

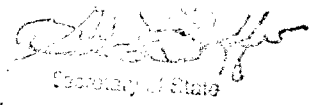
(Use this form to file a local law with the Secretary of State.)

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.

NEW YORK
DEPARTMENT OF STATE

FILED

JUL 27 1992



County
City
Town of Queensbury
Village

Local Law No. 8 of the year 19 92

A local law to amend the Code of the Town of Queensbury by deleting and repealing Chapter 14 thereof, Ethics, Code of, and replacing it with a New Chapter 14, to be entitled, Ethics and Disclosure Law, Which Chapter provides for a revised Code of Ethics, Disclosure Statutes, Ethics Advisory Board, and Penalties for non-Compliance

Be it enacted by the Town Board Council, Ethics Board, and Penalties for non-Compliance of the
(Name of Legislative Body)

County
City
Town of Queensbury
Village as follows:

SECTION 1.

The Code of the Town of Queensbury is hereby amended by deleting and repealing Chapter 14, Ethics, Code of.

SECTION 2.

The Code of the Town of Queensbury is hereby amended by adding thereto a new Chapter, to replace Chapter 14 hereinabove repealed, to be Chapter 14, Ethics and Disclosure Law to read as follows:

14.1 Purpose.

The citizens of the Town of Queensbury, New York, desire and require accountability and candor of its government, and more particularly of those individuals who perform responsible functions on behalf of the Town government. Any and all conflicts of interest on the part of the Town officials and employees is deleterious to the Town government and reflect unfavorably on those associated with that government.

Individuals who hold official positions as defined in this law constitute a distinct class of people whose public and personal affairs reflect upon, and relate to, the credibility and quality of government.

Therefore, the Town of Queensbury Ethics and Disclosure Law is introduced.

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

14.2 Title.

This Chapter shall be known as "Ethics and Disclosure Law."

14.3 Statutory Authority and Laws Effectuated.

This Chapter shall supplement or amend and may be more restrictive than the General Municipal Law Article 18 of the State of New York, only as set forth herein and it is not the intent of the Town Board to restrict the application of General Municipal Law Article 18 or dispense with any provision thereof except that this chapter is intended to supersede General Municipal Law § 808(3) concerning local ethics boards. The General Municipal Law and Municipal Home Rule Law of the State of New York is cited as the authority for this Local Law.

14.4 Definitions.

When used in this Chapter, the following words shall have the following meanings:

A. Officer, Official, or Employee shall mean:

[1] Any elected official of the Town of Queensbury.

[2] Any Town officer or employee.

[3] Any officer, employee, or member of any department, agency, improvement district, division, boards, bureaus, commissions, councils, or advisory committee including the Queensbury Economic Development Corporation of the Town of Queensbury,

except that officer or employee shall not include a judge, justice, officer, or employee of the Unified Court System.

B. "Interest," except where otherwise indicated, means a direct or indirect pecuniary or material benefit accruing to an officer or employee as a result of a contract with the Town of Queensbury. For the purpose of this article, an officer or employee will be deemed to have an interest in the contracts or relationship of:

1. His or her spouse and unemancipated children and dependents, except a contract of employment with the Town of Queensbury which such officer or employee serves.
2. A firm, partnership or association of which an official or employee or spouse of such officer or employee is a

member or employee whose wages or salary is directly and proportionately related to the firm's, partnership's or association's sales or business volume or in which the officer, employee, or spouse owns 5% or more ownership interest in the firm, partnership, or association.

3. A corporation of which such officer or employee or spouse of such of officer or employee is an officer, director, employee whose wages or salary is directly and proportionately related to the corporations sales or business volume or in which the officer or employee or spouse owns 5% or more of any outstanding shares of any class of stock.

C. "Spouse" means the husband or wife of the employee or officer unless living separate and apart from the employee or officer with the intention of terminating the marriage or providing for permanent separation, or unless separated pursuant to a judicial order, decree or judgment or a legally binding separation agreement.

D. "Unemancipated child" means any son, daughter, stepson or stepdaughter who is under age eighteen (18), unmarried and living in the household of the officer or employee.

