

**LOCAL LAW 14 OF 2024 OF THE CITY OF KINGSTON, NEW YORK,  
REPEALING LOCAL LAW 5 OF 2016 IN ITS ENTIRETY AND BEING  
REPLACED WITH A NEW VERSION WHERE “RELATIVE” IS REPLACED  
WITH “FAMILY MEMBER” IN ALL INSTANCES IN NEPOTISM SECTION**

Sponsored By: Laws & Rules Committee: Alderman: Scott-Childress, Hirsch, Pasti, Mickens, Dennison

**WHEREAS**, that LL 5 of 2016 be repealed in its entirety and replaced with a new version where “relative” is replaced with “family member” in all instances in the nepotism section of Chapter 49 -Ethics – in the Code of the City of Kingston.

**NOW THEREFORE, BE IT ENACTED AS FOLLOWS:**

**SECTION 1.** That Local Law 5 of 2016 is repealed in its entirety and replaced with a new version where “relative” is replaced with “family member” in all instances in the nepotism section of Chapter 49 – Ethics – in the Code of the City of Kingston as attached hereto.

**SECTION 2.** If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

**SECTION 3.** This local law shall take effect upon filing with the Secretary of State.

Submitted to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Elisa Tinti, City Clerk

\_\_\_\_\_  
Steven T. Noble, Mayor

Adopted by Council on \_\_\_\_\_, 2024

11/14

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES  
COMMITTEE REPORT

DEPARTMENT: \_\_\_\_\_

DATE: 11/20/24

Description:

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK REPEALING LOCAL LAW NO-5-2016 IN ITS ENTIRETY AND REPLACE WITH VERSION TO BE EMAILED TO COUNCIL TOMORROW BY PRESIDENT, HAVT WITHEK'S RELATIVE IS REPLACED WITH FAMILY MEMBER IN ALL INSTANCES IN NEPOTISM SECTION.

Signature \_\_\_\_\_

Motion by RSC

Seconded by RD

Action Required: \_\_\_\_\_


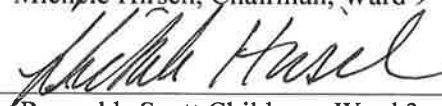

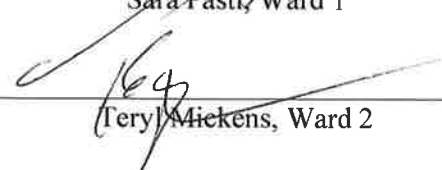
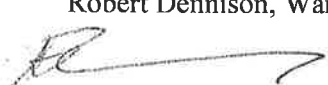
SEQRA Decision:  
Type I Action \_\_\_\_\_  
Type II Action \_\_\_\_\_  
Unlisted Action \_\_\_\_\_

Negative Declaration of Environmental Significance: \_\_\_\_\_

Conditioned Negative Declaration: \_\_\_\_\_

Seek Lead Agency Status: \_\_\_\_\_

Positive Declaration of Environmental Significance: \_\_\_\_\_

| Committee Vote   | YES | NO |
|--|-----|----|
| <br>Michele Hirsch, Chairman, Ward 9 | ✓   |    |
| <br>Reynolds Scott Childress, Ward 3 | ✓   |    |
| <br>Sara Pasti, Ward 1               | ✓   |    |
| <br>Terry Mickens, Ward 2            | ✓   |    |
| <br>Robert Dennison, Ward 6          | ✓   |    |

*The following code does not display images or have complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

## Chapter 49

### Ethics

[HISTORY: Adopted by the Common Council of the City of Kingston 6-4-2013 by L.L. No. 2-2013, approved 6-21-2013; amended in its entirety 9-13-2016 by L.L. No. 5-2016, approved 9-28-2016. Subsequent amendments noted where applicable.]

#### GENERAL REFERENCES

Common Council — See Ch. 26.

Defense and indemnification — See Ch. 35.

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#### § 49-1 Purpose.

Officers and employees of the City of Kingston hold their positions to serve and benefit the public. The positions are not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Common Council of the City of Kingston recognizes that in the furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards. To foster public confidence in our government, not only must the standards of ethical conduct be maintained, but even the appearance of impropriety should be avoided by public officials and employees. When in doubt regarding any particular behavior or issue, City of Kingston officers and employees should seek the assistance of the Board of Ethics.

#### § 49-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

(A) **“City government”** includes the Mayor, Common Council, and all departments, offices, boards, committees, bureaus, and instrumentalities of the government of the City of Kingston.

