

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON JULY 21, 2021 AT 7:00 P.M.

RESOLUTION #16-225/2021

To adopt Local Law No. 11 of 2021 to update the Town of Henrietta Ethics Code at Chapter 109 by repealing and replacing the same with a revised version thereof, and to appoint members to the Board of Ethics as written except the appointment at item number 5 is being left vacant for the time being and appointment numbers 1 through 4 will be filled as written.

On Motion of
Councilmember Barley

Seconded by
Supervisor Schultz

WHEREAS, a public hearing has been duly advertised and held on a proposed Local Law to Update the Town of Henrietta Ethics Code at Chapter 109 by Repealing and Replacing the Same with a Revised Version Thereof; and

WHEREAS, the Henrietta Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law, specifically in that the local law will improve the Ethics Code of the Town of Henrietta, establishing clear and reasonable standards of ethical conduct and procedures associated therewith.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby adopts said Local Law No. 11 of 2021 to Update the Town of Henrietta Ethics Code at Chapter 109 by Repealing and Replacing the Same with a Revised Version Thereof, all as set forth in the attached Local Law, which is incorporated herein and made a part hereof.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Henrietta be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

BE IT FURTHER RESOLVED, that the following appointments are hereby made to the Board of Ethics, said terms commencing on July 21, 2021:

1. Linda Salpini, to the Town Officer seat, for a one-year term expiring on December 31, 2021;
2. Scott Biggar, for a partial term expiring on December 31, 2021;
3. Julius Jackson, for a partial term expiring on December 31, 2022;
4. Mary Bisbee-Burrows, for a partial term expiring on December 31, 2023; and
5. _____, for a partial term expiring on December 31, 2024,

after which, each of the four non-Town Officer seats will be appointed to four-year terms running from January 1st to December 31st. The Town Officer seat will be appointed on an annual basis, running from January 1st to December 31st of that year.

Duly put to a vote:

Councilmember Barley	voting	Aye
Councilmember Stafford	voting	Aye
Councilmember Sefranek	voting	Aye
Councilmember Bolzner	voting	Aye
Supervisor Schultz	voting	Aye

Carried

LOCAL LAW NO. 11 OF 2021 TO UPDATE THE TOWN OF HENRIETTA ETHICS CODE AT CHAPTER 109 BY REPEALING AND REPLACING THE SAME WITH A REVISED VERSION THEREOF

BE IT ENACTED, by the Town Board of the Town of Henrietta, Monroe County, State of New York, as follows:

Section I. Authorization

This Local Law is in accordance with NY's General Municipal Law at Section 806 and 808, as well as NY Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 11 of 2021 of the Town of Henrietta and may also be known and referred to as the "Henrietta Code of Ethics." The purpose of this local law is to update the Town of Henrietta's Ethics Code by repealing and replacing the same with a revised and updated version thereof.

Section III. Legislative Finding

Article 18 of the General Municipal Law prohibits the officers and employees of a town from having certain conflicts of interest and requires the Town Board to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them. The Henrietta Town Board recognizes that officers and employees of the Town of Henrietta, New York hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. In furtherance of this fundamental principle, this Code of Ethics establishes clear and reasonable standards of ethical conduct.

Section IV. Amendment of the Town of Henrietta Code of Ethics

Chapter 109 shall be repealed, and replaced entirely with the following Chapter:

Chapter 109 - Ethics

Article 1 – The Henrietta Code of Ethics.

Section 109-1. Purpose.

Article 18 of the General Municipal Law prohibits the officers and employees of a town from having certain conflicts of interest and requires the Town Board to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them. The Henrietta Town Board recognizes that officers and employees of the Town of Henrietta, New York hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. In furtherance of this fundamental principle, this Code of Ethics establishes clear and reasonable standards of ethical conduct.

Section 109-2. Definitions.

- A. "Town" means the Town of Henrietta, New York.
- B. "Board" means the Town Board of the Town of Henrietta, New York and any other board of the Town

(e.g. Planning Board, Zoning Board) which requires a quorum to meet or otherwise has been formally established by the Town of Henrietta.

- C. "Code" means this Code of Ethics.
- D. "Town officer or employee" means a paid or unpaid officer or employee of the Town of Henrietta, whether serving in a full-time, part-time, seasonal, temporary or advisory capacity, including, but not limited to, the members of any Board.
- E. "Relative" means a spouse, domestic partner, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a Town officer or employee, and individuals having any of these relationships to the spouse or domestic partner of the officer or employee.
- F. "Interest" means a direct or indirect financial or material benefit accruing to a town officer or employee or relative, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the town. A town officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

Section 109-3. Applicability.