E. "Dependents" means anyone who is claimed by the officer or employee as a dependent for Federal Income Tax purposes.

14.5 Prohibited Activities.

No official or employee shall:

A. Have an interest as defined in New York State General Municipal Law § 800 and as prohibited in New York State General Municipal Law § 801.

B. Enter into a contract as a subcontractor or otherwise, to perform services or supply materials or property to a person, business entity, or association which is or anticipates being under contract with the Town when the purpose or effect of the officer's or employee's contract is to ultimately provide materials or services to the Town through said other person, business entity or association.

C. Participate in the discussion, in his or her official capacity or vote on any contract under consideration by the Town or any agency, board or employee thereof, in which such officer or employee has an interest. The affected officer or employee may speak or comment on the contract as a private citizen after disclosure as herein required.

D. Participate in the discussion, in his or her official capacity or vote on any matter under consideration by the Town or any agency, board or employee thereof, where the officer or employee will enjoy a financial gain or suffer a financial loss as a result of action or non-action being considered or about to be undertaken by the Town, or any agency, board or employee thereof. The affected officer or employee may speak or comment on the matter as a private citizen after disclosure as required herein.

E. Participate in the discussion in his or her official capacity or vote on a matter under consideration by the Town, or any agency, board or employee thereof, where the employee or officer maintains a business relationship or other financial relationship with any person, business, entity or association which is advocating or otherwise suggesting that the Town, agency, board or employee undertake a certain course of action or decide the matter in a certain way, except that employment by the officer or employee of the said person, business, entity or association to represent or provide a service in a matter not related to the matter being considered for the Town, shall not be considered a business relationship or other financial relationship. Also, an officer and employee who is merely a member of an association and does not have a relationship with the association which results in business from the association or a business relationship with the association which will result in financial gains or losses of any nature, shall not be subject to the provisions hereof. The affected officer or employee may speak or comment on the matter as a private citizen after disclosure as required herein.

F. Solicit, directly or indirectly, any gift, or receive or accept any gift having value, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of his or her official duties, or was intended as a reward for any official action on his or her part, except that this provision shall not apply to (1) gifts or other things of value received from other Town officers or employees for purposes of being social, showing appreciation or celebrating a holiday or other event and (2) the receipt or acceptance of a gift under the value of \$25.00 where it is not practical, reasonable or possible to refuse or return the same and the gift is given or turned over to the Town or used for Town purposes.

G. Receive or enter into any agreement, expressed or implied, for services to be rendered for a third party in relation to any matter before any agency or board or Queensbury Economic Development Corporation of the Town of Queensbury.

H. Disclose confidential information acquired in the course of his or her official duties or use such information to further his or her personal interest.

I. After the termination of service or employment with the Town of Queensbury, appear before any board or agency of the Town of Queensbury on behalf of a third party for compensation or to further personal business or financial interest in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration.

J. 1. Appear or practice before a Town board, agency, department or district or Queensbury Economic Development Corporation, or receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before a Town board, agency, department or district of which the officer or employee was a member or for whom the officer or employee rendered advice or services for a period of one (1) year following the date of termination of employment or service with the Town, except that this provision shall not (a) prohibit the effected officer or employee from appearing or practicing before any board, agency, department or district, or in entering into any agreement for compensation for services performed for the Town or any board, agency, district, department thereof, or on said officer's or employee's own behalf, (b) apply to members of any advisory committee or members of any Board which do not receive any compensation other than for expenses incurred and which do not have authority to grant or deny permits, approvals or other relief to individuals, partnerships, associations or corporations requesting the same, (c) prohibit any firm, association or corporation or any member thereof in which any present or former Town officer or employee is a member, associate, retired member, of counsel, shareholder, employee or a partner, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with the Town where such Town official or employee does not participate in or receive compensation from services rendered in relation to any matter before or transaction of business before any Town agency, board, employee, district or department. The fact that the official's or employee's name appears in the firm, association or corporation name or on letterhead shall not constitute appearance of practicing, communicating, or rendering services on any matter before the Town.