(B) **“City workplace”** includes any building, shop area, office, or part thereof under the control of the city and designated as a place to conduct city business or any place where a city officer or employee is acting on city business.

(C) **“Confidential information”** means any data acquired through the course of employment or public office which is protected from disclosure by law.

**(D) "Customer or client"** means any person to whom an officer or employee of the City of Kingston has supplied goods or services, including, but not limited to, professional services, during the previous twenty-four months, having, in the aggregate, a value greater than \$1,000; or

Any person to whom an officer's or employee's outside employer or business has supplied goods or services, including, but not limited to, professional services, during the previous twenty-four months, having, in the aggregate, a value greater than \$1,000 but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.

(For the purpose of this section, if the city officer or employee's outside employer employs more than 100 individuals, and the officer or employee does not serve in a management position, the prohibitions of the City of Kingston Ethics Code 49-3A (4) shall not apply.

**(E) "Family"** includes spouse, domestic partner, sibling, parent, children (including children of spouse or domestic partner), grandchildren and the spouses of any of them, and any member of the individual's household.

**(F) "Gift" and "financial benefit"** include anything of value, including, but not limited to, money, services, referrals, discounts, licenses, permits, contracts, authorizations, loans, travel, entertainment, hospitality, or any other gratuity or promise thereof. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.

**(G) "Household"** includes any persons who reside in the same dwelling unit as the officer or employee.

**(H) "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 municipality or an area of the municipality or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when they, their spouse, or a member of their household is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

**(I) "Not-for-profit entity"** means a legal entity created under the Not-for-Profit Corporation Law of the State of New York.

**(J) "Officer or employee of the City of Kingston,"** whether paid or unpaid, including, without limitation, all officers, employees, volunteers, interns, and members of any advisory and/or decision-making board, body, council, commission, agency, department, district, administration, bureau, or committee of the City of Kingston. "Officer or employee of the City of Kingston" shall not include a judge, justice, officer, or employee of the Unified Court System.

**(K) "Outside employer or business"** includes any activity, other than service to the City of Kingston, from which the officer or employee of the City of Kingston receives compensation, or the promise of compensation, for work performed, services rendered, or goods sold or produced while a city officer or employee; or

Any entity other than the City of Kingston, of which the officer or employee of the City of Kingston is a member, owner, principal, shareholder, officer, or employee and from which they receive compensation for services rendered or goods sold or produced; or

Any entity in which an officer or employee of the City of Kingston has an ownership interest, except a corporation of which the officer or employee of the City of Kingston owns less than 5% of the outstanding stock. For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

(L) **"Person"** includes both individuals and entities.

(M) **"Political party officer"** includes any person serving or acting as the chair, vice chair, first vice chair, secretary, treasurer, delegate, or equivalent officer by whatever name or title known of any political party or committee organized for the purpose of nominating persons for elective office in the government of the City of Kingston.

(N) **"Subordinate of an officer or employee of the City of Kingston"** means another officer or employee of the City of Kingston over whose activities any officer or employee of the City of Kingston has direction, supervision, or control.

#### **§ 49-3. Applicability.**

This code of ethics applies to the officers and employees of the City of Kingston and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics, including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies, and procedures of the City of Kingston.

#### **§ 49-4. Standards of conduct.**

##### **(A) Prohibition on the use of official positions for personal or private gain.**

A City officer or employee shall not use their official position or office or take or fail to take any action in a manner which they believe, or have reason to believe, may result in a personal financial benefit for any of the following persons:

- (1) The City officer or employee;
- (2) Their outside employer or business;
- (3) A member of their household;
- (4) A customer or client;

(5) A member of their family; or

(6) Any firm, corporation, association, partnership, or other organization in which the City officer, employee, or family member serves as an officer or director, whether compensated or not.

**(B) Specific City officers and employees.**

(1) Officers or employees who are professionally licensed. Except as provided in § 49-4(O) below, all City officers and employees with professional licenses are prohibited from knowingly exercising any discretion in any matter of City business that shall involve any person or entity that is a client of their business or firm or a business partner, contractor, or subcontractor in a business endeavor of their business or firm.