This Code applies to the officers and employees of the Town. The provisions of this Code shall apply in addition to all applicable state and local laws and judicial precedents relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Town Law, and all rules, regulations, policies and procedures of the Town.

Section 109-4. Standards of Conduct.

- A. Prohibition on use of Town position for personal or private gain.

No Town officer or employee shall use his or her Town position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she has an Interest as defined in this Code.

- B. Investments and Interests in contracts in conflict with official duties.
 - 1. No Town officer or employee may directly or indirectly acquire or hold investments in any financial, business, commercial or other private transaction that creates a conflict with the person's official duties or that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
 - 2. No Town officer or employee may directly or indirectly acquire or hold investments that can be reasonably expected to require more than sporadic recusal and abstention.
 - 3. Except as provided in section eight hundred two of the General Municipal Law of New York:
 - a. No Town officer or employee shall have an Interest in any contract with the Town, when such officer or employee, individually or as a member of a board, has the power or duty to
 - i. negotiate, prepare, authorize or approve the contract or authorize or approve

- payment thereunder,
 - ii. audit bills or claims under the contract, or
 - iii. appoint an officer or employee who has any of the powers or duties set forth above.
 - b. No chief fiscal officer, treasurer, or his deputy or employee, shall have an Interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the Town.
 - c. Should a Town officer or employee wish to enter into a contract with the Town that would not be prohibited by this Section, said person may first have the proposed arrangement assessed by the Ethics Board of Ethics.
 - d. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any Town officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.
4. This section does not prohibit a Town officer or employee from acquiring any other investments or the following assets:
- a. real property located within the Town and used as his or her personal residence;
 - b. less than five percent of the stock of a publicly traded corporation; or
 - c. bonds or notes issued by the Town and acquired more than one year after the date on which the bonds or notes were originally issued.

C. Disclosure of interest in legislation, investments, contracts and other matters; Recusal and Abstention.

1. Whenever a matter requiring the exercise of discretion comes before a town officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the town officer or employee shall disclose in writing the nature of the interest. Any disclosure made by a Board member shall be made publicly at a meeting of the board and must be included in the minutes of the meeting, in which case a separate writing will not be required. All other disclosures shall be made to the officer or employee's supervisor.
2. The disclosure shall be made when the matter requiring disclosure first comes before the Town officer or employee, or when the Town officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
3. No Town officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an Interest.
 - a. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
 - i. if the power or duty is vested in a municipal officer as a member of a Board, then the power or duty shall be exercised or performed by the other members of the Board; or
 - ii. if the power or duty that is vested in a municipal 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.

iii. if the power or duty is vested in a municipal 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.

4. This code's prohibition on disclosure requirements and requirements relating to recusal and abstention shall not apply with respect to the following matters:
 - a. Adoption of the Town's annual budget;
 - b. Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - i. all municipal officers or employees;
 - ii. all residents or taxpayers of the municipality or an area of the municipality; or
 - iii. the general public; or
 - c. any matter that does not require the exercise of discretion.
5. Recusal and abstention shall not be required with respect to any matter:
 - a. which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting pursuant to Section C(3), or
 - b. which comes before a municipal officer when the officer would be prohibited from acting by section C(3) of this code and the matter cannot be lawfully delegated to another person.
6. In addition to the disclosure obligations contained in this section, those town officers and employees specified in Article 3 shall be subject to the mandatory annual financial disclosure filing requirements of this Chapter.

D. Private employment and agreements in conflict with official duties.

No Town officer or employee, during his or her tenure as a Town officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (a) can be reasonably expected to require more than sporadic recusal and abstention;
- (b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a Town officer or employee;
- (c) involves receiving, or entry into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the officer or employee, including the employee's Board or Department where he is employed, or a Board or Department over which he has jurisdiction or to which he has the power to appoint, hire or terminate any member, officer or employee; or
- (d) involves receiving, or entry into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the Town, whereby his compensation is to be dependent or contingent upon any action by the Town with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

(e) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

E. Future employment.

- (a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.
- (c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

F. Use of Town resources

No town officer or employee may use or permit the use of town resources for personal or private purposes, except as authorized by law or town policy.