2. The provisions of this paragraph 14.5 J. shall not be in force and effect until January 1, 1993 and shall not apply or be enforceable against any officer or employee, unless said official or employee is in the employ or associated with the Town of Queensbury on or after January 1, 1993.

14.6 Disclosure of Interest.

In addition to the disclosure requirements of General Municipal Law Sections 803 and 809:

A. Any officer or employee who has, will have or intends to acquire a financial interest or business interest or relationship with reference to any matter being considered by the Town of Queensbury or by any other official board, agency, officer or employee of the Town of Queensbury, will publicly disclose on the official record the nature and extent of such interest.

B. Any officer or employee who has, will have or intends to loan funds or acquire any security interest or acquire ownership of any stock or options to buy stock or similar types of interest in any business, including but not held to, for profit or not-for-profit corporation, partnership, association which business has an interest in any matter being considered by the Town of Queensbury or by any other official, board, agency, officer or employee, shall upon hearing of said business interest, disclose in writing that such ownership exists and submit the same to the Town Clerk. The Town Clerk shall present such writing to the Town Board, which shall direct that the writing be made a part of the official minutes of the meeting. If, in the discretion of the Town Board, further information concerning contract and dollar value of the interest is warranted, the Town Board may request and the affected Town official or employee shall furnish the same.

C. No person who is related by blood or marriage to a public officer or department head of the Town of Queensbury shall be employed by said public officer or department head before publicly disclosing the name, relationship and proposed employment to the Town Board and upon consent of a majority of said Board at a duly held meeting thereof.

14.7 Annual Code of Ethics Review.

A. Every officer and employee shall be required to attest on an annual basis that he or she has reviewed the Ethics and Disclosure Law of the Town of Queensbury and undertakes to conform to the provisions, purposes and intent thereof. Such attestation shall be made on an Ethics and Disclosure Law Review

Form on or before the first of April (4/1) each year or within thirty (30) days after the adoption of this law, whichever is later.

B. Newly appointed or elected officials or employees whose duties commence after the first of April (4/1) filing deadline will be required to submit an Ethics and Disclosure Law Review Form within thirty (30) days after the commencement of their duties or within thirty (30) days after the adoption of this law, whichever is later.

C. The penalties for failing to comply with paragraphs A and B of this subsection will be the same as those provided for in Section 14.11.

D. The Ethics and Disclosure Law Review Form shall be in a form substantially as follows:

ETHICS AND DISCLOSURE LAW REVIEW FORM

NAME:

ADDRESS:

TITLE:

DATE OF APPOINTMENT:

I, the undersigned, hereby attest that I have reviewed the Code of Ethics provisions in the Town of Queensbury Ethics and Disclosure Law.

I also attest that I have/will undertake to conform to the provisions, purposes and intent thereof.

Signature: _____

14.8 Disclosure.

All officials and employees except those identified in paragraph H. hereof shall file a Statement of Disclosure containing the information asked for on the annual Statement of Disclosure Form contained herein. The Statement will be filed with the Office of the Town Clerk no later than the first of April (4/1) of each year and will cover a period of twelve (12) months retroactively to the first of April (4/1) of the prior year, except that the first Statement of Disclosure required under and following adoption of this law shall be filed not later than 30 days after notice of the same except that same is provided to affected employees. The statement, at the option of the officer or employee, may be placed in a sealed envelope or folder.

A. Newly appointed or elected officials or employees whose duties commence after the first of April (4/1) filing deadline will be required to submit a Disclosure Statement within thirty (30) days after the commencement of their duties, except that the first Statement of Disclosure required under and following adoption of this law shall be filed not later than 30 days after notice of the same except that same is provided to affected employees. The Disclosure will cover the twelve (12) month period prior to the date of filing.

B. Within thirty (30) days of any change in the information contained in his or her most recently filed statement, the official or employee will file a signed amendment to the Statement reflecting that change.

C. The Town Clerk will verify that each official or employee subject to this law has filed his or her Statement and will notify the Ethics Advisory Council of any instance of noncompliance.

D. Financial Disclosure Statements will be maintained for a period of two (2) years from the date the officer or employee leaves office.

