

Adopted: April 16, 2019
EFFECTIVE DATE:

Councilman Dunne offered the following resolution and moved its adoption:

RESOLUTION ADOPTING A LOCAL LAW NO. 29-2019 TO REPEAL CHAPTER THIRTY-EIGHT OF THE CODE OF THE TOWN OF HEMPSTEAD AND OTHER TOWN BOARD RESOLUTIONS RELATING TO ETHICS AND ENACT A NEW CHAPTER THIRTY-EIGHT OF THE CODE OF THE TOWN OF HEMPSTEAD, TO BE ENTITLED "CODE OF ETHICS".

WHEREAS, the Town Board of the Town of Hempstead is empowered to enact and amend local laws pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and the Municipal Home Rule Law, as amended; and

WHEREAS, on the 2nd day of April, 2019, Councilman Blakeman introduced the proposed local law known as Intro. No. 21-2019, Print No. 1, to consider the repeal of the current chapter thirty-eight of the Code of the Town of Hempstead; the repeal of Town Board Resolutions 1718-1963, 1889-1974, and 1590-1990, all relating to Ethics; and to adopt a new chapter thirty-eight of the Code of the Town of Hempstead to be entitled "Code of Ethics"; and

WHEREAS, this Town Board on April 2nd, 2019 duly adopted Resolution No. 394-2019, calling a public hearing on the adoption of said local law and said hearing was held on the 16th day of April, 2019, at which time all persons desiring to be heard thereon were heard; and

WHEREAS, the proposed local law has been on the desks of the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, the following members of the Town Board were present:

Supervisor Laura A. Gillen
Council Member Dorothy L. Goosby
Council Member Bruce A. Blakeman
Council Member Erin King Sweeney
Council Member Anthony P. D'Esposito
Council Member Dennis Dunne, Sr.

; and

WHEREAS, it is in the public interest to adopt a local law for the repeal of the current chapter thirty-eight of the Code of the Town of Hempstead; the repeal of Town Board Resolutions 1718-1963, 1889-1974, and 1590-1990, all relating to Ethics; and to adopt a new chapter thirty-eight of the Code of the Town of Hempstead to be entitled "Code of Ethics";

Now Therefore Be It:

RESOLVED, that the said local law for the repeal of the current chapter thirty-eight of the Code of the Town of Hempstead; the repeal of Town Board Resolutions 1718-1963, 1889-1974, and 1590-1990, all relating to Ethics; and to adopt a new chapter thirty-eight of the Code of the Town of Hempstead to be entitled "Code of Ethics" is adopted; and be it further:

RESOLVED, that the Town Clerk file certified copies of this local law as required by the provisions of the Municipal Home Rule Law of the State of New York; and be it further:

RESOLVED, that the Town Clerk be and he hereby is directed to record these proceedings and to post and publish this local law in accordance with the provisions of Chapter 4 of the Code of the Town of Hempstead entitled "Local Laws: adoption"; and, be it further:

RESOLVED, that the Town Clerk file certified copies of this local law as required by the provisions of the Municipal Home Rule Law of the State of New York.

The foregoing resolution was seconded by Councilman D'Esposito and adopted upon roll call as follows:

AYES: SIX (6)

NOES: NONE (0)

ADOPTED: APRIL 16, 2019
EFFECTIVE DATE:

Pursuant to the provisions of the New York State Constitution and the Municipal Home Rule Law of the State of New York, as amended, the Town Board of the Town of Hempstead, Nassau County, New York, has hereby enacted the following Local Law:

A Local Law to repeal Chapter Thirty-Eight of the Code of the Town of Hempstead and other Town Board Resolutions relating to ethics and enact a new Chapter Thirty-Eight of the Code of the Town of Hempstead, to be entitled Code of Ethics

CHAPTER 38

* * * * *

Be it enacted by the Town Board of the Town of Hempstead as follows:

§ 1.

Article 18 of the General Municipal Law establishes standards of conduct for the officers and employees of a town and prohibits them from having certain conflicts of interest. Section 806 of the General Municipal Law requires the governing body of each town to adopt an Ethics Code that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them. A Code of Ethics adopted by the governing body of a town must set forth standards of conduct for the guidance of the officers and employees of the town with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable. The Town Board previously adopted Chapter 38, but is aware that other resolutions relating to ethics were not previously repealed or incorporated into the existing Chapter 38, to wit: Town Board Resolutions 1718-1963, 1889-1974, and 1590-1990. Further, our Town's ethics counsel advises us that the current Chapter 38 is not a comprehensive statement of the municipal ethics principles and standards of conduct applicable to municipal officers and employees. Rather than address the current Chapter 38 clause by clause, the Board believes, to avoid inconsistencies, it is preferable to repeal the existing Chapter 38 and other previous Town Board resolutions relating to ethics, and adopt this new, clearer and more comprehensive Chapter 38 of the code of the Town of Hempstead.

§ 2.

The current Chapter 38 of the Code of the Town of Hempstead is hereby repealed, and Town Board Resolutions 1718-1963, 1889-1974, and 1590-1990 are also repealed. The new Chapter 38 "Code of Ethics" is hereby enacted, and shall read as follows:

Chapter 38

Code of Ethics

Article I – General Provisions

- §38-1. Purpose.
- §38-2. Definitions.
- §38-3. Applicability.

Article II – Code of Conduct

- §38-4. Use of Town Position for Personal or Private Gain.
- §38-5. Prohibited Business and Professional Dealings and Contracts.
- §38-6. Recusal.
- §38-7. Prohibition Inapplicable; Recusal and Disclosure Not Required.

- §38-8. Investments in Conflict with Official Duties.
- §38-9. Secondary Employment in Conflict with Official Duties.
- §38-10. Future Employment.
- §38-11. Independent Contractors.
- §38-12. Personal Representations and Claims Permitted.
- §38-13. Use of Town Resources.
- §38-14. Nepotism.
- §38-15. Political Solicitations.
- §38-16. Use of Town Position to Infringe or Punish Free Speech.
- §38-17. Confidential Information.
- §38-18. Gifts, Tips and other Benefits.
- §38-19. Inducement of Others.
- §38-20. Criminal Convictions.

Article III – Disclosure

- §38-21. Particular Matter Disclosure.
- §38-22. Disclosure of Interests in Town Contracts.
- §38-23. Applicant Disclosure in Land Use Applications.
- §38-24. Annual Financial Disclosure.

Article IV – Board of Ethics.

- §38-25. Board of Ethics
- §38-26. Powers and Duties of the Board of Ethics.

Article V - Miscellaneous

- §38-27. Existing Rights and Remedies.
- §38-28. Posting and Distribution.

