



**TOWN OF NORTH HEMPSTEAD
OFFICE OF THE TOWN ATTORNEY**

**PROPOSED LOCAL LAW AMENDING
CHAPTER 16A OF THE TOWN CODE ENTITLED "ETHICS, CODE OF"**

LOCAL LAW MEMORANDUM

Purpose of Law:

The purpose of the amendment is to revise and update the list of those officers, employees and contractors required to file annual financial disclosure statements and to revise the content of the Town's annual statement of financial disclosure.

Budget Implications:

The adoption of the proposed local law will not have any direct budgetary implications.

Explanation:

Matter in **bold** and underscored is new; matter in brackets with strikethrough [~~—~~] is old law to be omitted.

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2016**

**A LOCAL LAW AMENDING CHAPTER 16A OF THE
TOWN CODE ENTITLED "ETHICS, CODE OF"**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

In order to foster greater confidence in government, the Town of North Hempstead Board of Ethics has recommended several changes to the Town's Code of Ethics. First, the Board has recommended that certain contractors of the Town be required to file annual statements of financial disclosure. In addition, the Board of Ethics has determined that the form of annual statement of financial disclosure should require the disclosure of whether relatives of Town employees who are also either employed by the Town or are contractors of the Town.

The Board of Ethics has also found that certain titles and job classifications heretofore unused by the Town or not existing now either exist or have come into use. In addition, other titles are no longer used by the Town or no longer exist. As many of these titles and job classifications involve policy-making duties or other important responsibilities, the Board of Ethics has found it in the best interests of clarity and effective and responsive government to update the list of those officers, employees and contractors who are required to file annual statements of financial disclosure.

Therefore, it is the intent of this Local Law to implement the recommendations of the Board of Ethics and revise Chapter 16A of the Town Code to strengthen the form of annual statement of financial disclosure and update the list of offices, titles and job classifications of those officers, employees and contractors required to file annual financial disclosure statements and to revise the form of annual statement of financial disclosure.

Section 2.

Section 16A-7 of Chapter 16A of the Town Code is hereby amended as follows:

The Town of North Hempstead has established an Annual Statement of Financial Disclosure Form.

- A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ELECTED OFFICIAL -- An elected official of the town.

FIRM -- a corporation, professional corporation, limited liability company, professional limited liability company, limited or general partnership, association or any other form of doing business as permitted pursuant to the laws of the State of New York.

LOCAL POLITICAL PARTY OFFICIAL -- The town chairman or leader of a town committee of a party as the term "party" is defined in § 1-104 of the Election Law. The term "chairman" or "leader" is intended to refer to the person who performs the functions and duties of the chief official of a party in the town, by whatever title designated, without regard to whether the chairman or leader receives compensation or expenses from the party. [Amended 12-21-1995 by L.L. No. 12, 1995]

MINISTERIAL MATTER -- Any administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

OFFICER or EMPLOYEE

- (1) Heads of departments, divisions, agencies, boards or commissions and their deputies and assistants.
- (2) Those who hold policymaking positions as determined by the Town Board and set forth in a resolution of said Board, which shall be filed with the Board of Ethics on or about February 15 of each year.
- (3) Those whose duties involve the negotiation, authorization or approval of those items as outlined in Subsection C(4) of this section.

RELATIVE -- The spouse, child, stepchild, stepparent, **parent, grandparent, niece, nephew, aunt, uncle, cousin, grandchild, brother, sister, stepbrother or stepsister of the reporting individual** or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

REPORTING INDIVIDUAL -- The person required by this section to file an annual financial disclosure statement.

SPOUSE -- The husband, or wife **or domestic partner** of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage **or domestic partnership** or providing for permanent separation or unless separated pursuant to a judicial order, decree or judgment or a legally binding separation agreement.

TOWN -- The Town of North Hempstead.

TOWN AGENCY -- The North Hempstead Housing Authority, the Town of North Hempstead Community Development Agency and the Town of North Hempstead Business and Tourism Development Corporation.

TOWN BOARD -- the governing board of the Town of North Hempstead.

TOWN COMMISSION -- The Town of North Hempstead Board of Zoning and Appeals, the Town of North Hempstead Historic Landmarks Preservation Commission, the Plumbing Board, the Electrical Board and any other board, commission, authority or like organization established by the

Town to perform a governmental function that does not merely serve in an advisory capacity.

UNEMANCIPATED CHILD -- Any son, daughter, stepson or stepdaughter under the age of 18, unmarried and living in the household of the reporting individual.