(2) Officers or employees who are authorized to review engineering drawings, conduct inspections, and issue permits:

(a) No City officer or employee who is authorized to review and approve engineering drawings, conduct inspections, or issue permits shall engage in a business within the City or have a financial interest in any firm engaged in a business within the City if said business conducts, as a regular and significant part of its business, matters requiring such inspections or such permits;

(b) No City officer or employee who is authorized to review and approve engineering drawings, conduct inspections, and/or issue permits shall act as an expert witness for any entity other than the City under circumstances where all or part of their expert testimony is based on certifications or credentials provided and/or paid for by the City, while employed by the City;

(c) Any such City officer and/or employee shall recuse themselves from reviewing any engineering drawings, conducting any such inspection, or issuing any necessary permits that directly pertain to any person or entity that is a customer or client of their business or firm, or a person materially involved in a business endeavor of their business or firm.

**(C) Gifts.**

Except as set forth below, a City officer or employee shall not directly or indirectly solicit, accept, or agree to accept any gift or favor, whether in the form of money, services, loans, travel, entertainment, hospitality, material items, promise, or any other form, under circumstances from which it could reasonably be inferred that the gift was intended to influence such City officer or employee, or could reasonably be expected to influence such City officer or employee, in the performance of their official duties or was intended as a reward for any official action taken by

such City officer or employee. This restriction shall not be construed as applying to the following situations in which gifts or benefits are:

- (1) Received by the officer or employee from their parent, spouse, child, or sibling;
- (2) Accepted on behalf of the City and transferred to the City;
- (3) Received as refreshments or meals at a widely attended gathering;
- (4) Received for the solemnization of a marriage by an officer or employee of the City of Kingston listed in § 11 of the Domestic Relations Law at a place other than their usual place of business or at a time other than their regular hours of business and which have a value of \$75 or less;
- (5) Received as non-monetary awards from charitable organizations; or
- (6) Received as City services or benefits, or the use of City facilities, generally available on the same terms and conditions to residents or a class of residents in the City.

**(D) Confidential information.**

A City officer or employee shall not disclose confidential information acquired by them in the course of their official duties. Nor shall a City officer or employee use confidential information acquired by them in the course of their official duties to further their own or others' personal or business interests.

**(E) Representation before one's own agency.**

A City officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which they are an officer, member, or employee of any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer, or employee.

**(F) Representation before any agency for a contingent fee.**

A City officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of their municipality whereby their compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

**(G) Disclosure of interest in legislation.**

(1) Whenever a matter requiring the exercise of discretion comes before a City officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to themselves, a relative, or any private organization in which they are deemed to have an interest, the City officer or employee shall disclose such interest in writing.

(2) The disclosure shall be made when the matter requiring disclosure first comes before the City officer or employee, or when the City officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(3) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the City. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the City officer, employee, or board having the power to appoint to the person's position. In addition, in the case of a person serving on a City board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the meeting minutes.

**(H) Investments in conflict with official duties.**

(1) No City officer or employee may acquire the following investments:

(a) investments that can be reasonably expected to require more than sporadic recusal under §49. 5 of this code or

(b) investments that would otherwise impair the person's independence of judgment in exercising or performing their official powers and duties.

(2) This section does not prohibit a City officer or employee from acquiring any other investments or the following assets:

(a) real property located within the municipality and used as their personal residence;

(b) less than five percent of the stock of a publicly traded corporation; or

(c) bonds or notes issued by the City and acquired more than one year after the date on which the bonds or notes were originally issued.



**(I) Outside employer or business in conflict with official duties.**

City officers and employees shall not engage in, solicit, negotiate for, or promise to accept work for an outside employer or business that does business with the City that appears to or, in fact, does create a conflict with or impair the proper discharge of their official duties or results in personal gain.

**(J) Nepotism.**

Except as otherwise required by law:

(1) No City officer and/or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline, or discharge a member of their family or household for any position at, for, or within the City or a City board or commission.

(2) No City officer or employee may directly supervise a member of their family or household in the performance of their official powers or duties.

**(K) Appearance before a board or agency.**

No City officer and/or employee shall permit a former City officer and/or employee to appear before any board or agency of the City in relation to any case, proceeding, project, or application in which the former officer and/or employee personally participated during the period of their service or employment, or which was under their active consideration.

**(L) Political solicitation.**

No City officer and/or employee shall act in a way to coerce or solicit any other City officer and/or employee on behalf of any political candidate or organization.

(1) Officers or employees shall not use City work time or a City workplace to influence any person to participate in an election campaign or political event or to contribute to a political party, committee, campaign, or candidate.

