

**Town of Wilton
Ethics and Disclosure Law**

I. Title

This Local Law shall be known as the “Town of Wilton Ethics and Disclosure Law”

II. Purposes and Applicability

A. Purposes

The proper operation of a town government requires that its officers and employees be independent, impartial, and accountable to the people. All officers and employees shall conduct themselves in a professional and respectable manner towards the public and one another. Though assurance of such conduct will continue to rest primarily on personal integrity and community vigilance, the establishment of standards is another step toward ensuring government decisions are arrived at free of conflict of interest. It is also the purpose of this chapter to protect officials and employees from unwarranted accusations that impugn their integrity by distinguishing material conflicts of interest from those that are inconsequential, recognizing that for local government to attract and hold competent and professional public servants, public service must not require a complete divesting of all proprietary interests. In recognition of these goals, there is hereby established an ethics and disclosure law for all officers and employees in the Town of Wilton. In the event of any conflict or inconsistency between the provisions of this code and the provisions of Article 18 of the General Municipal Law, this code shall prevail, except that nothing in this code shall authorize conduct otherwise prohibited by Article 18 of the General Municipal Law.

B. Applicability

This Ethics and Disclosure Law is enacted pursuant to §806 of the General Municipal Law and §10 of the Municipal Home Rule Law. Officers and employees of the town must comply with the provisions of the Ethics and Disclosure Law, as well as the conflict of interest standards prescribed by Article 18 of the General Municipal Law. This Ethics and Disclosure law is in addition to the standards contained in Article 18, and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law.

III. Definitions

1. Confidential Information-means: Information not subject to disclosure pursuant to the Freedom of Information Law, found at NY Public Officers Law, § 85 *et seq.*; *or any other rule of law.*
2. Municipality-means: Town of Wilton
3. Interest-means: A direct or indirect pecuniary or material benefit accruing to an official or employee as the result of a contract, business or professional transaction or other relationship with the Town of Wilton. For the purpose of this section, an official or employee will be deemed to have an “interest” in the affairs of:
 - a. His or her spouse and unemancipated children.

- b. A firm, partnership or association of which an official or employee is a member or employee.
- c. A corporation of which such official or employee is an officer, director, employee or in which the official or employee owns 5% or more of any outstanding shares of any class of stock.
- d. A bank or other lending institution of which such official or employee is an officer, director, employee or in which the official or employee is vested with discretionary authority for the approval and disapproval of applications for, including but not limited to, the following: residential or commercial real estate loans and mortgages, consumer loans, automobile financing, commercial loans of any kind, bank deposit interest rates, regular or special rates on investment products.

4. Official, Officer or Employee-means,

- a. An official, officer or employee of the Town of Wilton, whether paid or unpaid, who is a member of one or more of the boards, commissions, departments or agencies listed below or who serves in any capacities which follows:

- 1. Town Board
- 2. Zoning Board
- 3. Planning Board
- 4. Highway Superintendent
- 5. Ethics Advisory Board
- 6. Independent Board of Assessment Review
- 7. Town Clerk
- 8. Town Attorney
- 9. Town Engineer
- 10. Assessors
- 11. Building Inspector
- 12. Assistant Building Inspector
- 13. Recreation Coordinator
- 14. Recreation Director
- 15. Recreation Commission
- 16. Town Comptroller
- 17. Planning & Zoning Attorney

- b. The Town Board reserves the right to add new classes of officials or Employees under this definition as deemed appropriate.

- 5. Spouse-means: Husband or wife of the employee or official unless living separate and apart from the employee or official 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 or estranged.

- 6. Unemancipated Child-means: Any son, daughter, stepson or stepdaughter who is under age 21 and living in the household of the official or employee.

7. Family Member-means: a parent, step-parent, sibling, step-sibling, spouse, child, step-child, grandparent, household member, or domestic partner of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

IV. **Code of Ethics**

A. **Prohibited activities.**

It is the policy of the Town of Wilton that all officials and employees should avoid potential conflicts of interest. A potential conflict exists whenever an official or employee has an interest, direct or indirect, which conflicts with his or her duty to the Town or adversely affects the individual's judgment in the discharge of their responsibilities. Therefore, no official or employee shall:

1. Take action in his or her official capacity in the discussion, negotiation or awarding of any contract or in business or professional dealings with the Town of Wilton or any agency thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or business or professional dealings.
2. Engage in, solicit, negotiate for or promise to accept private employment or receive services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge of his or her official duties.
3. Solicit directly or indirectly any gift or receive or accept any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form under circumstances in which it could reasonably be inferred that the gift was intended 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.
4. After the termination of service or employment with the Town of Wilton, appear before any board or agency of the Town of Wilton 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, unless so requested specifically by the Town Board.
5. Disclose confidential information acquired in the course of his or her official duties or use such information to further his or her personal interest.
6. Accept employment or engage in any business or activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or authority.
7. Take action on a matter before the Town or any instrumentality thereof when, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit to himself or herself.
8. Shall cause the municipality to expend more money and or town resources than is reasonably necessary for transportation, meals or lodging in connection with official travel.