G. Nepotism.

No town officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative from any position at, for or within the town or a town board; nor supervise a relative in the performance of the relative's official powers or duties. However, this section shall not be deemed to apply to any employment or supervisory arrangement pre-existing Code adoption.

H. Confidential Information.

No town officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

I. Gifts.

1. No town officer or employee shall directly or indirectly solicit any gift.
2. No Town officer or employee shall accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, when the gift reasonably could be expected or inferred to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties or as a reward for any official action on the part of the officer or employee.

3. This section does not prohibit:
 - a. gifts made to the municipality,
 - b. gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift (i.e., such as a birthday gift from a spouse),
 - c. unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars,
 - d. awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community;
 - e. meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants: or
 - f. gifts, fees or compensation related to the solemnization of marriages.
4. No Town officer or employee shall directly or indirectly compel or induce a subordinate Town officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
5. No Town officer or employee 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 municipal officer or employee, or an applicant for a position as a Town officer or employee, 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.

J. Personal representations and claims permitted.

This Code shall not be construed as prohibiting a Town officer or employee from representing himself or herself, or his or her relative before the town; or asserting a claim against the town on his or her own behalf, or on behalf of his or her relative.

Section 109-5. Posting and distribution.

- A. The Town Supervisor or designee shall promptly cause a copy of this code to be distributed annually to every person who is or becomes a Town officer and/or employee. An amendment to the code shall be distributed within ten days following the date on which the amendment takes effect.
- B. Every Town officer or employee who receives a copy of this Code or an amendment to the Code must acknowledge such receipt in writing. Such annual acknowledgments must be filed with the Town Clerk who shall maintain such acknowledgments as a public record.
- C. Neither the failure to distribute this code or an amendment to it, nor a Town officer or employee to receive a copy, shall affect either the applicability or enforceability of the Code or the amendment.

Section 109-6. Enforcement.

In addition to any penalty contained in any other provision of state or local law, inclusive of (but not limited to) any provisions at General Municipal Law Article 18, any Town officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in a manner provided

by law.

Article 2 - The Town of Henrietta Board of Ethics.

Section 109-7. Establishment of Board of Ethics.

- A. There is hereby established a Board of Ethics for the Town. The Board of Ethics shall consist of five members. A majority of the members of the Board of Ethics shall not be officers or employees of the Town, but at least one member must be a Town officer or employee.
- B. The members of such Board of Ethics shall be appointed by the Town Board, be residents or officers of the Town, and serve without salary or compensation for their services as members of the Board of Ethics. The Board of Ethics shall annually elect one member of the Board of Ethics as the Board Chair. At least one member of the Board of Ethics shall be from each of the two major political parties.
- C. Except for the first term after the adoption of the Code, four members shall be appointed to staggered four years terms, such that no more than one member's term shall expire in any given year. The fifth member, which shall be a Town officer or employee, shall be annually appointed for a one-year term. During the first terms after code adoption, members, other than the fifth member (the Town office or employee member), shall be appointed to partial terms of one, two, three or four years in order to establish the staggered terms which expire at the end of calendar years.
- D. The Town Board may remove a member of the Board of Ethics for cause shown, including and limited to: for repeated absences from meetings of the Board (defined as absence from 50% or greater of the Board of Ethics meetings in a given calendar year), violation(s) of this Code of Ethics, and/or for conviction of a felony. In the event the Town Board seeks to remove a Board member for cause, it shall issue of a notice to the Board member detailing the basis for cause. The Board member has fourteen days from the issuance of such notice to rebut the cause alleged, either in writing and/or via a meeting with the Town Board. After the fourteen days has passed and any rebuttal timely submitted from the Board member has been considered, the Town Board shall make a determination on whether to dismiss and terminate such Board member for cause.
- E. In the event of a vacancy on the Board of Ethics, the Town Board shall fill the vacancy for the remainder of the vacant term.

Section 109-8. Core Powers and Duties.

The Board of Ethics shall:

- A. Render advisory opinions to Town officers and employees with respect to Article 18 of the General Municipal Law and this Ethics Chapter, at the request of the Town officer or employee who is considering or engaging in the behavior of the matter to be advised upon. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules

and regulations as the Board of Ethics may prescribe. Such advisory opinions shall be confidential to the extent permitted by law, but the Board of Ethics may publish such opinions, provided that, without his or her express written consent, the name of the requesting person and other identifying details shall not be included in such publication.

