any civil penalty hereunder shall be recommended by the Board of Ethics. Assessment of a civil penalty shall be final unless modified, suspended, or vacated within 30 days of imposition and, upon becoming final, shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.

§ 24-13 Effective Date.

This Local Law shall become effective upon filing with the New York Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 10 of 2022 of the (County)(City)(Town)(Village) of MARBLETOWN was duly passed by the TOWN BOARD on OCTOBER 18 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 ____ , became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____ , pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Heather Moody

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *11/2/2022*

(Seal)

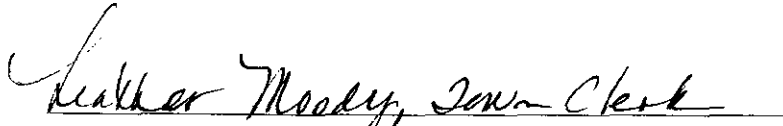
Effective Date of this Local Law

This Local Law shall be effective upon filing with the office of the Secretary of State, and the Town Clerk is directed to immediately file a copy of this Local Law with the New York State Secretary of State as required by law.

I hereby certify that the local law annexed hereto, designated as Local Law No. 10 of 2022 of the Town of Marbletown, was duly passed by the Town Board on October 18, 2022 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in above.

(Seal)



Heather Moody, Town Clerk

Date: 11/2/2022

STATE OF NEW YORK

COUNTY OF ULSTER



TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown was convened in a public session of the Town Hall, 1925 Lucas Ave Cottekill, New York on August 18, 2022, at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

PRESENT: Rich Parete, Tim Hunt and Daisy Foote

ABSENT: Don LaFera and Ken Davenport

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Hunt

RESOLUTION#85-2022 SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED LOCAL LAW NUMBER _____ OF 2022, A LOCAL LAW KNOWN AS CODE OF ETHICS

WHEREAS, the Town Board finds it to be in the best interests of the residents of the Town of Marbletown to amend Local Law# 2 of 2021, Code of Ethics, in order to achieve the purposes and objectives set forth in the Local law.

NOW THEREFORE, BE IT RESOLVED as follows:

1. A public hearing shall be held at the Town Hall, 1925 Lucas Avenue Cottekill NY 12419 on Tuesday September 6, 2022, at 6:05pm by interested persons, upon passage of this resolution, to hear all interested parties on the proposed Local Law # ___ of 2022 entitled "**A Local Law # ___, 2022 Code of Ethics** "

2. The Town Clerk is directed to advertise such public hearing in the official newspaper of said Town, on the website of said Town and is directed to refer the proposed local law to all municipalities adjacent to the Town and any other applicable entities as required.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Davenport	Voting <u>Absent</u>
Councilman Lafera	Voting <u>Absent</u>
Councilman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

Resolution #85-2022 was thereupon adopted.

Heather Moody, Town Clerk/Tax Collector

Dated: August 18, 2022



TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown was convened in a public session of the Town Hall, 1925 Lucas Ave Cottekill, New York on October 18, 2022, at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

PRESENT: Rich Parete, Tim Hunt, Don LaFera, Ken Davenport and Daisy Foote

ABSENT:

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport:

RESOLUTION# 103-2022: A LOCAL LAW CODE OF ETHICS

WHEREAS, a proposed local law entitled, “**Code of Ethics**” was presented to the Town Board on September 6, 2022; and the local law is intended to replace Local Law #3 of 2021 **Code of Ethics**, and

WHEREAS, a resolution was adopted by the Town Board of the Town of Marbletown on August 18, 2022, setting a public hearing to be held by said Town Board on September 6, 2022 at 6:05 p.m. at the Rondout Municipal Center, to hear all interested parties on the proposed local law; and

WHEREAS, notice of said public hearing was duly advertised in the Daily Freeman, the official newspaper of said Town, not less than ten days prior to the date of said public hearing; and

WHEREAS, said public hearing was duly held on September 6, 2022 at said time and place and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, at said public hearing comments were made and the Town Board has considered these suggested comments and has made minor inconsequential changes; and

WHEREAS, the proposed local law constitutes a Type I action for purposes of the State Environmental Quality Review Act; and

WHEREAS, the Town Board of the Town of has determined after review that the adoption of a Local Law known as the Code of Ethics Law does not have a significant environmental impact; and

WHEREAS, The Town Board of the Town of Marbletown after review finds that it is in the public interest to enact this local law.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Marbletown as follows:

1. The Town Board hereby adopts said Local Law No. __ of 2022, entitled, “ **Code of Ethics Law** ”.

2. The Town Clerk is hereby directed to enter said local law in the minutes of this meeting and to give due notice of the adoption of said local law to the Secretary of State of New York, and to take all other actions as may be required by law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Davenport Voting Aye

Councilman Lafera Voting Aye

Councilman Foote Voting Aye

Councilman Hunt Voting Aye

Supervisor Parete Voting Aye

Resolution #103-2022 was thereupon adopted.

Heather Moody, Town Clerk/Tax Collector

Dated: October 18, 2022