9. Shall participate in the discussion or vote on any matter, exercise or perform any other official powers or duties in connection with any matter, when he or she has an interest in the matter and know or should know that a family member has an interest in the matter.
 - a.) If the person is an employee, he or she must refer the matter to their immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.
10. Shall have interest in a contract that is prohibited by §801 of the General Municipal Law
11. Shall participate in any decision whether to appoint, hire, promote, discipline or discharge a family member from any position at, for or within the Town of Wilton or an administrative board, commission or other agency of the municipality.
12. Shall use town monies for any political campaign or political activities.

B. Disclosure of Interest

1. Any official, employee, or family member of the official or employee who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the Town of Wilton or by any other official board, agency, officer or employee of the Town of Wilton, and who participates in discussion before or gives opinions or advice to any board, agency or individual considering the same, the official or employee shall publicly disclose on the official record the nature and extent of such interest.
2. Any official or employee of the Town of Wilton who has knowledge of any matter being considered by any board, agency, officer or employee of the Town of Wilton in which he or she or their family members will have or intends to acquire any direct or indirect interest shall disclose, in writing, his or her interest to such board, agency, officer or employee and the nature and extent thereof.
3. Every official and employee shall disclose interests in contracts with the municipality at the time and in the manner required by §803 of the General Municipal Law.

V. Disclosure

- A. All officials and employees of the Town of Wilton shall file an attestation and statement of disclosure on the 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.
- B. Newly appointed or elected officials or employees whose duties commence after the first of April (4/1) filing deadline shall submit a disclosure statement within 30 days after the commencement of their duties.

- C. Within 30 days of any change in the information contained in his or her most recently filed statement, the official or employee shall file a signed amendment to the statement reflecting that change.
- D. The Town Clerk shall verify that each official or employee subject to this chapter has filed his or her statement and shall notify the Ethics Board of any instance of noncompliance.
- E. Disclosure statements shall be preserved for not less than seven years from the date of filing by the Town Clerk.

VI. Public Access to Disclosure Statements

The Town Board recognizes that public access to disclosure statements filed by Town officials and employees enhances public confidence and deters or uncovers conflicts of interest or corruption. All disclosure statements are accessible to the public pursuant to the New York State Freedom of Information Law.

VII. Ethics Advisory Board

- A. The Ethics Advisory Board (EAB) shall consist of five members, each appointed by the affirmative vote of at least four (4) Members of the Town Board. Each appointee must reside in the Town of Wilton. The chair shall be selected by a majority vote of the Town Board.
 - 1. The initial board shall have 3 members, including the chair, serve 3 year terms and 2 members serve 2 year terms. The board shall also have 1 alternate member for a 1 year term. Thereafter, all members serve 2 year terms.
 - 2. The Ethics Board in existence at the time of the enactment of the Town of Wilton Ethics and Disclosure Law shall be dissolved.
- B. No member of the EAB shall be a constituted party committee person as defined in New York State Election Law or as a member or officer in any town wide candidate's campaign committee or hold elective office in the Town of Wilton. No member shall be a town employee, officer, or official. EAB members are prohibited from accepting the endorsement of any constituted party committee or accepting the designation of any party or independent body that files petitions on their behalf with the County or the State Board of Elections. Violation of this clause automatically disqualifies the member from the EAB or from participating in its deliberations.
- C. Not more than 2 members of the EAB shall be members of the same political party.
- D. The members of the EAB shall receive no compensation but shall be reimbursed for reasonable expenses incurred in the performance of their duties as approved by the Town Board.

- E. A member of the EAB may be removed from office by a majority plus one vote of the Town Board for failure to fulfill the duties of the office or for violation of this local law. The Town Board must give the member written notice and an opportunity to reply.
- F. If an EAB member is a complainant in an action before the EAB, that member must recuse his or herself from any participation in that complaint.

