

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2022**

**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 and prevent conflicts of interest, the Town Board of the Town of North Hempstead has determined that employees appointed to positions enumerated in Section 16A-7 complete and file a financial disclosure statement within thirty (30) days of their appointment, that individuals who are nominated for appointment to all permanent Boards and Commissions complete and file a financial disclosure statement thirty (30) days prior to the Town Board considering the appointment and that it is necessary to clarify the established terms of office of the seven member Board of Ethics.

Section 2.

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

§ 16A-7 Financial disclosure.

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. [Added 3-22-2016 by L.L. No. 4-2016]

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; the child, stepchild, stepparent, parent, grandparent, niece, nephew, aunt, uncle, cousin, grandchild, brother, sister, stepbrother or stepsister of the reporting person's spouse; or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse. [Amended 3-22-2016 by L.L. No. 4-2016]

REPORTING INDIVIDUAL

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

SPOUSE

The husband, 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. [Amended 3-22-2016 by L.L. No. 4-2016]

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. [Amended 3-22-2016 by L.L. No. 4-2016]

TOWN BOARD

The governing board of the Town of North Hempstead. [Amended 3-22-2016 by L.L. No. 4-2016]

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, **Board of Ethics** 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. [Amended 3-22-2016 by L.L. No. 4-2016]

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 as required by § 16A-7D(45).
 - (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. [Amended 3-22-2016 by L.L. No. 4-2016]

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: [Amended 3-22-2016 by L.L. No. 4-2016]

- (1) Supervisor.
- (2) Deputy Supervisor.
- (3) Executive Assistant to the Supervisor.
- (4) Administrative Assistant to the Supervisor.
- (5) Assistant to the Supervisor.
- (6) Member of the Town Board.
- (7) Assistant to the Town Board.
- (8) Town Clerk.
- (9) First Deputy Town Clerk.
- (10) Deputy Town Clerk.
- (11) Assistant Town Clerk.
- (12) Receiver of Taxes.
- (13) Chief Deputy Receiver of Taxes.
- (14) Deputy Receiver of Taxes.
- (15) Town Attorney.
- (16) Chief Deputy Town Attorney.
- (17) Senior Deputy Town Attorney.
- (18) Deputy Town Attorney.
- (19) Assistant Town Attorney.
- (20) Commissioner of Human Resources.
- (21) Deputy Commissioner of Human Resources.
- (22) Comptroller.

- (23) Chief Deputy Comptroller
- (24) Deputy Comptroller.
- (25) Commissioner of Planning and Environmental [~~Conservation~~] **Protection**.
- (26) Deputy Commissioner of Planning and Environmental [~~Conservation~~] **Protection**.
- (27) Commissioner of Building, [~~and~~] Safety **Inspection and** Enforcement.
- (28) Deputy Commissioner of Building, [~~and~~] Safety **Inspection and** Enforcement.
- (29) Commissioner of Public Works.
- (30) Deputy Commissioner of Public Works.
- (31) Superintendent of Highways.
- (32) Deputy Superintendent of Highways.
- (33) Commissioner of Solid Waste.
- (34) Deputy Commissioner of Solid Waste.
- (35) Commissioner of Community Services.
- (36) Deputy Commissioner of Community Services.
- (37) Superintendent of Highways.
- (38) Director of Legislative Affairs.
- (39) Commissioner of Parks and Recreation.
- (40) Deputy 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.
- (45) Chairperson, member or executive director, executive secretary or like employee of any Town Agency or Town Commission.

E. Any person nominated for a Town Agency or Town Commission who, if appointed, is required to file a financial disclosure statement shall file the statement with the Board of Ethics no less than 30 days prior to the Town Board considering the appointment. The Board of Ethics shall receive and review the completed financial disclosure statement in accordance with this code and prior to the Town Board considering the appointment.