- B. A blank copy of the statement shall be on file and maintained by the Town Clerk and shall be available for public inspection during regular business hours.
- C. The statement shall be completed and filed annually with the Town of North Hempstead Board of Ethics on or before May 15 by:
- (1) Local elected officials.
 - (2) Department heads and their deputies and assistants.
 - (3) Policymakers.
 - (4) Officers and employees whose duties involve the negotiation, authorization or approval of:
 - (a) Contracts, leases, franchises, revocable consents, concessions, variances, special permits and licenses.
 - (b) The purchase, sale, rental or lease of real property, goods or services.
 - (c) The obtaining of grants of money or loans.
 - (d) The adoption or repeal of any rule or regulation having the force and effect of the law.
 - (5) Candidates for local elected office.
 - (6) Local political party officials.
 - (7) Members of commissions, boards and agencies of the town Town as required by § 16A-7(D)(4645).
 - (8) Individuals who are party to a professional services contract with the Town, wherein the individual is responsible for directly advising the Town Board or a Town Commission, and any individual employed by or associated with a firm that is a party to a professional services contract with the Town if that individual directly advises the Town Board or a Town Commission on behalf of the firm. Notwithstanding anything to the contrary in this Chapter, individuals will be required to complete and file a financial disclosure statement prior to the execution by the Town of a professional services agreement as described in this subsection and annually thereafter for the term of the professional services contract. Notwithstanding the foregoing, individuals required to file an annual statement of financial disclosure as required by this subsection shall not be required to disclose (i) the names or**

any information regarding dependent children or (ii) any information, the disclosure of which would violate an ethical responsibility or duty established under state or federal law pertaining to the individual.

D. The offices, titles and job classifications of those officers and employees required to file annual financial disclosure statements shall include but not be limited to:

- (1) Supervisor.
- (2) Deputy Supervisor.
- (3) Executive Assistant to the Supervisor.
- (4) Administrative Assistant to the Supervisor.**
- (45) Assistant to the Supervisor.
- (56) Member of the Town Board.
- (67) Assistant to the Town Board.
- (78) Town Clerk.
- (9) First Deputy Town Clerk.**
- (810) Deputy Town Clerk.
- (911) Assistant Town Clerk.
- (1012) Receiver of Taxes.
- (13) Chief Deputy Receiver of Taxes.**
- (114) Deputy Receiver of Taxes.
- (12) ~~Assistant Receiver of Taxes.~~
- (1315) Town Attorney.
- (1416) Chief Deputy Town Attorney.
- (17) Senior Deputy Town Attorney.**
- (1518) Deputy Town Attorney.
- (1619) Assistant Town Attorney.
- (1720) Commissioner of Finance **Human Resources.**
- (1821) Deputy Commissioner of Finance **Human Resources.**
- (19) ~~Assistant Commissioner of Finance.~~

(2022) Comptroller.

(23) Chief Deputy Comptroller

(2124) Deputy Comptroller.

(22) Assistant Comptroller.

(2325) Commissioner of Planning **and Environmental Conservation.**

(2426) Deputy Commissioner of Planning **and Environmental Conservation.**

(25) Assistant Commissioner of Planning.

(2627) Commissioner of Building and Safety Enforcement.

(2728) Deputy Commissioner of Building and Safety Enforcement.

(28) Assistant Commissioner of Building and Safety Enforcement.

(2929) Commissioner of Public Works.

(3030) Deputy Commissioner of Public Works.

(31) Assistant Commissioner of Public Works.

(31) Superintendent of Highways.

(32) Deputy Superintendent of Highways.

(3233) Commissioner of Solid Waste.

(3334) Deputy Commissioner of Solid Waste.

(34) Assistant Commissioner of Solid Waste.

(3535) Commissioner of Community Services.

(3636) Deputy Commissioner of Community Services.

(37) Assistant Commissioner of Community Services.

(3837) Superintendent of Highways.

(3938) Director of Legislative Affairs.

(40) Chairman, Board of Zoning and Appeals.

(41) Member, Board of Zoning and Appeals.

(42) Executive Secretary, Board of Zoning and Appeals.

(4339) Commissioner of Parks and Recreation.

(4440) Deputy Commissioner of Parks and Recreation.

(45) ~~Assistant Commissioner of Parks and Recreation.~~

(41) Commissioner of Public Safety.

(42) Deputy Commissioner of Public Safety.

(43) Commissioner of Services for the Aging.

(44) Deputy Commissioner of Services for the Aging.

(4645) Chairperson, member or executive director, executive secretary or like employee of the following North Hempstead agencies, boards, commissions, authorities or like organizations: **any Town Agency or Town Commission.**

(a) ~~Community Development Agency.~~

(b) ~~Plumbing Board.~~

(c) ~~Electrical Board.~~

(d) ~~Any such board, commission, authority or like organization created subsequent to the enactment of this section that performs a government function and does not merely serve in an advisory capacity.~~

E. The Town Clerk shall maintain a copy of this Code of Ethics on file and shall make said copy available for public inspection during regular business hours.