G. Powers and Duties

- 1. The EAB shall meet at least once annually on or about the first day of May. The EAB shall hear or receive complaints or comments brought by any citizen. The EAB shall review filed disclosure statements which have been submitted by officials and employees.
- 2. The EAB shall review all filed statements and complaints to determine whether a conflict of interest or impropriety exists between the public duties of the official or employee and their private activities pursuant to this law.
- 3. The EAB may prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner not inconsistent with this section or state or federal law. The EAB shall have the power to conduct hearings, determine violations, and submit advisory opinions to the Town Board. The EAB may also offer advice, conduct training and education to town officials and employees, and suggest changes to the Town of Wilton Ethics and Disclosure Law.
- 4. In addition to any other powers and duties specified by this chapter, the EAB 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 EAB may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books, documents or records, whether printed or electronic, which it may deem relevant or material. The EAB shall be able to refer any matter to a prosecutor. In all investigations, the accused shall have the right to reasonably prompt and thorough due process before an impartial EAB. The accused shall have the right to be promptly informed of the nature and cause of the accusation: to be provided with the names of the witnesses, any statements given and any evidence considered by the EAB, and this shall include the prompt disclosure of the name of any complainant against the accused; to have compulsory process for obtaining witnesses in his or her favor, and to have the assistance of counsel for his or her defense.
- 5. After considering the evidence and any rebuttal from the accused, the EAB shall make an initial determination as follows: First, it may conclude that no conflict of interest exists, it shall close its investigation and seal its files; Secondly, it may recommend to the accused a manner in which the conflict or impropriety may be rectified, and as more fully set forth in number 7 hereinbelow; or, thirdly the EAB may decide if, in the sole opinion of the majority of the entire membership of the EAB, such conflict warrants a public disclosure, the EAB shall 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, subject first to the procedure set forth below in paragraphs 6, 7 and 8. The filing will constitute a public record to be made available to anyone who makes application

to examine such record. The Town Board may vote to reject such records or statements by a majority plus one vote.

6.

At least 30 days prior to filing of the opinion with the Town Board, a copy shall be mailed to the official or employee by certified mail, return receipt requested. The official or employee may respond, rebut or otherwise refute the opinion of the EAB, either in writing or personally, or both, before the EAB at a time and place specified by the EAB. The failure of the official or employee to respond personally within 21 days from the date of opinion is received, without just cause, shall constitute a waiver by that official or employee. The EAB 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.

7. In addition to all other powers conferred by this section, the EAB 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 or her compliance with the recommendations may be sufficient reason to rescind the EAB's decision to disclose the statement or portion of the statement to the Town Board. The affidavit must be delivered to the EAB in the time and place set forth in the EAB's certified, return receipt requested, letter to the official or employee. If the official or employee fails to follow the recommendations of the EAB in curing the conflict of interest or appearance of impropriety, that fact will also be disclosed to the Town Board.

8. Pending the response of the official or employee and final resolution of an issue, the EAB shall not disclose any information to the Town Board or public.

9. The EAB must prepare an annual report to the Town Board on its activities.

H. Confidential Ethics Advisory Opinions

The EAB shall render confidential advisory opinions only at the request of officers, officials, and employees of the Town of Wilton with respect to Article 18 of the General Municipal Law and this Ethics and Disclosure Law. Officers, officials, and employees of the municipality are encouraged to seek advisory opinions whenever they are uncertain whether their conduct may violate the Ethics and Disclosure Law.

The EAB will prepare an advisory opinion, based on a thorough review of the facts and applicable law. The EAB's opinion is based solely on the facts presented in the request or subsequently submitted in a written, signed document. The opinion will be rendered in writing to the requester as expeditiously as is practicable, with special attention to the time requirements of a given case.

An officer, official or employee of the municipality whose conduct or action is the subject of an advisory opinion will not be subject to penalties or sanctions by virtue of acting, or failing to act, due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the material submitted by the requester.

The EAB will maintain a confidential indexed file of all advisory opinions issued.

VIII. Penalties for Offenses

A. Failure to file statement.

1. If any official or employee refuses or fails, either knowingly or intentionally, to file a statement as required by this chapter, the EAB shall 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 shall also be notified by certified mail that no statement has been filed.
 2. Once a statement has been filed, the EAB shall promptly notify the Town Board that the official or employee has complied with the filing requirement of this chapter, reinstate the official or employee and release all moneys withheld.
 3. Notwithstanding any other penalties imposed by this section, if any official or employee does not file a statement within 45 days after being notified by the EAB that said official or employee has failed to file, or if the official or employee files a statement which the EAB determines was filed with the intent to deceive, intentionally misrepresent or otherwise fraudulently answered any question set forth in the statement, or intentionally withheld any information asked for or demanded in the statement, such action shall be deemed an act of gross misconduct and shall be grounds for suspension or dismissal. The EAB shall 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 intentional and material or possibly criminal in nature, then such information may be disclosed to an appropriate law enforcement agency.
- C. Nothing in this section shall be construed as precluding the prosecution of officials or employees for violations of any offense, criminal or civil, pursuant to the laws, ordinances or statues of the State of New York.

IX. Ethics Training

A. All officers and employees of the town of Wilton and members of the Ethics Advisory Board (EAB) must complete an ethics training seminar on a biennial basis. Ethics training will be provided at the direction of the Town Board, in conjunction with the EAB. Ethics training will be provided by qualified professionals proficient in Municipal Ethics, and will be designed to keep recipients knowledgeable of current standards and issues in Municipal Ethics. The training seminar will be made available each year. Scheduling and records documenting compliance with this section will be performed and maintained by the Town Clerk.