- [E]F. 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]G. 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]H. The Board **of Ethics** shall receive and review completed financial disclosure statements. In the event that the Board **of Ethics** determines, after its review of a completed financial disclosure statement, that any item disclosed in the financial disclosure statement presents a potential conflict of interest prohibited by § 16A-2 of this chapter, the Board **of Ethics** shall commence an investigation to determine whether an actual conflict of interest prohibited by this chapter exists, which investigation shall be conducted pursuant to procedures to be determined by the Board **of Ethics**. If, after the completion of its investigation, the Board **of Ethics** finds that an actual conflict of interest exists, the Board **of Ethics** shall communicate the finding to the Town Supervisor, the Town Board and the Town Attorney within 10 days of the completion of the Board **of Ethics**'[s] investigation. [Amended 2-28-2017 by L.L. No. 1-2017]
- [H]I. 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]J. Both local political party officials and any person required to file a financial disclosure statement **as enumerated in §16A-7(C)(1)-(6) and §16A-7(D)** [~~who commences employment or takes a position as a local political party official after May 15 of any year~~] shall file such statement within 30 days after **taking office or** commencing employment or of taking the position of political party official **or whenever they become affected by the provisions of this chapter and annually on or before May 15 of every following year during their terms of office or employment**, as the case may be. [~~By October 15 of~~] **At least once** each [~~year~~] **quarter**, the Town's Director of Human Resources shall provide to the Board of Ethics and the Town Attorney a list of those **individuals and** employees who have **taken office or** commenced employment with the Town **or have become affected by the provisions of this chapter** [~~after May 15 of that year~~]. If the list contains any **individuals or** employees required to file a financial disclosure statement pursuant to this section and who have not yet filed a statement, the Board of Ethics shall require such **individuals or** employees to file a statement within 30 days of a written notice to such **individuals or** employees by the Board **of Ethics**. It shall only be a violation of this section if an **individual or** employee [~~or political party official who commences employment or takes a position as a political party official after May 15~~] **who is required to file a financial disclosure statement under this chapter** fails to file a financial disclosure statement on or before the 30th day after the Board **of Ethics**'[s] notice.
- [J]K. 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~~]L. 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~~]M. 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. [Added 4-28-2009 by L.L. No. 6-2009]

Section 3.

Section 16A-9 of Chapter 16A of the Town Code is hereby amended as follows:

§ 16A-9 Continuation of Board of Ethics; **Terms of Office**.

[Amended 2-28-2017 by L.L. No. 1-2017]

- A. The terms of **office of** the current members of the Board of Ethics as constituted on the effective date of Local Law No. [~~1-2017~~] **-2022** shall continue, except that the term of **office of** the member of the Board of Ethics [~~ending May 2, 2018, shall be extended to December 31, 2018, and the term of the member of the Board of Ethics ending~~] **that was extended from** May 8, 2018 [~~, shall be extended~~] to December 31, 2018 **shall be deemed to have terminated on December 31, 2020**.
- B. The Board **of Ethics** shall consist of seven members to be appointed by the Supervisor, subject to confirmation of the Town Board, after giving due consideration to the recommendation of the members of the Town Board. All members shall reside in the Town of North Hempstead and shall serve without compensation. No officer of a political party, including a committeeperson or any officer higher than a committeeperson, may be appointed as a member of the Board of Ethics.
- C. The term of office for each member shall be four years **beginning on January 1 and expiring four years thereafter on December 31. The terms of office shall be staggered so that not more than two terms will expire in each year of a four-year cycle.** There shall be no limits on the number of terms that any individual member may serve. In the event of a vacancy due to resignation, death, illness or otherwise, a successor shall be appointed pursuant to this section for the unexpired balance of the **established term of office. The established terms of office shall be fixed and be consistent with the quadrennial sequence outlined in Schedule A of this chapter, entitled "Sequence for Terms of Office". The Town Clerk shall be responsible for maintaining accurate records to track the terms of office, as well**

as the precise commencement and termination dates for members of the Board of Ethics upon confirmation by the Town Board.

D. The members of the Board of Ethics shall elect a Chairperson from their group.

Section 4.

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