E. The Disclosure Statement shall be in a form substantially as follows:

DISCLOSURE STATEMENT

I hereby submit the following Disclosure Statement under oath listing the assets, liabilities and sources of income of myself, my spouse and unemancipated children.

Date of Statement :

(a) General Information:

Name:

Address:

Title:

Date of Appointment or Commencement of Work for the
Town of Queensbury:

Your Principal Occupation & Employer:

Name of Spouse:

Occupation & Principal Employer of Spouse:

(b) Please list any office, trusteeship, directorship, partnership or position of any nature, including that of stockholder whether compensated or uncompensated, held by you or your spouse with any proprietorship, partnership, corporation or other for profit or not-for-profit organization other than the Town of Queensbury (presently or during the preceding 12 months) which does business with the Town of Queensbury or has any matter pending before the Town Board, Planning Board or Zoning Board of Appeals.

(c) Please list any occupation, trade, business or profession presently engaged in by you or your spouse (presently or during the preceding 12 Months) which does business or has any matter pending with, or is licensed or regulated by a Town agency or department (indicate what Town agency or department):

(d) Please list below all sources of gross income in excess of \$10,000 per year except income from stock ownership for you, your spouse or unemancipated children:

All compensated employment of whatever nature:

All directorships and other fiduciary positions for which compensation has or will be claimed:

All contractual agreements producing or expecting to produce income:

All honorariums, lecture fees and other miscellaneous sources of income:

(e) Please list below the name and address of any proprietorship, partnership or corporation doing business with the Town of Queensbury or any agency or board thereof in which you, your spouse or unemancipated children presently have or have had in the preceding 12 months an interest of 5% or more:

Company Name:

Address:

(f) Please indicate below the location, general nature and acquisition date of any real property in the Town of Queensbury in which direct, indirect, vested or contingent interest is held by you, your spouse or unemancipated children along with the names of all individuals or entities who share a direct or indirect interest therein.

		Acquisition	Individuals or Entities
<u>Sharing</u>	<u>General Nature</u>	<u>Date</u>	<u>Sharing</u>
<u>Location</u>			
<u>Interest</u>			

*Please specify if commercial, industrial, residential, farm or vacant.

(g) Please list any direct or indirect interest, whether vested or contingent, of you, your spouse or unemancipated children in any contract made or executed by the Town of Queensbury or any agency or board thereof:

<u>Instrumentality</u>	<u>Description of Interest And Nature of Contract:</u>
------------------------	--

(h) Please list below all notes and accounts receivable *in excess of one thousand dollars (\$1,000.00) held by you or your spouse due from any entity doing business with the Town of Queensbury or any agency or board thereof:

<u>Name of Debtor:</u>	<u>Type of Obligation, Date Due and Nature of Security, If Any</u>
------------------------	--

*Deposit or investment accounts at banks, savings and loans associations, credit unions and investment firms do not constitute notes or accounts receivable.

(i) Please list below all liabilities, excluding contingent liabilities, (including the name of the creditor) of you and your spouse to any entity doing business with or having any matter considered by the Town of Queensbury or any agency or board thereof (do not include credit cards or ordinary consumer debt such as automobile and mortgage loans, or ordinary and customary business loans from banks, savings and loan associations and credit unions):

<u>Due Name of Creditor: If Any</u>	<u>Type of Obligation, Date and Nature of Security,</u>
---	---

(j) ANY ADDITIONAL INFORMATION FOR WHICH SPACE IS INADEQUATE:

I hereby certify that I have read the foregoing Disclosure Statement and the Addendum thereto (if applicable) and that, to the best of my knowledge and belief, they are true, correct and complete and that I have not and will not transfer any asset, interest or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

Signed _____

F. Upon receipt of any sealed or unsealed disclosure forms, the Town Clerk shall submit the same unopened if sealed to the Ethics Advisory Council which shall be the sole repository for such statements. Facilities for storing the same shall be made available by the Town Board at the Town offices. The storing facility shall be of such a nature that it can be locked to allow access by only the Ethics Advisory Council or under appropriate circumstances as set forth herein, the Ethics Advisory Board.

