

TO: Greenburgh Library Board of Trustees  
TO: Library Director  
CC: Town Board  
CC: Town Clerk

**OPINION 2009-2**

The Library Director has requested an opinion as to whether a particular Library employee can accept an unsolicited gift. This Library employee has been invited to attend a Book Fair in Madrid, Spain, which is sponsored by the Spanish Institute for Foreign Trade and the Spanish Association of Publisher's Guild ("proposed donors"). The gift from the proposed donors would consist of coach round trip air ticket to Madrid, four nights stay in a hotel, and transportation between the hotel and the event. If approved by the Library Board, the Library would, separate from the proposed gift, pay the employee for her time while attending the event and reimburse the employee for her meals and transportation to and from airports.

In response to questions asked by the Board of Ethics, we have been informed that neither proposed donor is in litigation with the Town, is a lobbyist under the NYS Lobbying Act, is a vendor to the Town, or has a contract with the Town or is seeking any approval or permit from the Town.

Opinion

As stated in the Board of Ethics Report Regarding Accepting Gifts to or for the benefit of the Town of Greenburgh, which was transmitted to the Town Board on August 3, 2009 and which is posted on the Board of Ethics page on the Town website under "Archived Documents", special ethical sensitivities may arise if the proposed donor "was in litigation with the Town, was a lobbyist or was seeking an approval or permit from the Town." None of those factors appear to be present here, and thus the Board of Ethics advises the Library Board of Trustees that as far as it knows there are no special ethical sensitivities with respect to this proposed gift.

As also stated in the Report on Gifts, "[i]f and to the extent the Library Board of Trustees is authorized by statute to accept gifts, any official action of the Library Board which culminates in the acceptance of a gift to the Library at a meeting conducted pursuant to and in accordance with the requirements of the NYS Open Meeting Law does not violate either NYS or Town ethical laws, if the public has a reasonable opportunity to comment on the proposed gift." If the Library Board of Trustees does not have such authority, then the proposed gift could be accepted by the Town Board pursuant to its authority under NYS Town Law 64(8) "at a meeting conducted pursuant to and in accordance with the requirements of the NYS Open Meeting Law . . . if the public has a reasonable opportunity to comment on the proposed gift." The Board of Ethics does not express a view on which is the appropriate board to pass on whether to accept the proposed gift.

The Board of Ethics hopes this advisory opinion is helpful to the Library Board of Trustees. If one or more members of the Library Board of Trustees would like to meet with the Board of Ethics regarding any general issues pertaining to accepting gifts, we would be please to schedule time on our agenda on an upcoming meeting.

BY THE BOARD OF ETHICS

*Adopted at September 16, 2009 Meeting*

Voting For: Mr. McLaughlin

Mr. Rivera

Mr. Scott

Mr. Sigal