- B. Render advisory opinions to the Town Board on any matter the Town Board deems appropriate for review by the Board of Ethics given the particular experience, duties and expertise of the same, upon formal request by the Town Board to the Board of Ethics.
- C. Act as the sole and exclusive repository, in a secure location provided by the Town Clerk on Town Hall premises, for all requests, complaints, advisory opinions, related documents, and completed annual financial disclosure statements filed pursuant to Article 3 of this Code. All such documents shall be retained in accordance with the town document retention policy.
- D. The Board of Ethics shall review all completed financial disclosure statements filed pursuant to Article 3 of this Code for possible conflicts of interest and improprieties and advise filers of the same.
- E. Review allegations raised by any persons alleging violations of Article 1 of this Chapter by a Town officer or employee, and render advisory opinions to the Town Board concerning the same, subject to the following procedures, and such additional rules and regulations not inconsistent herewith as the Board of Ethics may adopt.
 - (1) Allegations to be reviewed by the Board of Ethics shall be made in writing to the Board of Ethics and 1) shall cite to the specific provision of Article 1 of this Chapter which the complainant alleges to be violated and 2) shall concern a specific identifiable employee(s) or officer(s) of the Town.
 - (2) Upon receipt of a written allegation, the Chair of the Board of Ethics shall call a meeting of the Board to consider whether to proceed with review. The Board shall review the allegation and consider the following when determining whether to proceed with substantive further review of the allegation:
 - a. Whether the allegation cites to and actually concerns a specific provision of Article 1 of this Chapter,
 - b. Whether the allegation concerns a specific identifiable employee(s) or officer(s) of the Town, and
 - c. Whether the allegation contains at least a minimum amount of information reasonably sufficient to proceed with further review.
 - (3) After initial review, the Board of Ethics may determine:
 - a. To decline to consider the allegation for failure to satisfy the standards set forth above and to halt any further action on the same, or
 - b. To continue with substantive review of the allegation.
 - (4) During review of an allegation, at the discretion of the Board of Ethics, non-members may be asked to voluntarily participate in the Board's review for purposes of collecting information, etc. Such persons may be required to sign confidentiality agreements in order to participate.

- (5) Upon completing its review, the Board of Ethics, upon a vote of a majority of its members, may take any of the following actions:
- a. Issue a non-binding and advisory written report to the Town Board advising of its findings and conclusions, and, where appropriate, any recommended actions to be taken by the Town Board, which recommended actions may include:
 - i. Town Board issuance of a statement,
 - ii. Town Board issuance of a censure,
 - iii. Further review and additional action by the Town.
 - iv. Town Board referral to Law Enforcement,
 - v. Town Board referral to the State of NY, including the State Attorney General, or
 - vi. No further action required.
 - b. Refer the matter to Law Enforcement
 - c. Refer the matter to the State of NY, including the State Attorney General,
 - d. Refer the matter to Human Resources,
 - e. Decline to further review the allegation, for reasons including, but not limited to, lack of information, lack of resources, or lack of jurisdiction.
- (6) Upon request, copies of any written advisory opinion issued hereunder may be provided to the Town officer or employee against whom the allegation was made, the complainant, and/or the public, with redactions where appropriate (which may include but are not limited to withholdings or redactions that would be permitted under the Freedom of Information Law), or, a summary of the current status of the matter may be provided in lieu of the same (i.e., "The Board of Ethics rendered an advisory opinion to the Town Board for further action"), all at the discretion of the Board of Ethics, upon advice of legal counsel.

109-9 Additional Powers and Miscellaneous:

A. The Board of Ethics shall:

1. Promulgate rules and procedures for the performance of its duties not inconsistent with this Chapter, provided that
 - a. No meeting of the Board of Ethics shall proceed without the presence of a quorum of at least four members,
 - b. Although meetings of the Board of Ethics shall be convened in public session, its deliberations may take place in executive session pursuant to the NY Open Meetings Law,
 - c. Executive session proceedings shall be confidential, except as may otherwise be provided herein or in law, and the failure of any member to maintain confidentiality may result in the member's removal and expulsion from the Board of Ethics by the Town Board.
2. Maintain appropriate records of its opinions, proceedings and actions,

3. Prepare an annual report to be submitted to the Supervisor and Town Board during the fourth quarter of each calendar year summarizing its activities for the year, which may include recommendations with respect to the drafting and adoption of amendments to the Code of Ethics.