(2) Officers or employees shall not use City work time or a City workplace to influence, authorize, or request another to influence any officer or employee to support or refuse to support a political party, committee, campaign, or candidate.

(3) Officers or employees shall not display, distribute, or otherwise utilize election campaign literature or materials on City work time or at a City workplace; however, this prohibition shall not be construed as prohibiting the wearing of small lapel pins of less than one inch in diameter by any person.

(4) Nothing in this subsection shall be construed to deny any officer or employee the right to support or refuse to support any political party, committee, campaign, or candidate outside of the workplace.

**(M) Use of City resources.**

(1) City resources shall be used for lawful city purposes. City resources include, but are not limited to, City personnel and the City's money, vehicles, equipment, materials, supplies, or other property.

(2) No City officer or employee may use or permit the use of City resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(a) Any use of City resources authorized by law or City policy;

(b) The use of City resources for personal or private purposes when provided to a City officer or employee as part of their compensation; or

(c) The occasional and incidental use of City telephones and computers during business days for necessary personal matters such as family care and changes in work schedules.

(3) No City officer or employee shall cause the City to spend more than is reasonably necessary for transportation, meals, or lodging in connection with official travel.

**(N) Conflict with other codes of conduct.**

(1) Because of the need for professional integrity and the fact that various professional associations have adopted standards of ethics and/or conduct for their members, the City hereby recognizes that each City officer or employee who is affected by a professional Code of Ethics and/or conduct be bound, in the first instance, by said Codes of Ethics and/or conduct. Any conflict between the provisions of this chapter and a given professional code of conduct of a City officer or employee shall be resolved by the Ethics Board. An officer's or employee's professional code of conduct shall be examined in the context of the City Code of Ethics and the New York State Public Officers Law for relevance and applicability as issues arise.

(2) The Ethics Board is authorized and required to obtain advisory opinions from the appropriate professional association to clarify any given situation.

**(O) Interest in contracts.**

- (1) Prohibited interests. No City officer or employee shall have any financial interest in a business relationship, financial instrument, contract with the City, or an interest in a bank or trust company that is prohibited by § 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the City in which that section prohibits an interest shall be null, void, and wholly unenforceable to the extent provided by § 804 of that law.
- (2) Disclosable interests. Any City officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the City shall disclose, in writing, the nature and extent of that interest in accordance with § 803 of the General Municipal Law and promptly file such written disclosure with the City Clerk. The City Clerk shall cause a copy of that disclosure to be released promptly when requested by any member of the Ethics Board.
- (3) Violations. Any City officer or employee who willfully and knowingly violates the provisions of this section shall be subject to penalties as outlined in § 49-7 below or as provided by § 805 of the General Municipal Law.

**(P) Recusal.**

- (1) No City officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when they know or have reason to know that the action could confer a direct or indirect financial or material benefit on themselves, a relative, or any private organization in which they are deemed to have an interest.
- (2) In the event that this section prohibits a City officer or employee from exercising or performing a power or duty:
  - (a) If the power or duty is vested in a City officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board;  
or
  - (b) If the power or duty is vested in a City officer individually, then the power or duty shall be exercised or performed by their deputy, or, if the officer does not have a deputy, by another person to whom the officer may lawfully delegate the function;  
or
  - (c) If the power or duty is vested in a City employee, they must refer the matter to their immediate supervisor, who shall designate another person to exercise or perform the power or duty.

**(Q) Personal representations and claims permitted.**

This code shall not be construed as prohibiting a City officer or employee from:

- (1) Representing themselves or their spouse or dependents before the City; or
- (2) Asserting a claim against the City on their own behalf or on behalf of their spouse or dependents.

**(R) Inducement of others.**

- (1) No officer or employee of the City shall induce, threaten, coerce, or aid another officer or employee of the City to violate any of the provisions of this Code of Ethics.
- (2) No officer or employee of the City shall direct or cause any subordinate officer or employee to do or perform any service or work outside of the scope of their public work responsibilities or employment.

**(S) Other.**

Subsections (A) through (R) provide a comprehensive but not necessarily exclusive list of provisions regarding the ethical behavior of City employees and officers. When in doubt about any behavior or issue, City employees and officials should seek the assistance of the Board of Ethics.

**§ 49-5 Annual disclosure.**

**(A) Disclosures due.**

Annual disclosure forms shall be due for filing with the Board of Ethics by February 15.

**(B) Annual disclosure requirement.**

All City officers and employees listed hereinafter must submit an annual disclosure form to the City Clerk to be made available for review by the Board of Ethics.