F. A copy of the Code of Ethics shall be distributed to every officer and employee, whether paid or unpaid, of the town by the Supervisor.

G. A person who is subject to the reporting requirements of this section and who has timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May 15 but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement.

H. A person who is required to file an annual financial disclosure statement with the Board of Ethics and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with the required

rules and regulations of the Board of Ethics on the subject, shall file such statement within the additional period of time granted.

- I. Both political party officials and any person required to file a financial disclosure statement who commences employment after May 15 of any year shall file such statement within 30 days after commencing employment or of taking the position of political party official, as the case may be.
- J. A person who is subject to the filing requirements of both Subdivision 2 of § 73-a of the Public Officers Law and of this section may satisfy the requirements of this section by filing with the Town of North Hempstead Board of Ethics on or before the filing deadline provided in § 3-a of said law a copy of the financial disclosure statement filed pursuant to said § 73-a, notwithstanding the filing deadline otherwise imposed by this section.
- K. A person who is subject to the filing of annual financial disclosure statements for more than one political subdivision within Nassau County may satisfy the requirements of this section by filing only one annual financial disclosure statement with the Town of North Hempstead Board of Ethics or Nassau County Board of Ethics or, if such political subdivision crosses one or more county boundary lines, then such single filing may be made for any of the counties in which one of such political subdivisions is located; provided, however, that the Town of North Hempstead Board of Ethics is notified of the name of the county of such compliance by the person who is subjected to the filing requirements of this section within the time limit for filing specified in this section.
- L. Notwithstanding the provisions of Subsection C hereof, any person who is required to file an annual financial disclosure statement with the Board of Ethics for the 2008 reporting year shall be required to file such financial disclosure statement on or before June 15, 2009.

Section 3.

Section 16A-8 of Chapter 16A of the Town Code is hereby amended as follows:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE
FOR TOWN OF NORTH HEMPSTEAD, NEW YORK
Calendar Year 20_____

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:

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	Dollar Amount Range
A	Under \$5,000
B	\$5,000 to under \$20,000
C	\$20,000 to under \$60,000
D	\$60,000 to under \$100,000
E	\$100,000 to under \$250,000
F	\$250,000 or over

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 and dependent children, if any, and indicate whether these businesses are involved with the Town of North Hempstead in any manner.

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

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

d. *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.

Name and Address of Income Source	Description of Income (i.e., pension, deferred, etc.)	Category of Amount
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e. *Investments.* Itemize and describe all investments in excess of \$1,000 or five percent of the value in any business, corporation, partnership, or other assets, including stocks, bonds, loans, pledged collateral, and other investments, for you and your spouse and dependent children, if any. List the location of all real estate within the Town of North Hempstead or within five miles thereof, in which you, your spouse, or dependent children, if any, have an interest, regardless of its value.

Name of Family Member	Name and Address of Business or Real Estate	Description of Investment	Category of Amount
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f. *Trusts.* Identify each interest in a trust or estate or similar beneficial interest in any assets in excess of \$1,000, except for IRS eligible retirement plans or interests in an estate or trust of a relative, for you and your spouse and dependent children.

Name of Family Member	Trustee/Executor	Description of Trust/Estate	Category of Amount
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g. *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 teaching income, lecture fees, consultant fees, contractual income, or other income of any nature, for you and your spouse and your dependent children, if any.

Name of Family Member	Name and Address of Income Source	Nature of Income	Category of Amount
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h. Relatives Employed with the Town of North Hempstead. Identify whether any relative is employed by the Town of North Hempstead.

<u>Name of Relative</u>	<u>Name and Address of Income Source</u>	<u>Nature of Income</u>	<u>Category of Amount</u>
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4. GIFTS AND HONORARIUMS.

List the source of all gifts aggregating in excess of \$1,000 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.

Name of Family Member	Name and Address of Donor	Category of Amount
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5. THIRD-PARTY REIMBURSEMENTS.

Identify and describe the source of any third-party reimbursement for travel-related expenditures in excess of \$1,000 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 North Hempstead for speaking engagements, conferences, or fact finding events that relate to your official duties.

Source	Description	Category of Amount
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6. DEBTS.

Describe all debts of you, your spouse, and dependent children in excess of \$5,000.

Name of Family Member	Name and Address of Creditor	Category of Amount
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7. INTEREST IN CONTRACTS.

Describe any interest of you, your spouse, or your dependent children in any contract involving the Town of North Hempstead or any municipality located within the Town.

Name of Family Member	Contract Description
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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.

Signature

Date

Section 4.

This Local Law shall take effect upon filing with the Secretary of State.