**ARTICLE I.
GENERAL PROVISIONS**

§ 38-1. Purpose.

Officers and employees of the Town of Hempstead hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town of Hempstead recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Chapter establishes those standards.

§ 38-2. Definitions.

(a) “Interest” means a direct or indirect financial or material benefit, 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 or an area of the Town, or a lawful class of such residents or taxpayers. A Town officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, registered domestic partner or dependent, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s equity or debt, whether in the form of outstanding stock or otherwise.

(b) “Relative” means a spouse, child, stepchild, parent, stepparent, grandparent, grandchild, sibling or stepsibling, niece, nephew, aunt, uncle or first cousin of a Town officer or employee.

§ 38-3. Applicability.

(a) This Chapter applies to all officers and employees of the Town of Hempstead, whether paid or unpaid, including the members of any Town department, agency, board or commission.

(b) Article II, Section 38-10 (Future Employment) of this Chapter applies to current and former officers and employees of the Town.

(c) Article II, Section 38-11 (Independent Contractors) of this Chapter applies to independent contractors of the Town.

(d) Article II, Section 38-12 (Personal Representations and Claims Permitted) and Article II, 38-18 (Inducement of Others) of this Chapter applies to officers and employees of the Town and independent contractors of the Town.

(e) Article III, Section 38-23 of this Chapter (Applicant Disclosure in Land Use Applications) applies to applicants, petitioners or parties requesting a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any local law, rule or regulation constituting the zoning and planning regulations of the Town.

(f) The provisions of this Chapter shall supplement all applicable State and local laws relating to conflicts of interest and municipal ethics including, but not limited to, article 18 of the General Municipal Law and all related rules, regulations, policies and procedures of the Town of Hempstead.

(g) The termination of an officer's or employee's term of office or employment with the Town shall not affect the jurisdiction of the Board of Ethics or the Town Board with respect to the requirements imposed by this Chapter on the former officer or employee for his or her actions or interests while a Town officer or employee.

ARTICLE II. CODE OF CONDUCT

§ 38-4. 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 material benefit, whether financial or otherwise, for

- (a) Himself or herself,
- (b) A Relative, dependent or member of his or her household,
- (c) Any private organization in which he or she has an Interest,
- (d) A person from whom the officer or employee has received a private loan or loans, or a gift or gifts, having an aggregate value of seventy five dollars (\$75.00) or more during the previous twelve months.

§ 38-5. Prohibited Business and Professional Dealings and Contracts.

(a) Except as provided in Section 38-12 of this Chapter, no Town officer or employee whether paid or unpaid, shall accept or retain other employment, engage in any business transactions, make or retain any investments, have any financial interest, or engage in other activities that directly or indirectly create a conflict with his or her official duties.

(b) Without limitation to the foregoing, 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 or commission, has the power or duty, whether or not exercised, to:

(1) Negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;

(2) Audit bills or claims under the contract, or

(3) Appoint an officer or employee who has any of the foregoing powers or duties.

(d) For the purposes of this Section, the term "contract" means any claim, account or demand against or agreement with the Town, express or implied.

(e) Notwithstanding the foregoing, for the purposes of this Section, the term "contract" shall not include:

- (1) The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of Town funds except when the chief fiscal officer, treasurer, or his deputy or employee, has an Interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the Town would be required because of the foregoing restriction, a bank or trust company within the municipality may nevertheless be so designated;
- (2) A contract with a person, firm, corporation or association in which a Town officer or employee has an Interest which is prohibited solely by reason of his or her status as an officer or employee thereof, if the compensation from such employment will not be directly affected as a result of the contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of the contract;
- (3) The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law;
- (4) The purchase by the Town of real property or an Interest therein, provided the purchase and the consideration therefor is approved by order of the supreme court upon petition of the Town Board;
- (5) The acquisition of real property or an Interest therein, through condemnation proceedings according to law;
- (6) A contract with a membership corporation or other voluntary nonprofit corporation or association;
- (7) The sale of bonds and notes pursuant to Section 60.10 of the Local Finance Law
- (8) A contract in which a Town officer or employee has an Interest if such contract was entered into prior to the time he or she was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract;
- (9) A contract with a corporation in which a Town officer or employee has an Interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
- (10) A contract for the furnishing of public utility services at rates or charges that are fixed or regulated by the public service commission;
- (11) A contract for the payment of a reasonable rental of a room or rooms owned or leased by a Town officer or employee, used in the performance of his or her official duties, and designated as an office or chamber;
- (12) A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the office;
- (13) A contract in which a Town officer or employee has an Interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an Interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars.
- (14) A contract with a member of a private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an Interest, provided the member discloses such Interest to the council and the member does not vote on the contract.

§ 38-6. Recusal.

No Town officer or employee shall participate in any decision or take any official action requiring the exercise of discretion, including discussing, deliberating or voting on a matter, when he or she knows or has reason to know that the action may confer a direct material, financial or other benefit on a person or entity specified in Section 38-4 of this Chapter.

§ 38-7. Prohibition Inapplicable; Recusal and Disclosure Not Required.

- (a) The requirements relating to recusal set forth in Section 38-6 of this Chapter, and the disclosure requirements set forth in Article III of this Chapter, shall not apply with respect to the following matters:
 - (1) Adoption of the Town's annual budget;
 - (2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a similarly situated class of such people:
 - (i) All or substantially all Town officers or employees;
 - (ii) All or substantially all residents or taxpayers of the Town or an area of the Town; or
 - (iii) The general public; or
 - (iv) Any ministerial matter (a matter that does not require the exercise of discretion).
 - (3) Uncompensated participation by a member of the Town Board, or by a Town Board member's staff on behalf of such member, in public advocacy whether or not on behalf of a constituent.
 - (4) Appearance by a Town employee before a Town department, agency, board or commission in a representative capacity on behalf of an employee organization in any matter where such appearance is duly authorized by the employee organization.
 - (5) Uncompensated participation in public advocacy by a Town officer or employee who serves as a political party chairperson.
- (b) Recusal shall not be required, but disclosure pursuant to Article II of this Chapter shall be required, with respect to any matter:
 - (1) Which comes before a board or commission when a majority of the entire membership of the board or commission would otherwise be prohibited from acting; or
 - (2) Which comes before a Town officer when the officer would be prohibited from acting and the matter cannot be lawfully delegated to another person.

§ 38-8. Investments in Conflict with Official Duties.

- (a) No Town officer or employee shall acquire or maintain any investment:
 - (1) The ownership of which requires that the Town officer or employee frequently and inevitably recuse himself or herself; or

- (2) That would impair his or her independence of judgment in the exercise or performance of his or her official powers and duties.
- (b) This Section shall not prohibit a Town officer or employee from acquiring or maintaining the following:
 - (1) Real property located within the Town and used as his or her personal residence;
 - (2) Less than five percent of the stock of a publicly traded corporation; or
 - (3) 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.