**(C) Applicable officers and employees.**

City officers and employees who must file Annual Disclosure Forms are as follows:

Alderman-at-large  
Assessor

Assistant Corporation Counsel  
City Clerk  
City Engineer  
City Planner  
Comptroller  
Corporation Counsel  
Director of Arts & Cultural Affairs  
Director of Building & Safety  
Director of Civil Services  
Director of Communication  
Director of Community Development  
Director of Grant Management  
Director of Health & Wellness  
Director of Housing Initiatives  
Director of Human Rights  
Director of Information Technology  
Director of Parks & Recreation  
Fire Chief  
Mayor  
Members of the Board of Ethics  
Members of the Common Council  
Members of the Human Rights Commission  
Members of the Kingston Local Development Corporations  
Members of the Planning Board  
Members of the Zoning Board of Appeals  
Police Chief  
Superintendent of the Department of Public Works  
Superintendent of the Kingston Water Department

**(D) Additional Disclosures.**

The Common Council shall have discretionary power to pass resolutions requiring the filing of annual disclosures by any additional officers and employees.

**(E) Maintenance of annual disclosures.**

The City Clerk shall update and maintain a current list of all officers and employees required to file annual disclosures and shall maintain all annual disclosures submitted and reviewed by the Board of Ethics.

**(F) Annual disclosure form.**

See § 49-10 Forms.

**§ 49-6 Board of Ethics. ("Board")**

**(A) Board of Ethics established.**

The Board of Ethics for the City of Kingston, which shall consist of five members, is hereby established. The Corporation Counsel, or Assistant Corporation Counsel in their stead, shall serve as counsel to the Board. In the event the Corporation Counsel identifies a conflict of interest or a conflict of interest is identified in writing by the Board of Ethics, outside counsel shall be secured for the Board. A budget line will be established and maintained for outside counsel for at least \$10,000. Written retainer agreements shall be required for the retention of services of outside counsel. Such retainer agreements shall be subject to the approval of the Mayor of the City of Kingston. In the event that the matter involves the Mayor or a member of their family or household as those terms are defined above, the Alderman-at-large shall act in the Mayor's place.

**(B) Qualifications of members of the Board.**

- (1) No Board member shall hold office in a political party or hold elective office in the City.
- (2) No more than two Board members may be registered in the same political party at any given time.
- (3) Board members must be residents of the City throughout their tenure as Board members.

**(C) Appointment of Board members; term of office.**

- (1) The Mayor appoints the board members and solicits recommendations from the Common Council regarding three members. The Board selects its Chairperson annually.
- (2) Each Board member shall be appointed to a five-year term. For the initial term, one member will be appointed for five years, one member for four years, one member for three years, one member for two years, and one member for one year.

**(D) Vacancies.**

Vacancies on the Board shall be filled by Mayoral appointment for the member's unexpired term.

**(E) Removal of members.**

A Board member may be removed from office by the Common Council for failure to meet the qualifications outlined in this chapter, substantial neglect of duties of office, or violation of this chapter after written notice and opportunity for reply.

**(F) Board of Ethics meetings.**

The Board shall meet at least biannually. A quorum of three members is required for the Board to take formal action. The Chair or any member may call a meeting of the Board.

**(G) Board of Ethics record keeping.**

The Board shall maintain all records in a confidential manner on city property in a place designated by the Board as determined in its Rules and Regulations.

**(H) Jurisdiction, powers, and duties of the Board of Ethics.**

(1) The Board may only act with respect to officers and employees of the City of Kingston.

(2) The termination of a City officer's or employee's term of office or employment with the City (on a voluntary or involuntary basis) shall not affect the jurisdiction of the Board with respect to the requirements imposed by this chapter or by the Act, if any, on a former officer or employee. However, in no event shall the Board have jurisdiction over a former officer or employee where a hearing has not been commenced pursuant to the provisions of this chapter within one year of the termination of a City officer's or employee's term of office or employment with the City.