G. The Ethics Advisory Council shall have access to and may review the disclosure forms at any time and when doing so shall give the affected employee or officer written notice of such activity within five (5) business days. The Ethics Board shall have access to and may review the disclosure forms when considering complaints of unethical practices or instances of impropriety brought by the Ethics Advisory Council. All laws, rules and regulations concerning or affecting review or examination by members of the general public of Financial Disclosure Statements filed in accordance with Article 18 of the General Municipal Law as currently written, shall otherwise be applicable to review or examinations by members of the general public of disclosure forms required hereunder.

H. The following officers and employees shall not be required to file the Statement of Disclosure:

1. Employees classified by Civil Service as, mechanic, working foreman, water maintenance foreman, equipment operator, maintenance man, meter service man, water plant operator trainees, water plant operators, instrument technicians, laboratory operators, animal control officer, crematory assistant, laborer, senior account clerk, account clerk, clerk, assistant foreman, building maintenance persons, typists, cleaner, switchboard operator, senior typists, treatment plant technician, real property appraiser, principal account clerks, coordinator of senior center, court clerks, parts shop foreman, confidential secretaries, confidential administrative secretaries, secretaries, stenographers and senior stenographers, temporary or seasonal employees.
2. Members of advisory committees whose only function is to make advisory recommendations to the Town Board or other boards.

14.9 Ethics Advisory Council.

A. The Ethics Advisory Council will consist of five (5) members, each appointed by unanimous vote of the Town Board. Each appointee must reside in the Town of Queensbury. The Chairman will be selected by the majority vote of the council.

B. None of the members of the Ethics Advisory Council may hold other public office, elected or appointed, or be an employee of the Town of Queensbury.

C. The Ethics Advisory Council will serve a term of four (4) years; however, two of the original appointees will serve an initial term of two (2) years.

D. Three (3) members of the Ethics Advisory Council will constitute a quorum.

E. The members of the Ethics Advisory Council will not be compensated but will be reimbursed for reasonable expenses incurred in the performance of their duties.

F. The Ethics Advisory Council shall have the following responsibilities and duties:

1. The Ethics Advisory Council will meet at least quarterly on or about the first Monday in January, April, July, and October. At each meeting, the Ethics Advisory Council will hear or receive

complaints of unethical practices brought by any citizen and will review requests for advisory opinions made by Town officers or employees. At the quarterly meeting in April, the Ethics Advisory Council will review filed Disclosure Statements and Code of Ethics review forms which have been submitted by officials and employees.

2. The Ethics Advisory Council will review all filed Statements and complaints to determine whether a conflict of interest or impropriety exists between the public duties of the officials or employee and his private activities pursuant to this law.

3. Where the Ethics Advisory Council deems a conflict of interest or other impropriety adversely reflecting on the integrity of the town government does exist and, if in the sole opinion of the majority of the Ethics Advisory Council such conflict may warrant a public disclosure, the Council will cause and direct only relevant information pertaining to the conflict or impropriety of the particular official or employee to be filed with the Ethics Board. The Ethics Board will accept such Statements and maintain separate files for same.

4. Prior to the disclosure to the Ethics Board, the Ethics Advisory Council will specify, by written opinion, stating its findings of fact and conclusion, their reasons justifying their decision to notify the Ethics Board. Fifteen (15) days prior to the filing of the opinion with the Ethics Board, a copy will be mailed to the affected official or employee by Certified Mail, Return Receipt Requested. The official or employee may respond, rebut or otherwise refute the opinion of the Ethics Advisory Council, either in writing or personally or both, before the Council at a time and place specified by the Council. The failure of the official or employee to respond personally within twenty-one (21) days from the date the opinion is received will constitute a waiver by that official or employee. The Ethics Advisory Council may, in its discretion, amend, revise or rewrite its opinion or rescind by a majority vote of the entire membership its initial decision to disclose the official's or employee's purported conflict or appearance of impropriety.

5. In addition to all other powers conferred by this section, the Ethics Advisory Council may recommend to the official or employee a manner in which the conflict of interest, or appearance of impropriety, may be rectified. An affidavit by the official or employee detailing his compliance with the recommendations may be sufficient reason to rescind the Ethics Advisory Council's decision to make a disclosure to the Ethics Board. The affidavit must be delivered to the Council in the time and place set forth in the Council's Certified, Return Receipt Requested letter to the official or employee.