§ 38-9. Secondary Employment in Conflict with Official Duties.

- (a) No elected Town official or Town employee serving as staff to the Board or to a Town Board member, shall receive or agree to receive, directly or indirectly, any compensation for consulting or advisory services in connection with any proposed local law or resolution of the Town Board.
- (b) No Town officer or employee shall ask for, pursue or accept secondary employment with any person or organization that has a matter requiring the exercise of discretion pending before the Town officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 30 days following final disposition of the matter.
- (c) No Town officer or employee, during his or her tenure as a Town officer or employee, shall engage in any secondary employment, or engage in any business, commercial, or professional activity, when the secondary employment or business, commercial or professional activity:
 - (1) Involves duties that are incompatible with those of the official duties of the Town officer or employee;
 - (2) May be reasonably expected to require frequent and inevitable recusal;
 - (3) May be reasonably expected to require disclosure or personal use of confidential information gained by reason of serving as a Town officer or employee;
 - (4) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection with any matter before any Town department, agency, board or commission of which he or she is an officer, member or employee or of any Town department, agency, board or commission over which he or she has jurisdiction or to which he has the power to appoint any member, officer or employee;
 - (5) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection with any matter before any Town department, agency, board or commission, whereby his compensation is to be dependent or contingent upon any action by such department, agency, board or commission 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; or

- (6) Involves the representation of a person or organization other than the Town, or pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services rendered in connection with any application, request, claim or proposal before any Town department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the Town is a party.
- (d) Notwithstanding the foregoing, in the absence of an actual conflict of interest, a person serving the Town or any agency thereof without compensation shall not be subject to the prohibitions set forth in subdivision (6) of this Section 38-9

§ 38-10. Future Employment.

- (a) No Town officer or employee shall 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 Town officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No Town officer or employee, for the one-year period after serving as a Town officer or employee, shall appear before or communicate in any form with the Town office, board, department or comparable organizational unit for which he or she served, except:
 - (1) On behalf of the State or a political subdivision or instrumentality thereof;
 - (2) Uncompensated transitional consultation regarding the duties of his or her former Town office or position;
 - (3) In furtherance of the interests of the Town with the approval of the Board of Ethics upon application of the his or her former Town department, agency, board or commission;
 - (4) For a social or other purpose not involving the official business or affairs of the Town; or
 - (5) For the purpose of uncompensated advocacy on behalf of a person or entity not specified in Section 38-4 of this Chapter.
- (c) No Town officer or employee, at any time after serving as a Town officer or employee, shall represent or render services to a private person or organization in connection with any particular matter in which he or she personally and substantially participated while serving as a Town officer or employee, except on behalf of the State or a political subdivision or instrumentality thereof, or in furtherance of the interests of the Town with the approval of the Board of Ethics upon application of a Town department, agency, board or commission.

§ 38-11. Independent Contractors.

No independent contractor or employee of an independent contractor of the Town shall seek to exert undue influence, or to obtain an undue preference, on behalf of a private interest, directly or indirectly, in a matter before any Town department, agency, board or commission. A violation of this Section shall be cause for termination of the independent contractor's engagement with the Town.

§ 38-12. Personal Representations and Claims Permitted.

This code shall not be construed as prohibiting a Town officer or employee or an independent contractor of the Town from:

- (a) Seeking or accepting Town services, benefits, or the use of Town facilities, on the same terms and conditions as are available to Town residents or a class of similarly situated Town residents.

- (b) Representing, without compensation, himself or herself, a Relative, a dependent, or a member of his or her household before a Town department, agency, board or commission other than the one served by the Town officer, employee or independent contractor; or
- (c) Asserting a claim against the Town on his or her own behalf, or on behalf of a Relative, dependent or member of his or her household, unless the claim is prohibited by Section 38-5 of this Article, or by Section 801 of the General Municipal Law.

§ 38-13. Use of Town Resources.

- (a) Town resources shall be used only for lawful Town purposes. Town resources include, but are not limited to, Town personnel, compensated time, money, vehicles, equipment, letterhead, postage, printing services, materials, supplies or other property.
- (b) No Town officer or employee shall use or permit the use of Town resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - (1) Any use of Town resources authorized by law, Town policy or collective bargaining agreement to which the Town is a party;
 - (2) The use of Town resources for personal or private purposes when provided to a Town officer or employee as part of his or her compensation; or
 - (3) The occasional and incidental use of Town telephones and computers for necessary personal, non-business matters such as family care and changes in work schedule.
- (c) Without limitation of the foregoing, no Town officer or employee shall use town resources for the following purposes:
 - (1) The sale or purchase of tickets to political events;
 - (2) The solicitation of membership or participation in a political party, committee or club;
 - (3) The solicitation of a contribution to an election campaign, political party, committee or club, or a political action committee; or
 - (4) The production or distribution of campaign materials or literature.
- (d) No Town officer or employee shall cause the Town to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§ 38-14. Nepotism.

Except as otherwise required by law:

- (a) No Town officer or employee, either individually or as a member of a Town Board or commission, shall participate in any decision to appoint, hire, promote, discipline or discharge a Relative, dependent or a member of his or her household.
- (b) No Town officer or employee shall directly supervise a Relative, dependent or member of his or her household in the performance of such person's official duties.

§ 38-15. Use of Town Position to Induce or Reward Political Contributions.

- (a) No Town officer or employee shall directly or indirectly use his or her authority or official influence to 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.
- (b) No Town officer or employee shall 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 Town 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.

§ 38-16. Use of Town Position to Infringe or Punish Free Speech.

No Town officer or employee shall use his or her Town position or official powers and duties to abridge the exercise of constitutionally protected speech, nor to retaliate for the exercise of constitutionally protected speech by a subordinate Town officer or employee, a Town independent contractor, or the officers, employees or agents of a Town independent contractor.

§ 38-17. Confidential Information.

- (a) No current or former Town officer or employee shall disclose confidential information concerning the property, government or affairs of the Town or any other confidential information of an official character obtained as a result of Town employment except when disclosure is required by law or when such information is otherwise available to the public, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.
- (b) No Town officer or employee shall directly or indirectly intercept or access an electronic communication sent or received by another Town officer or employee, except pursuant to the Freedom of Information Law or other statutory authority, a court order, a duly issued subpoena, or pursuant to an investigation authorized by the Town Attorney.

§ 38-18. Gifts, Tips and other Benefits.