(3) The Board shall have the following powers and duties:

(a) Each year, on or before January 15, the Board shall report to the Mayor and the Common Council regarding the Board's operations of the previous year and make recommendations to the Mayor and the Common Council, as needed, for changes to this chapter;

- (b) The Board shall prescribe and promulgate rules and regulations by resolution of the Board, governing its own internal organization and procedures in a manner consistent with this chapter, and to cause to be filed with the office of the City Clerk and the office of the Corporation Counsel a copy of those rules and regulations and any amendments thereto;
- (c) To request that the Mayor appoint such staff as is necessary to carry out its duties under this chapter;
- (d) To review, index, and maintain lists of officers and employees and annual and other disclosure statements filed with the Board pursuant to this chapter;
- (e) To review, index, maintain on file, and dispose of written complaints and to make notifications and conduct inquiries pursuant to this chapter;
- (f) To conduct hearings, recommend disciplinary action to the appropriate appointing authority, pass resolutions, make referrals, and initiate appropriate actions and proceedings pursuant to this chapter;
- (g) To render, index, and maintain on file advisory opinions pursuant to this chapter;
- (h) To provide training, assistance, and education to City officers and employees pursuant to this chapter, including developing and distributing a plain-language ethics guide for use by City officers and employees, including all forms developed by the Board.

**(I) Review of lists and disclosure statements.**

- (1) The Board shall review:
  - (a) The lists of officers and employees who must file annual disclosure statements prepared by the City Clerk pursuant to this chapter to determine whether the lists are complete and accurate;
  - (b) All annual disclosure statements;
  - (c) All amendments to disclosure statements.
- (2) If the Board determines that a filed annual disclosure statement is deficient or reveals a possible or potential violation of this chapter, the Board shall notify the person in writing, state the deficiency or possible or potential violation, provide the person with thirty days to cure the deficiency and advise the person of the penalties for failure to comply with this chapter. Such notice shall be confidential to the extent permitted by the Public Officers Law. If the person fails to cure the deficiency within the specified time, the Board shall send a notice of delinquency:



- (a) To the reporting person;
- (b) In the case of the Mayor or a Common Council member, to the entire Common Council; and
- (c) In the case of all other City officers and employees, to the appointing authority for such person.

**(J) Inquiries and hearings.**

(1) Upon receipt of a written inquiry or on its own initiative, the Board shall have the power and duty to conduct any hearing necessary to carry out the provisions of this chapter. The Board may administer oaths or affirmations. In conducting any hearing pursuant to this section, the Board may subpoena witnesses and require the production of any books or records that it may deem relevant and material.

(2) Nothing in this section shall be construed to permit the Board to conduct a hearing with respect to itself or any of its members or staff. In the event the Board receives an inquiry alleging that the Board or any of its members or staff has violated any provision of this chapter or any other law, the Board shall promptly transmit a copy of the complaint to the Mayor, who shall conduct an investigation of the complaint and forward the results of said investigation to the Common Council for action pursuant to Subsection H(3)(e) above.

(3) The Board shall state, in writing, the disposition of every written inquiry it receives and of every hearing it conducts and shall set forth the reasons for the disposition. All such statements and all written inquiries shall be indexed and maintained on file by the Board.

(4) Any person filing a written inquiry with the Board shall be notified in writing of its disposition.

**(K) Referrals by the Board of Ethics.**

(1) Disciplinary action. In the case of a hearing held by the Board, the due process procedural mechanisms shall be substantially similar to those outlined in Article 3 of the State Administrative Procedure Act. The Board shall conduct and complete the hearing with reasonable promptness unless, at its discretion, the Board refers the matter to the authority, person, or body authorized by law to impose disciplinary action or unless the Board refers the matter to the appropriate prosecutor. If such a referral is made, or if a matter is the subject of another governmental inquiry, investigation or judicial proceeding, the Board may adjourn the matter pending a final determination of such matter by the other authority, person, body, or law enforcement agency.

(2) Law enforcement. The Board shall refer to the appropriate law enforcement agency any facts or evidence that come into its possession that reasonably indicate possible criminal violations.

(3) Construction as to the Board. Nothing in this section shall be construed to permit the Board to take any action with respect to any alleged violation of this chapter or of any other law by a Board member or members. Any inquiries and investigations regarding Board members shall be conducted using procedures consistent with the procedures outlined in this chapter.

**(L) Advisory opinions.**

(1) Upon the written request of any person, the Board may render a written advisory opinion with respect to the interpretation or application of this chapter.

(2) Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board in the Office of Corporation Counsel.

**(M) Public inspection of records; public access to meetings.**

(1) Records of the Board, including completed financial disclosure forms, are available for public inspection pursuant to the provisions of §§ 84 through 90 of the Public Officers Law. With regard to completed disclosure forms, notice of any request for inspection will be provided to the City officer or employee. The Board shall review any request for redaction of information from disclosure forms by an individual City Officer or employee. It will authorize the redaction of such information in accordance with the provisions of the Public Offices Law and applicable precedent. Any decision regarding the redaction of such material can be appealed to the Freedom of Information Appeals Officer.