If the official or employee fails to follow the recommendations of the Ethics Advisory Council in curing the conflict of interest, or appearance of impropriety, that fact will also be disclosed to the Ethics Board. Nothing herein will be construed or interpreted to mean that the Ethics Advisory Council is under a duty to make recommendations to the official or employee.

6. Pending the response of the official or employee and final resolution of an issue pursuant to either subsections (3) and (4) herein, the Ethics Advisory Council will not disclose any information to the Ethics Board.

7. The Ethics Advisory Council will recognize exceptions with respect to extensions of time within which to file Disclosure Statements due to justifiable cause or undue hardship. The Council, by a majority vote, may grant additional periods of time for complying with the Disclosure Statement filing requirement and will impose time limitations upon such extensions.

8. The Ethics Advisory Council may permit an official or employee to delete from the Disclosure Statement one or more items of information upon a finding by a majority of the entire council that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the duties of the official or employee.

14.10 Ethics Board.

A. The Ethics Board will consist of five (5) members, each appointed by the unanimous vote of the Town Board. Each appointee must reside in the Town of Queensbury.

B. None of the members of the Ethics Board may hold any other public office, elected or appointed.

C. The Ethics Board members will serve a term of four years; however, two of the original appointees will serve an initial term of two (2) years.

D. Three (3) members of the Ethics Board will constitute a quorum.

E. The members of the Ethics Board will not be compensated, but will be reimbursed for reasonable expenses incurred in the performance of their duties.

F. Responsibilities

1. The Ethics Board will meet as necessary and when called upon to convene by the Ethics Advisory Council. At its meetings, the

Board will receive and consider complaints of unethical practices or instances of impropriety brought by the Ethics Advisory Council.

2. Where the Ethics Board deems a conflict of interest or other inappropriate adversely reflecting on the integrity of the town government does exist and, if in the sole opinion of the majority of the entire membership of the Ethics Board such conflict warrants a public disclosure, the Ethics Board will cause and direct only relevant information pertaining to the conflict or impropriety of the particular official or employee to be filed with the Town Board. The filing will constitute a public record to be made available to anyone who makes application to examine such record. The Town Board will accept such statements and maintain separate files for same.

3. Fifteen (15) days prior to the filing of the opinion with the Town Board, a copy will be mailed to the official or employee by Certified Mail, a Return Receipt Requested. The official or employee may respond, rebut or otherwise refute the opinion of the Ethics Board, either in writing or personally or both, before the Board at a time and place specified by the Board. The failure of the official or employee to respond personally within twenty-one (21) days from the date the opinion is received will constitute a waiver by that official or employee. The Ethics Board may, in its discretion, amend revise or rewrite its opinion or rescind by a majority vote of the entire membership its initial decision to make a public disclosure.

4. In addition to all other powers conferred by this section, the Ethics Board may recommend to the official or employee a manner in which the conflict of interest, or appearance of impropriety, may be rectified. An affidavit by the official or employee detailing his compliance with the recommendations may be sufficient reason to rescind the Ethics Board's decision to disclose the Statement or portion of the Statement to the Town Board. The affidavit must be delivered to the Board in the time and place set forth in the Board's Certified, Return Receipt Requested letter to the official or employee.

If the official or employee fails to follow the recommendations of the Ethics Board in curing the conflict of interest, or appearance of impropriety, that fact will also be disclosed to the Town Board.

5. Pending the response of the official or employee and final resolution of an issue pursuant to either Subsections (3) and (4) herein, the Ethics Board will not disclose any information to the Town Board or public.

6. In addition to any other powers and duties specified by this law, the Ethics Board will have the power and duty to conduct any

investigation necessary to carry out the provisions of this section. Pursuant to this power and duty, the Ethics Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

7. Notwithstanding, the provisions of Article VI of the Public Officers Law, the only records of the Ethics Board which will be available for public inspection are:

(a) So much of the information set forth in the Disclosure Form not exempted from examination by or disclosure to members of the general public by Sections 14.8 G hereof.