- (a) No Town officer or employee shall directly or indirectly solicit any gift or other benefit from a person who has received or sought a financial benefit from the Town within the previous twelve months.
- (b) No Town officer or employee shall accept any gift or other benefit from a person who the Town officer or employee knows or has reason to know has received or sought a financial benefit from the Town within the previous twelve months.
- (c) No Town officer or employee shall solicit, accept or agree to accept any gift, tip or other benefit for having engaged in official conduct which he or she was required or authorized to perform, and for which he or she was not entitled to any special or additional compensation.
- (d) No Town officer or employee shall accept or receive any gift, tip or other benefit, or multiple gifts, tips or other benefits from the same donor in a twelve month period, having an aggregate value of seventy-five dollars or more when:
 - (1) the gift, tip or other benefit would reasonably appear to be intended to influence the officer or employee in the exercise or performance of his or her official duties;
 - (2) the gift, tip or other benefit would reasonably be expected to influence the officer or employee in the exercise or performance of his or her official duties; or

- (3) the gift, tip or other benefit would reasonably appear to be intended as a reward for any official action on the part of the officer or employee.
- (e) For purposes of this Section, a "gift, tip or other benefit" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift, tip or other benefit is its fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater.
- (f) Notwithstanding the foregoing, this Section shall not prohibit:
 - (1) Gifts made to the Town;
 - (2) Gifts from a person with a family or personal relationship with the officer or employee when it is reasonable to conclude that the personal relationship, rather than the recipient's status as a Town officer or employee, is the primary motivating factor for the gift;
 - (3) Gifts given on non-recurring special occasions, such as marriage, illness, or retirement, which are reasonable and customary;
 - (4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
 - (5) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a Town officer or employee, or other service to the community; or
 - (6) Incidental meals and refreshments provided when a Town officer or employee is a speaker or participant at a job-related professional, charitable, educational, or community conference, program or event;
 - (7) Gifts or benefits having a value of one hundred (\$100.00) dollars or less that are received by a Town officer or employee serving in a capacity listed in Section 11 of the Domestic Relations Law for the solemnization of a marriage by the officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business;
 - (8) Gifts or benefits having a value of seventy five (\$75.00) dollars or less that are received by a marriage officer appointed by the Town Board pursuant to Section 11-c of the Domestic Relations Law and serving without salary or wage, for the solemnization of a marriage by the officer or employee.
 - (9) Contributions made in accordance with federal or state election law.

§ 38-19. Inducement of Others.

No Town officer, employee or independent contractor shall induce a Town officer, employee or independent contractor to violate, nor aid a Town officer, employee or independent contractor in violating, any of the provisions of this Chapter.

§ 38-20. Criminal Convictions.

- (a) No person convicted of a felony, or a misdemeanor involving a violation of his or her oath of office, shall hold Town elective office unless such conviction shall have been reversed or vacated; a certificate of relief from civil disabilities shall not be the basis for eligibility to hold Town elective office.
- (b) No appointed officer of the Town shall continue in service after having been convicted of a felony, or a misdemeanor involving a violation of his or her oath of office, except as provided herein.

(c) No employee of the Town shall continue in service after having been convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in Corrections Law §753.

(d) No independent contractor of the Town shall continue in service after having been convicted of a crime that is directly related to the Town engagement, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in Corrections Law §753.

(e) A former employee of the Town convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall be eligible for reinstatement if such conviction shall have been reversed or vacated, or upon consideration of the factors set forth in Corrections Law §753.

(f) A former independent contractor of the Town convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall, in the discretion of the appointing authority, be eligible for reinstatement if such conviction shall have been reversed or vacated, or upon receipt of a certificate of relief from civil disabilities.

ARTICLE III. DISCLOSURE

§ 38-21. Particular Matter Disclosure.

Whenever a Town officer or employee is required to recuse himself or herself under the Chapter, he or she: (1) shall promptly inform his or her department head, if any, and the Town Attorney; and (2) shall promptly file with the Town Clerk a signed statement disclosing the reason for recusal or, if a member of a board or commission that maintains a public record of its proceedings, shall promptly state that information upon the public record of the board or commission.

§ 38-22. Disclosure of Interests in Town Contracts.

- (a) Where a Town officer or employee, or his or her spouse, knows that he or she has or will have an Interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the Town, the officer or employee shall publicly disclose the nature and extent of that Interest in writing to his or her department head and to the Town Attorney as soon as he or she has knowledge of the actual or prospective Interest.
- (b) For purposes of this disclosure requirement:
 - (1) The term "contract" shall mean any claim, account or demand against or agreement with the Town, express or implied; and
 - (2) A Town officer or employee shall be deemed to have an Interest in the contract of his or her Relative, dependent or household member, and any private organization when he or she, or his or her Relative, dependent or household member is an owner, partner, member, director, officer, employee, individually or in the aggregate, directly or indirectly owns or controls more than 5% of the organization's equity or debt, whether in the form of outstanding stock or otherwise.

§ 38-23. Applicant Disclosure in Land Use Applications.

- (a) Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any local law, rule or regulation constituting the zoning and planning regulations of the Town shall state the name, residence, and the nature and extent of the interest of any officer of the state, or any officer or employee of the County of Nassau, or of the Town, in the person, partnership or association making the application, petition or request to the extent known.

(b) For the purpose of this disclosure requirement, an officer or employee shall be deemed to have an interest in the applicant when he or she, his or her spouse, domestic partner, or their brothers, sisters, parents, children grandchildren, or the spouse of any of them:

- (1) Is the applicant, or
- (2) Is an officer, director, partner, or employee of the applicant, or
- (3) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a limited liability company, partnership, or association applicant (except that ownership of less than five percent of the stock of a publicly traded corporation shall not constitute an interest for the purposes of this disclosure requirement, or
- (4) Is a party to an agreement with such an applicant, express or implied, whereby he or she will receive any payment or other benefit, whether or not for such services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

§ 38-24. Annual Financial Disclosure.

(a) Persons required to file annual statements of financial disclosure. The following Town Officers and Employees (“individually and collectively, “Reporting Person”) shall file an annual statement of financial disclosure with the Board of Ethics:

- (1) Elected Town officials,
- (2) Department heads, deputy department heads, and division heads,
- (3) Attorneys, engineers, architects, accountants, auditors and real estate agents employed by the Town,
- (4) Code enforcers, licensed inspectors, licensed inspector trainees, and investigators
- (5) Town Officers or Employees holding a policymaking position.
- (6) Candidates for elective Town office, and
- (7) Town political party chairs.