(2) Meetings of the Board shall be accessible to the public pursuant to the provisions of §§ 100 through 111 of the Public Officers Law.

**§ 49-7 Penalties for offenses.**

**(A) Void contracts.**

Any contract or agreement entered into by or with the City in which this chapter prohibits an interest shall be null, void, and wholly unenforceable, to the extent provided by § 804 of the General Municipal Law, unless ratified by the Common Council. Such ratification shall not affect the imposition of any civil penalties pursuant to this chapter or any other provision of law. Upon determination by the Board of Ethics that such a violation has occurred, the Board shall have the

power, upon consultation with the head of the department involved or with the Mayor, to render forfeit and void the transaction in question.

**(A) Civil penalties.**

Any City officer or employee who violates any provision of this chapter, including any reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully, with intent to deceive, makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this chapter, shall be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Board of Ethics. Assessment of a civil penalty shall be final unless modified, suspended, or vacated within thirty days of imposition and, upon becoming final, shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.

**(B) Disciplinary action.**

Any City officer or employee who violated any provision of this chapter may be warned or reprimanded, suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement by the appointing authority or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this section or any other provision of law.

**§ 49-8 Effect on the filing of claims.**

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former City officer or employee of any claim, account, demand, or suit against the City of Kingston, or any agency thereof, on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**§ 49-9 Distribution of copies.**

The City Clerk of the City of Kingston shall cause a copy of this Code of Ethics to be distributed to every officer and employee within thirty days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon their office or employment duties. Failure to distribute any such copy or failure of any officer

or employee to receive such copy shall not affect the duty of compliance with such code or the enforcement of provisions thereof.

**§ 49-10 Forms.**

The annual disclosure required by § 49-5 of this chapter shall be in the form outlined in the attachment hereinbelow.

**Attachments:**

Attachment 1 - Annual Statement of Financial Disclosure Form



L+R



## City of Kingston Financial Disclosure Form

### Introduction/Instructions:

You are required to fill out the following financial disclosure form pursuant to the City of Kingston's Ethics Code. It is required of all elected officials, all department heads, and board/commission members of any board/commission that make actionable decisions.

The form must be complete. Do not leave a question unanswered. If a question does not apply, mark the appropriate box stating so.

The form must be signed in front of a notary. This service is available at City Hall in the Office of Corporation Counsel.

The form must be delivered to the City Clerk in a sealed envelope.

If a person is hired/elected/appointed after 2/15, they must complete a Financial Disclosure Form within thirty days.

If anything you disclose changes, you must submit a new Financial Disclosure Form with the changes.



Family Member

Name of Business/Employer Relationship to Business

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3. If any individual listed in #2 is employed in the practice of law, is a NYS Department of State licensed real estate broker or agent, practices a profession licensed by the Department of Education, or if an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, provide a general description of principle subject areas of matters undertaken by the firm or corporation. Do not list names of individual clients, customers, or patients.

None (check if applicable)

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4. **Income From City Employment.** Identify the source and nature of any income received from the City of Kingston in excess of \$1,000.00 per year for you, your spouse, domestic partner, or dependent children during the reportable year. This, however, does not include any maintenance connected with matrimonial action, alimony, or child support payments.

None (Check if applicable)

Name of Family Member

City Department/Division/Office

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5. **Other Income.** Identify the source and nature of any other income in excess of \$1,000.00 per year from any source not described above, including employment income, teaching income, lecture fees, consultant fees, contractual income, or other income of any nature for you, your spouse, domestic partner, or dependent children during the reportable year. This, however, does not include any maintenance connected with a matrimonial action, alimony, or child support payments.

None (Check if applicable)

| <u>Name of Family Member</u> | <u>Name &amp; Address of Income Source</u> | <u>Nature of Investment</u> |
|------------------------------|--|-----------------------------|
|------------------------------|--|-----------------------------|

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6. **Relatives in the City of Kingston.** List each relative who is an officer or employee of the City of Kingston, whether paid or unpaid, including the relative's name, relationship to you, title, and department. Relatives include your spouse, domestic partner, child, stepchild, grandchild, brother, sister, parent, or stepparent, plus any person you claimed as a dependent on your latest income tax return and that dependent's spouse or domestic partner.