B. The Board of Ethics may:

1. Request such additional information from any person, Town officer and employee as necessary to carry out the provisions of this chapter,
2. Have the advice of legal counsel, which may include the Town's legal counsel,
3. As necessary, and where available per the Town Board, request support staff and assistance, to be considered and approved by the Town Board or Supervisor in furtherance of its duties and responsibilities.

Article 3 - Annual Financial Disclosure

Section 109-10. Filing Requirement

- A. All the Town officers and employees included in section B below shall file with the Board of Ethics an annual financial disclosure statement containing the information in a form adopted by the Town Board, as the same may be amended from time to time by the Town Board. Such statements shall be filed with the Board of Ethics within 90 days of employment or taking office and annually thereafter no later than the 15th day of March with respect to the preceding calendar year. The time for filing such statements may be extended, pursuant to the rules and regulations adopted by the Board of Ethics for justifiable cause and/or undue hardship, upon application to the Board of Ethics. For the purposes of this section, all persons required to file an annual financial disclosure statement will be referred to as "employees."
- B. Those Town officers or employees or who are required to file an annual financial disclosure statement are as follows:
 - (1) Supervisor.
 - (2) Members of the Town Board.
 - (3) Department heads and deputies.
 - (4) Assessor.
 - (5) Members of the Zoning Board.
 - (6) Members of the Planning Board.
 - (7) Members of the Board of Assessment Review.
 - (8) Members of the Board of Ethics
 - (9) Members of the Conservation Board
 - (10) Town Clerk and any Deputy Town Clerk(s).
 - (11) Any other positions so designated by the Town Board at the annual organizational meeting.

Section 109-11. Public Records and Confidentiality.

- A. All statements filed under this Article with the Board of Ethics shall become a public record except for any matter exempted by law or regulation, and those matters as determined in accordance with law by the Board of Ethics to be exempt from public review.

- B. Any part of a financial disclosure statement that has been deemed exempt from public review by the Board of Ethics in accordance with law shall be maintained by the Board of Ethics as confidential information. A breach of such confidentiality may be grounds for and result in removal of the Board of Ethics member by the Town Board.
- C. Any Financial Disclosure statement or part thereof which is not confidential or exempt from FOIL pursuant to law will be filed with the Town Clerk as a public record. Any confidential part thereof shall be redacted, and the original information shall be retained by the Board of Ethics.

Section 109-12 Conflicts of Interest.

- A. If, after review of a Financial Disclosure Statement, the Board of Ethics deems that a conflict of interest may exist or that there appears to be an impropriety that could reflect upon the integrity of the Town, the Board of Ethics shall act as follows:
 - (1) It shall specify by written advisory opinion that a conflict or impropriety may exist and the basis for its opinion, and shall mail its opinion by certified mail, return receipt requested, to the employee at the address listed on his or her personal record and notify the Town Board. Such advisory opinion shall be confidential to the extent permitted by law.
 - (2) The employee shall have 45 days from the date he or she receives the opinion to respond, rebut or refute the opinion of the Board of Ethics.
 - (3) The Board of Ethics may recommend to the employee a manner in which the alleged conflict of interest or appearance of impropriety may be rectified.
 - (4) If the employee fails to respond to the Board of Ethics within 45 days of the receipt of the advisory opinion or if an agreement to eliminate the alleged conflict or impropriety cannot be reached between the employee and the Board of Ethics, it shall refer the employee's statement or relevant portions of such statement along with its advisory opinion to the Town Board for further consideration and such action as it deems appropriate.

Section 109-13. Failure to File; Enforcement and Penalties.

- A. A reporting individual who knowingly and willfully fails to file an annual financial disclosure statement 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 financial disclosure statement filed pursuant to this section may be assessed a civil penalty in an amount not to exceed five hundred dollars. Assessment of a civil penalty hereunder shall be made by the Henrietta Town Justice Court upon the filing of an Information/prosecuting papers by the Town Prosecutor or District Attorney, following the adoption of an authorizing resolution by the Town Board.
- B. For a violation of this subdivision, other than for conduct which constitutes a violation of subdivision twelve of section seventy-three of the Public Officers Law, the Town Board may, in lieu of a civil

penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor.

- C. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the Town Board may impose disciplinary action as otherwise provided by law.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other Ordinances or Local Laws of the Town of Henrietta which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

Section VII. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Henrietta, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York.