(b) Policymaking positions. For the purposes of this Section, a person shall be considered to hold a policymaking position if he or she exercises responsibilities of a broad scope in the formulation of plans for the implementation of goals or policy for a local agency or acts as an advisor to an individual in such a position. In determining whether a person holds a policymaking position, the following factors shall be considered, applied to the powers and duties of the position as set forth in the job description or any applicable law or regulation as well as the actual duties performed by the person:

- (1) Whether the position permits meaningful input into the governmental decision-making process on issues where there is room for principled disagreement on goals or their implementation;
- (2) Whether the powers and duties of the position are broadly defined and require more than the exercise of simple ministerial competence;
- (3) Whether the position permits the person to exercise control over other officers or employees;
- (4) Whether the position involves the establishment of priorities or the development of programs;
- (5) Whether the position requires or authorizes the conducting of studies or entails a significant degree of involvement in the preparation of budgets or budget requests for a local agency or municipality;

- (6) Whether the position authorizes the person to speak on behalf of local elected officials or other policymakers;
- (7) Whether the position entails frequent contact with local elected officials or their principal deputies.

(c) Form of statement.

- (1) All Reporting Persons shall file a disclosure statement in the form annexed hereto as Appendix A, as such form may be modified from time to time by resolution of the Town Board.
- (2) The Board of Ethics shall recommend any amendments to the forms of financial disclosure statement that it deems warranted or that may be required by law, and shall submit such recommended amendments, in the form of a resolution, to the Town Board for consideration.

(d) Time for filing.

- (1) Reporting Persons other than candidates for elected Town office shall file financial disclosure statements with the Board of Ethics on or before May 15 of each year or, if later, on or before the thirtieth day following the commencement of Town service.
- (2) Candidates for Town elective office shall file financial disclosure statements with the Board of Ethics within thirty days of nomination or designation pursuant to the applicable provisions of the Election Law.

(e) Designation of officers and employees required to file annual disclosure statements.

- (1) No later than the last day of March of each year: (i) the Department of Human Resources shall cause to be filed with the Board of Ethics, with a copy to the Town Attorney, a list of the names and offices or positions of all officers and employees of the Town required to file annual disclosure statements pursuant to this Section 38-23(a)(1) through (4); and (ii) the Town Attorney shall notify all such officers and employees of their obligation to file an annual disclosure statement.
- (2) No later than the last day of March of each year: (i) the Town Attorney shall cause to be filed with the Board of Ethics a list of the names and offices or positions of all Reporting Persons required to file annual disclosure statements pursuant to this Section 38-23(a)(5), (6) and (7); and (ii) the Town Attorney shall notify all such persons of their obligation to file an annual disclosure statement.
- (3) Any person designated as a person required to file an annual disclosure statement solely by reason of holding of a policymaking position as that term is used in this Chapter, may apply to the Board of Ethics for reconsideration of his or her filing status and the Board of Ethics may, upon application or upon its own initiative, grant an exemption from filing based upon the criteria set forth herein.

(f) Maintenance and public inspection of disclosure statements. All statements filed with the Board of Ethics shall be available for public inspection and copying; except that:

- (1) The Board of Ethics may, on its own initiative, to the extent permitted by the Freedom of Information Law (Article 6 of the Public Officers Law) withhold from public disclosure particular information, the disclosure of which would constitute an unwarranted invasion of personal privacy; or
- (2) A Reporting Person may request that such information be withheld from public disclosure, and the Board of Ethics, in its discretion, may grant such request to the extent permitted by the Freedom of Information Law (Article 6 of the Public Officers Law).

(3) Upon receipt of a request made pursuant to the Freedom of Information Law for inspection or copying of an Annual Statement of Financial Disclosure ("Disclosure Statement") the Board of Ethics or its designee shall: Inform the filing person of the FOIL request; advise the filing person that the Board will delete from public disclosure the filing person's home address, the names of the filing person's dependent children, and the categories of amounts set forth on the Disclosure Statement; Permit the filing person to identify such other information set forth on the Disclosure Statement that the filing person believes would result in an unwarranted invasion of personal privacy if disclosed; Determine whether the Board has the discretion to deny access to the information so identified pursuant to Freedom of Information Law § 87(2) and, if so, whether the Board will exercise its discretion to do so, and Advise the filing person of its determination before making the Disclosure Statement available for inspection or copying.

(4) Disclosure Statement filed by a Town elected officer shall be published on the Town's website within thirty days of the date of filing, except that prior to such publication, the Board of Ethics or its designee shall: Inform the Town elected officer that the Disclosure Statement will be published on the Town's website; advise the Town elected officer that the Board will delete from public disclosure the Town elected officer's home address, the names of the Town elected officer's dependent children, and the categories of amounts set forth on the Disclosure Statement; Permit the Town elected officer to identify such other information set forth on the Disclosure Statement that the Town elected officer believes would result in an unwarranted invasion of personal privacy if disclosed; Determine whether the Board has the discretion to deny access to the information so identified pursuant to Freedom of Information Law § 87(2) and, if so, whether the Board will exercise its discretion to do so, and Advise the Town elected officer of its determination before publishing the Disclosure Statement.

(g) Review of lists and disclosure statements.

(1) The Board of Ethics shall review:

(i) The lists of officers and employees required to file annual disclosure statements pursuant to this Chapter. The Board of Ethics shall add the name of any other officer or employee which the Board of Ethics determines should appear on the list and shall remove the name of any officer or employee which the Board of Ethics determines should not appear on the list.

(ii) All annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this Chapter.

(iii) All applicant disclosure statements.

(2) If the Board of Ethics determines that an annual disclosure statement, or a transactional disclosure statement is deficient or reveals a possible or potential violation of this Chapter, the Board of Ethics shall notify the person in writing of the deficiency, or possible or potential violation and of the penalties for failure to comply with this Chapter.

ARTICLE IV. BOARD OF ETHICS

§ 38-25. Board of Ethics.

(a) There is hereby established a Board of Ethics for the Town. The Board of Ethics shall consist of five members, one of whom shall be the Town Attorney, two of whom shall be nominated by the Majority Caucus subject to confirmation by the Town Board, one of whom shall be nominated by the Town Supervisor subject to confirmation by the Town Board, and one of whom shall be nominated by the Minority Caucus subject to confirmation by the Town Board. The members of the Board of Ethics shall reside in the Town. The members of the Board of Ethics shall receive no salary or compensation for their services as members of the Board of Ethics.

(b) The Board of Ethics shall meet at least once each quarter.