None (Check if applicable)

| <u>Name of Relative</u> | <u>Relationship to You</u> | <u>Title</u> | <u>Department</u> |
|-------------------------|----------------------------|--------------|-------------------|
|-------------------------|----------------------------|--------------|-------------------|

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7. **Money you owe.** List any debts of \$10,000 or more that you owe to an officer or employee of the City of Kingston or anyone you know who does business with the City of Kingston. Do not list debts you owe to banking companies with an official banking relationship with the City of Kingston.

None (Check if applicable)



Creditor

Type of Obligation

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8. **Money owed to you.** List any debts of \$10,000 or more that officers or employees of the City of Kingston or anyone you know who does business with the City of Kingston owes you.

None (Check if applicable)

Debtor

Type of Obligation

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9. **Interest in Contracts.** Describe any interest you, your spouse, domestic partner, or dependent children have in any contract involving the City of Kingston.

None (Check if applicable)

Name of Family Member

Contract Description

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10. **Investments.** Itemize and describe all investments in excess of \$5,000 or 5% of the value in any business, corporation, partnership, or other assets, including stocks, bonds, loans, pledged collateral, and other investments, for you, your spouse, domestic partner, or dependent children excluding investments in publicly traded securities and interest in real property.

None (Check if applicable)

| <u>Name of Family Member</u> | <u>Name &amp; Address of Business</u> | <u>Description of Asset</u> |
|------------------------------|---------------------------------------|-----------------------------|
|                              |                                       |                             |
|                              |                                       |                             |
|                              |                                       |                             |
|                              |                                       |                             |

| <u>Name of Family Member</u> | <u>Location of Real Estate</u> | <u>Description of Investment</u> |
|------------------------------|--------------------------------|----------------------------------|
|                              |                                |                                  |
|                              |                                |                                  |
|                              |                                |                                  |
|                              |                                |                                  |

11. **Trusts.** Identify each interest in a trust or estate or similar beneficial interest in any assets in excess of \$2,000, except for IRS-eligible retirement plans or interests in an estate or trust of a relative, for you, your spouse, domestic partner, or dependent children.

None (Check if applicable)

| <u>Name of Family Member</u> | <u>Trustee/Executor</u> | <u>Description of Trust/Estate</u> |
|------------------------------|-------------------------|------------------------------------|
|                              |                         |                                    |
|                              |                         |                                    |
|                              |                         |                                    |
|                              |                         |                                    |

12. **Gifts and Honorariums.** List the source of all gifts aggregating in excess of \$75 received during the last year by you, your spouse, domestic partner, or dependent children, 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, whether or not they are reportable as income. This does not include campaign contributions made to a political committee.

None (Check if applicable)

Name of Family Member

Name & Address of Donor

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13. **Loans.** Describe all loans to you, your spouse, domestic partner, or dependent children in excess of \$5,000. This does not include any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvement for a primary or secondary residence, or the purchase of a personally owned motor vehicle, household furniture, or appliances. If any third party has guaranteed any such reportable loan, list the liability and the name of the guarantor.

None (Check if applicable)

Name of Family Member Name & Address of Creditor Type of loan & collateral, if any

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14. **Political Parties.** List any position you held as an officer of a political party, political committee, or political organization within the last five years. The term "political organization" includes any independent body or any organization that is affiliated with or a subsidiary of a political party.

None (Check if applicable)

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15. **Not-for-profit organizations.** List any position you held as an officer of a not-for-profit organization within the reporting year. The term "nonprofit organization" includes any organization that is organized pursuant to the New York Not-for-Profit Corporation Law.

None (Check if applicable)

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**Certification:**

I hereby certify, under penalty of perjury, that I have received a copy of the City of Kingston Ethics and Disclosure Law (Chapter 49 Local Law No. 2-2013 as amended) and that the information disclosed on this form is true and complete to the best of my knowledge.

I hereby acknowledge my continuing responsibility to disclose any conflicts of interest or potential conflicts of interest and/or recuse myself from any act or action as required by the City of Kingston's Ethics Law. I certify that I will undertake and carry out this responsibility to the best of my ability.

\_\_\_\_\_  
Signature Date

State of New York } County of \_\_\_\_\_ } ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
(Signature and Office of individual taking acknowledgment)

**The deadline for filing is February 15<sup>th</sup>.** Please return the completed form to the City Clerk's Office, City of Kingston, at 420 Broadway, Kingston, NY 12401.