(b) Notices of reasonable cause pursuant to Section 14.11, paragraph A of this law.

(c) Notices of civil assessments imposed pursuant to this law.

(d) Disclosure Statements required by Section 14.6 hereof.

(e) Those records specifically indicated herein.

14.11 Members of Ethics Boards and Advisory Council.

A. Notwithstanding anything to the contrary herein, the Ethics Board will review and be the depository for the Disclosure Statements completed by the members of the Ethics Advisory Council, while the Ethics Advisory Council shall review and be the depository of the Disclosure Statements filed by the members of the Ethics Board.

B. Notwithstanding anything to the contrary herein, in the event that a complaint of unethical practice is brought by any citizen against a member of the Ethics Advisory Council or a request for an advisory opinion is made by a member of the Advisory Council, the same shall be reviewed by the Ethics Board and the Ethics Board shall have all authority and duties and responsibilities of the Ethics Advisory Council for such purposes in addition to its own authority, duties and responsibilities.

C. Notwithstanding anything to the contrary herein, in the event that a complaint of unethical practice is brought by any citizen against a member of the Ethics Board or a request for an advisory opinion is made by a member of the Ethics Board, the same shall be reviewed by the Ethics Advisory Council and the Ethics Advisory Council shall have all authority and duties and responsibilities of the Ethics Board for such purposes in addition to its own authority, duties and responsibilities.

14.11 Penalties.

A. If any official or employee refuses or fails, either unknowingly or intentionally to file a Statement as required by this law, the Ethics Board will notify the Town Board that said individual has not filed a Statement. Upon such notification, the Town Board may suspend the official or employee without pay (if compensated). In addition, the official or employee will also be notified by Certified Mail that no Statement has been filed.

Once a Statement has been filed, the Ethics Board will promptly notify the Town Board that the official or employee has complied with the filing requirement of this law, reinstate the official or employee and release all monies withheld.

Notwithstanding any other penalties imposed by this section, if any official or employee does not file a Statement within forty-five (45) days after being notified by the Ethics Board that said official or employee has failed to file, or if the official or employee files a Statement which otherwise fraudulently answered any question set forth in the Statement, or intentionally withheld any information asked for or demanded in the Statement, such action will be deemed a misconduct of office and will be grounds for suspension or dismissal. The Ethics Board will send a notice of reasonable cause to the Town Board of such instances of misconduct. The Town Board may take whatever action it deems appropriate to enforce a suspension or dismissal of the offending individual.

B. If any official or employee files a Statement with the intent to deceive, intentionally misrepresent, or to otherwise fraudulently answer any question set forth in the Statement, or to intentionally withhold any information asked for or demanded in the Statement, and if such deception or misrepresentation is found to be both intentional and material, then such official or employee may be assessed a civil penalty of not more than ten thousand dollars (\$10,000.00) by the Ethics Board.

Assessment of a civil penalty will be final unless suspended or vacated within thirty (30) days of imposition by the Ethics Board.

C. It will be a violation of this chapter for any individual, except the individual who filed such Statement, to disclose any information contained on a Disclosure Statement except as authorized by this law. A civil action may be brought by the Town Board against any person or organization that violates this paragraph.

D. Nothing in this section will be construed as precluding the prosecution of officials or employees for violations of any

offense, criminal or civil, pursuant to the laws, ordinances or statutes of the State of New York.

E. Any appointed official or employee who is dismissed from his or her position by virtue of a violation of this law will be prohibited for a period of three (3) years after the date of such dismissal from service as an official or employee as defined in Section 14.4A of this law.

14.12 Distribution.

A. The Supervisor of the Town of Queensbury shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Queensbury within thirty (30) days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

B. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code nor the enforcement of provisions thereof.

SECTION 3.

In the event that any word, term or provision of this Local Law should be declared void or unenforceable by a Court of Law, then such word, term or provision shall be deemed deleted from this Local Law and the same, to the extent possible, shall be read and interpreted and enforced as so amended.

SECTION 4.

This Local Law shall become effective immediately upon filing in the Office of the Secretary of State.