- (c) The Town hereby exercises its authority under the Municipal Home Rule Law to supersede Section 808(2) of the General Municipal Law as follows. The members of the Board of Ethics other than the Town Attorney shall serve for fixed, staggered terms of four years; with the first members so appointed serving for terms of four years, three years, two years, and one year, respectively. With the exception of the Town Attorney, no member of the Board of Ethics shall otherwise be an officer or employee of the Town nor a Relative of Town officer or employee.
- (d) No more than two members of the Board of Ethics shall be enrolled members of the same political party.
- (e) The Board of Ethics shall elect a chairperson from among its members at the first meeting of each year.
- (f) The Board of Ethics shall have the confidential advice of legal counsel appointed by the Town Board or, if none, the Town Attorney, and the services of a confidential secretary otherwise employed by the Town.
- (g) Pursuant to the authority granted by Freedom of Information Law § 87, counsel to the Board of Ethics is designated as the person from whom Board of Ethics records may be obtained.

§ 38-26. Powers and Duties of the Board of Ethics.

- (a) The Board of Ethics shall have the following powers and duties:
 - (1) To prescribe and promulgate rules of procedure for the discharge of its duties;
 - (2) To review, index, and maintain on file, and make available for public inspection and copying, lists of officers and employees required to file annual disclosure statements, particular matter disclosure statements, applicant disclosure statements, and annual disclosure statements filed with the Board of Ethics pursuant to this Chapter;
 - (3) To grant exemptions from filing annual statements of financial disclosure from persons designated as policymakers based on the criteria set forth in the Chapter;
 - (4) To grant exemptions from disclosure of identifying client or customer information to the extent permitted by the Freedom of Information Law (Article 6 of the Public Officers Law). In determining a request for such an exemption, the Board of Ethics may consider, among other things, such advisory opinion as the reporting individual may obtain from the applicable professional ethics authority. In addition, the Board of Ethics may consider the nature and size of the client or customer; the significance of the application, request, claim or interest in any proposal or matter before the Town; whether the disclosure may reveal trade secrets; whether disclosure may reasonably be expected to create a risk of retaliation against the client or customer; whether disclosure may cause undue harm to the professional relationship between the reporting person and the client or customer; and whether disclosure may result in an undue invasion of the privacy of the client or customer.
 - (5) To review, index, maintain on file, and dispose of sworn complaints and to make notifications and conduct investigations pursuant to this Chapter;
 - (6) To conduct hearings, recommend disciplinary action to the appointing authority, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to this Chapter;

- (7) To grant waivers pursuant to this Chapter;
- (8) To render, index, and maintain on file advisory opinions pursuant to this Chapter;
- (9) To provide ethics training and education to Town officers and employees;
- (10) To prepare an annual report to the Town Board and recommend changes to this Chapter; and
- (11) To provide for public inspection and copying of its records, subject to the terms and conditions set forth in this Chapter and in the Freedom of Information Law (Article 6 of the Public Officers Law).

(b) Investigations.

- (1) Upon receipt of a complaint by any person alleging a violation of this Chapter, any applicable State or local law relating to conflicts of interest and municipal ethics including, but not limited to, article 18 of the General Municipal Law, or any related rule, regulation, policy or procedure of the Town of Hempstead, or upon determining on its own initiative that there are reasonable grounds for concluding that any such violation may exist, the Board of Ethics shall conduct such investigation as it deems necessary or appropriate to carry out the provisions of this Chapter.
- (2) The Board of Ethics shall acknowledge receipt of all complaints that it receives, and shall proceed with reasonable promptness to conduct such investigations thereof as it deems necessary or appropriate.
- (3) In conducting investigation, the Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of books or records that it deems relevant and material.
- (4) Complainants shall be afforded such whistleblower protections as may be provided by law, to the extent applicable.
- (5) The Board of Ethics shall state in writing the disposition of every complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all complaints shall be indexed and maintained on file by the Board of Ethics.
- (6) Any person filing a complaint with the Board of Ethics shall be notified in writing of the disposition of the complaint, to the extent permitted by law.
- (7) All documents and hearings relating to the investigation and hearing of any alleged violation of this Chapter shall be confidential and not available for public inspection or open to the public, except as otherwise required by this Chapter or by the Freedom of Information Law (Article 6 of the Public Officers Law) . All dispositions, including negotiated dispositions, in which the Board of Ethics finds a violation of this Chapter shall be available for public inspection and copying.
- (8) Nothing in this Section shall be construed to permit the Board of Ethics to conduct an investigation of itself or of any of its members or staff. If the Board of Ethics receives a complaint alleging that the Board of Ethics or any of its members or staff has violated any provision of this Chapter, or of any other law, the Board of Ethics shall promptly transmit a copy of the complaint to the Town Board, with a copy to the Town Attorney.

(c) Assessment of penalties; referral for prosecution.

(1) Civil fine. In its discretion after a hearing providing for due process procedural mechanisms, the Board of Ethics may assess a civil fine, not to exceed ten thousand (\$10,000) dollars for each violation, upon any Town officer, employee or independent contractor found by the Board of Ethics to have violated this Chapter. The civil fine shall be payable to the Town.

(2) Referral to Prosecutor. The Board of Ethics may refer to the appropriate prosecutor any matter that, in the judgment of the Board of Ethics, might involve criminal misconduct. Nothing contained in this Chapter shall be construed to restrict the authority of any prosecutor or the attorney general to prosecute a violation of this Chapter or of any other law. If such a referral is made, the Board of Ethics shall defer taking any further action in the matter pending a determination by the prosecutor that the matter will or will not result in a prosecution.

(d) Recommendation of other sanctions. In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Board of Ethics may recommend that the Town Board impose one or more of the following sanctions:

(1) Disciplinary action. The Board of Ethics may recommend that the Town impose appropriate disciplinary action.

(2) Damages. The Board of Ethics may recommend that the Town initiate an action in the Supreme Court of the State of New York to obtain monetary damages.

(3) Civil forfeiture. The Board of Ethics may recommend that the Town initiate an action or special proceeding, as appropriate, in the Supreme Court of the State of New York to obtain civil forfeiture.

(4) Debarment. The Board of Ethics may recommend that the Town initiate an action or special proceeding, as appropriate, in the Supreme Court of the State of New York for an order of debarment.

(5) Injunctive relief. The Board of Ethics may recommend that the Town initiate an action or special proceeding, as appropriate, in the Supreme Court of the State of New York for injunctive relief to enjoin a violation of this Chapter or to compel compliance with this Chapter.

(e) Nothing in this Section shall be construed to permit the Board of Ethics to take any action with respect to any alleged violation of this Chapter, or of any other law, by the Board of Ethics or by any member or staff member thereof.

(f) Nothing in this Section shall be construed to permit the Board of Ethics to take any action which would violate the terms of any collective bargaining agreement to which the Town is a party.

(g) Waivers.

(1) Upon written application by a current or former Town officer, employee or independent contractor, and upon written approval by his or her department head, the Board of Ethics may grant the applicant, or his or her private employer or business, a waiver of any of the provisions of Sections 38-4 (Use of Town position for personal or private gain), 38-6 (Recusal), 38-8 (Investments in conflict with official duties), 38-9 (Secondary employment in conflict with official duties), 38-10 (Future employment), 38-14 (Nepotism), and 38-17(b) and (d) (Gifts) of this Chapter, where the Board of Ethics finds that waiving such provision

would not be in conflict with the purposes and interest of the Town, provided, however, that no such waiver shall permit any conduct or interest otherwise prohibited by Article 18 of the General Municipal Law.

- (2) Waivers shall be in writing, shall state the grounds upon which they are granted, and shall be available for public inspection and copying. All applications, decisions, and other records and proceedings relating to waivers shall be indexed and maintained on file by the Board of Ethics.

(h) Advisory opinions.

- (1) Upon the written request of any current or former Town officer, employee or independent contractor inquiring about himself or herself, or upon the request of the head of a Town department, agency, board or commission inquiring about a person subject to his or her supervision, the Board of Ethics shall render a written advisory opinion with respect to the interpretation or application of this Chapter, any applicable State and local laws relating to conflicts of interest and municipal ethics including, but not limited to, article 18 of the General Municipal Law, and all related rules, regulations, policies and procedures of the Town of Hempstead, to the future or continuing conduct or interests of such Town officer, employee, independent contractor or his or her outside employer or business.

- (2) Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board of Ethics. The Board of Ethics shall publish such of its advisory opinions as it believes will provide guidance to other Town officers or employees, provided, however, that the publicly available copy of such opinions shall contain such deletions as may be necessary to prevent disclosure of the identity of the involved officers and employees. Advisory opinions and requests for advisory opinions shall otherwise be confidential and not available for public inspection or open to the public, except as required by this Chapter or by the Freedom of Information Law (Article 6 of the Public Officers Law).

(i) Training and education. The Board of Ethics:

- (1) Shall make information concerning this Chapter available to the officers, employees and independent contractors of the Town, to the public, and to persons interested in doing business with the Town;
- (2) Shall develop educational materials and an educational program on the provisions of this Chapter for the officers, employees and independent contractors of the Town, for the public, and for persons interested in doing business with the Town.
- (3) The Town Board shall assist the Board of Ethics in the publication, posting, and distribution of a plain language guide and other ethics information and educational materials, including but not limited to posting such ethics information and educational material on the Town website, and in the development and presentation of ethics educational programs.
- (4) Each Town officer and employee shall receive ethics training, in such form as determined by the Board of Ethics, within six months of the effective date of this Chapter or within six months of the commencement of Town service, if later; thereafter, all Reporting Persons as defined by Section 38-24 (Annual Financial Disclosure) of this Chapter other than candidates for Town elective office and Town political party chairs shall receive such ethics training at least biennially, and all other Town officers and employees shall receive such ethics training at least once every four years.

(j) Annual reports; review of ethics laws.

(1) The Board of Ethics shall prepare and submit an annual report to the Town Board summarizing the activities of the Board of Ethics. The report may also recommend changes to the text or administration of this Chapter.

(2) The Board of Ethics shall periodically review this Chapter and the administrative procedures promulgated by the Board of Ethics, to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear, reasonable and enforceable standards of conduct.

ARTICLE V. MISCELLANEOUS

§ 38-27. Existing Rights and Remedies.

No existing right or remedy shall be lost, impaired, or affected by reason of this Chapter.

§ 38-28. Posting and Distribution.

(a) The Town Supervisor shall promptly cause a copy of this Chapter, and a copy of any amendment to this Chapter, to be posted publicly and conspicuously in each building under the Town's control. The code shall be posted within ten days following the date on which the code takes effect. Any amendment to this Chapter shall be posted within ten days following the date on which the amendment takes effect.

(b) The Town Supervisor shall promptly cause a copy of this Chapter, including any amendments to the code, to be distributed to every person who is or becomes an officer, employee or independent contractor of the Town.

(c) The failure to post this Chapter or any amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a Town officer or employee to receive a copy of this Chapter or an amendment to this Chapter does not affect either the applicability or enforceability of the code of ethics or amendment to the code.

APPENDIX A

**TOWN OF HEMPSTEAD
ANNUAL STATEMENT OF FINANCIAL DISCLOSURE**

REPORTING PERIOD: CALENDAR YEAR 20_____

ALL QUESTIONS MUST BE COMPLETED.

1. NAME AND ADDRESS.

Last Name Middle Initial First Name

Title

Department or Agency

Department or Agency Address Telephone No.

Residence Address Telephone No.

2. SPOUSE AND CHILDREN.

Provide the name of your spouse (if married) and the names of any dependent children: If none, place a check mark in the following box.

none.

Spouse	Child/Age
Child/Age	Child/Age

NOTE: FOR QUESTIONS 3 TO 6. DO NOT REPORT EXACT DOLLAR AMOUNTS. INSTEAD, REPORT CATEGORIES OF AMOUNTS, USING THE FOLLOWING:

- CATEGORY A: UNDER \$5,000
- CATEGORY B: \$5,001 TO UNDER \$10,000
- CATEGORY C: \$10,001 TO UNDER \$25,000
- CATEGORY D: \$25,001 TO UNDER \$50,000
- CATEGORY E: \$50,001 TO UNDER \$100,000
- CATEGORY F: OVER \$100,000

3. FINANCIAL INTERESTS.

- a. **Business Positions.** List any office, trusteeship, directorship, partnership, or other position in any business, association, proprietary, or not-for-profit organization held by you and your spouse or your dependent children, if any, and indicate whether, to your knowledge, during the reporting period, these entities had any application, request, claim or interest in any proposal before a Town department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the Town is a party. If none, place a check mark in the following box.

none

Name of Family Member	Position	Organization	Town Department Agency and Nature or Involvement

- b. **Outside Employment.** Describe any outside occupation, employment, trade, business, or profession providing more than \$1,000 per year for you and your spouse and dependent children, if any, and indicate whether such activities are regulated by any state or local agency. If none, place a check mark in the following box.

none

Name of Family Member	Position	Name, Address, and Description of Organization	State or Local Agency	Category of Amount

c. **Clients and Customers Doing Business with the Town.** Identify any client or customer: (i) from which you know that you, your outside employer, firm, limited liability company, partnership, association, or corporation in which you are the owner of more than five percent of the outstanding shares of corporate stock, derived income in excess of five thousand dollars (\$5,000), and (ii) that you know, during the reporting period, had any application, request, claim or interest in any proposal before a Town department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the Town is a party.

Do not identify any client or customer that received medical, pharmaceutical or dental services, or mental health services.

Do not identify any client or customer that received residential real estate services, other than services rendered in connection with a land use application.

Do not identify any client or customer represented in connection with an investigation or prosecution by law enforcement authorities, bankruptcy, family court, estate planning, or domestic relations matters.

Do not identify any client or customer represented pursuant to an insurance policy, but identify the source of compensation paid to you or the firm.

Do not disclose information prohibited from disclosure by federal or state law, such as information governed by the Family Court Act or the identity of any minor client or customer.

You may seek an exemption from the Board of Ethics in connection with the disclosure of identifying client or customer information.

If none, place a check mark in the following box.

none

Client or Customer	Town Application Claim, Request or Proposal	Amount of Income by Category
_____	_____	_____
_____	_____	_____
_____	_____	_____

d. **Future Employment.** Describe any contract, promise, or other agreement between you and anyone else with respect to your employment after leaving your Town office or position. If none, place a check mark in the following box.

none

e. **Past Employment.** Identify the source and nature of any income in excess of \$1,000 per year from any prior employer, including deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement. If none, place a check mark in the following box.

none

Name and Address of Income Source	Description of Income (i.e., pension, deferred, etc.)	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

f. **Investments.** Itemize and describe all investments of you, your spouse, and your dependent children, if any, which have a value in excess of \$5,000, or that constitute five percent or more of the debt or equity of any business, limited liability company, partnership, association, or corporation. Include stocks, bonds, loans, pledged collateral, and other investments. Publicly traded corporate stock may be reported in the aggregate. List the location of all real estate within the Town of Hempstead or within five hundred feet of a boundary of the Town, in which you, your spouse, or your dependent children, if any, have an interest, regardless of its value. If none, place a check mark in the following box.

none

Name of Member	Name and Address of Business or Real Estate	Description of Investment	Category of Amount	Family
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

g. **Trusts.** Identify each interest of you, your spouse, and your dependent children in a trust or estate or similar beneficial interest in any assets in excess of \$2,000. Do not list IRS eligible retirement plans or interests in an estate or trust of a spouse, child, stepchild, dependent, parent, stepparent, sibling or stepsibling. If none, place a check mark in the following box.

none

Name of Family Member	Trustee/Executor	Description Trust/Estate	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

h. **Other Income.** Identify the source and nature of any other income in excess of \$1,000 per year from any source not described above, including fiduciary positions, teaching income, lecture fees, consultant fees, contractual income, rents or other income of any nature, or you, your spouse and your dependent children, if any. Income from real estate rents derived from real property located in the Town of Hempstead, or within five hundred feet of a boundary of the Town should be identified by the property address. Do not list maintenance, alimony or child support. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Income Source	Nature of Income	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____

4. GIFTS AND HONORARIUMS.

List the source of all gifts aggregating in excess of \$250 received during the last year by you, your spouse or dependent child, excluding gifts from a Relative. The term "gifts" includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honorariums, and any other payments that are not reportable as income. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Donor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. THIRD-PARTY REIMBURSEMENTS.

Identify and describe the source of any third-party reimbursement for travel-related expenditures in excess of \$250 for any matter that relates to your official duties. The term "reimbursement" includes any travel-related expenses provided by anyone other than the Town of Hempstead for speaking engagements, conferences, or fact-finding events that relate to your official duties. If none, place a check mark in the following box.

none

Source	Description	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. DEBTS.

Describe all debts of you, your spouse, and your dependent children in excess of \$5,000. Do not list any obligation to pay maintenance, alimony or child support. Do not list credit card debt or any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Creditor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. INTEREST IN CONTRACTS.

Describe any interest of you, your spouse, or your dependent children in any contract involving the Town of Hempstead or any municipality located within the Town. If none, place a check mark in the following box.

none

Name of Family Member

Contract Description

_____	_____
_____	_____
_____	_____

8. POLITICAL PARTIES.

List any position you held within the last five years as an officer of any political party, political committee, or political organization. The term "political organization" includes any independent body or any organization that is affiliated with or a subsidiary of a political party. If none, place a check mark in the following box.

none

8. DISCLOSURE BY LICENSED PROFESSIONALS AND LOBBYISTS.

- a. If you were licensed to practice law, worked as a licensed real estate broker or agent, practiced a profession licensed by the New York State Education Department, or worked as a member or employee of a firm required by law to register as a lobbyist, give a general description of the principal subject areas of matters that you handled during the reporting period, the compensated services that you performed, and whether you personally provided services directly to clients. If none, place a check mark in the following box.

none

- b. If you were licensed to practice law, worked as a licensed real estate broker or agent, practiced a profession licensed by the New York State Education Department, or worked as a member or employee of a firm required by law to register as a lobbyist, and are a partner or shareholder in the firm or corporation that engaged in such activities, give a general description of the principal subject areas of matters that the firm or corporation handled during the reporting period. If none, place a check mark in the following box.

none

I have received and read a copy of the Town of Hempstead Code of Ethics.

Signature

Date

DO YOU HAVE QUESTIONS ABOUT THE CODE OF ETHICS? For a confidential advisory opinion, contact the Board of Ethics at the following address, or as provided on the Town's web site:

SECRETARY TO BOARD OF ETHICS
TOWN HALL
1 Washington Street, 3rd Floor
Hempstead, NY 11550
Telephone:
email:

§ 3. Severability.

If any clause, sentence, paragraph, subdivision, Section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

§ 4. Effective Date.

This Chapter shall take effect immediately upon filing in the Office of the Secretary of State of New York.

I, Sylvia A. Cabana, Town Clerk of the Town of Hempstead, do hereby certify that the foregoing is a true and correct transcript of the above local law enacted by Local Law No. 29- 2019 effective on

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Hempstead on this day of

**SYLVIA A. CABANA
TOWN CLERK
TOWN OF HEMPSTEAD, N.Y.**

(S E A L)

**NOTICE OF ADOPTION
OF TOWN OF HEMPSTEAD
LOCAL LAW NO. 29-2019**

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and the Municipal Home Rule Law of the State of New York, as amended, a public hearing was duly called and held on the 16th day of April, 2019, by the Town Board of the Town of Hempstead, on the proposed adoption of Town of Hempstead Local Law No. 29-2019, and following the close of the hearing the Town Board duly adopted Local Law No. 29-2019, for the repeal of the current chapter thirty-eight of the Code of the Town of Hempstead; the repeal of Town Board Resolutions 1718-1963, 1889-1974, and 1590-1990, all relating to Ethics; and to adopt a new chapter thirty-eight of the Code of the Town of Hempstead to be entitled "Code of Ethics."

Dated: April 16, 2019

Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

SYLVIA A CABANA
Town Clerk

LAURA A. GILLEN
Supervisor