

**Town of East Greenbush Board of Ethics**  
**Internal Rules and Regulations**  
**April 18, 2015 (amended Jan 2018)**

The following rules and regulations are intended to provide for the efficient working of the Board of Ethics (BOE).

- 1. Quorum:** A quorum shall be four voting members of the BOE.
- 2. Action:** When all five members of the BOE are present an affirmative vote of four members shall be required to approve any action. When four members of the BOE are present and affirmative vote of three members shall be required to approve any action.
- 3. Rules of Order:** For procedures not covered herein, Robert's Rule of Order for small organizations shall govern.
- 4. Meetings:**
  - a. Frequency. The Board of Ethics shall hold meetings at least quarterly.
  - b. Duration. Meetings shall be scheduled to last two hours. The duration may be extended by a majority vote of the members present.
  - c. Time. Meetings may be scheduled in the morning, afternoon, or evening with at least one meeting per year shall be held in the evening.
  - d. Location. Meetings shall be held at Town Hall
  - e. Scheduling. The next meeting will be scheduled at the end of each meeting. If it is necessary to schedule a meeting prior to next meeting , such meeting may be called by the Chair or by any two members.
  - f. Announcement. The date, time, location, and proposed agenda of a meeting shall be posted on the Town website at least 4 days prior to the meeting. If a meeting is called not more than one week in advance, the date, time, location, and agenda will be posted on the Town website as soon as practical.
  - g. Minutes. Unless otherwise required by law, within two weeks after a meeting is held, the Secretary of the Board of Ethics shall post approved minutes on the Town website. If any corrections are required in the posted minutes, they will be noted in the minutes of the next meeting. If substantial changes are made, corrected minutes will be reposted on the Town website.
  - h. Presiding Officer. The members of the BOE shall elect a Chairman in the first meeting of each calendar year. The Chairman shall reside over meetings. If the Chairman is absent, the members shall choose one of their members to act as Chairperson for the duration of the meeting.
  - i. Agenda. The Chairman shall develop a proposed agenda for each meeting which considers agenda items agreed to at the previous meeting, items proposed by members of the BOE, and new business concerning matters raised to the BOE since the previous meeting. One of the first agenda items shall be the acceptance or modification of the proposed agenda.
  - j. Public Participation: The public may and is encouraged to attend open meetings of the BOE. The public does not attend when the BOE convenes to Executive Session. At open meetings, allowing the public to speak is at the discretion of the BOE and subject to reasonable rules. A public comment period may be scheduled on the agenda. Public comment is subject to necessary rule of avoiding excessive repetition, obstructionism, and personal attacks. The Chairman or a majority of the members present may rule that a speaker is out of order.

## **5. Handling Requests for Determinations Concerning Alleged Violations of the Code of Ethics.**

The Board of Ethics is authorized to receive complaints regarding alleged violations of the code of Ethics from the Town Board, Town Employees, members of the public, or the Board of Ethics itself. In all phases of its evaluation process the BOE has a fact finding duty.

- A. The BOE requires the use of a complaint form, which shall be available on the Town website.
- B. Complaints must specify the sections of the Code of Ethics they believe have been violated along with a brief statement of the facts of the violation as they are known to complainant. The BOE may consider other sections of the Code of Ethics, but is under no obligation to consider violations not specified in complaint.
- C. Complaints shall be turned in or mailed to the Town Clerk's Office and clearly addressed to the Board of Ethics.
- D. The Town Clerk's Office will stamp received and place in mailbox for BOE chairman.
- E. The Chairman will notify members of the BOE that a complaint has been received and a letter will be mailed to complainant within 15 business days stating that the BOE will begin the evaluation process.

## **6. Evaluation of Received Complaints:**

- A. The Board of Ethics will hold all complaints submitted to them in confidence throughout the evaluation process and all discussion regarding any complaints shall take place in executive session.
- B. The Board of Ethics will make a determination to proceed based on, but not limited to the following:
  - 1. A determination that the actions specified in the complaint violate one or more sections of the Code of Ethics.
  - 2. Evidence of such violations.
- C. If the Board of Ethics determines that there is no cause to proceed the Board of Ethics will inform the complainant in writing that the complaint has been dismissed for lack of cause.
- D. If the Board of Ethics has determined that the complaint is intelligible, appropriately filed, and proves that there is good cause to proceed the Board of Ethics may investigate the complaint as they deem necessary. This may include, but is not limited to, an interview with both the complainant and the person named in the complaint, requests for more evidence, and requests for written responses. At this time a written response from the Board of Ethics will be sent to the complainant indicating that the complaint is being investigated.

- E. At any time the Board of Ethics may ask the Town Board to provide outside counsel recommended by it pursuant to General Municipal Law 808.
- F. The Board of Ethics will avoid interference with criminal investigations known to it.

#### **7. Determination and Recommendations to Town Board:**

At the conclusion of the evaluation process the Board of Ethics will submit in writing to the Town Board its findings, opinions, and recommendations. Each Town Board member will receive a copy of the recommendation and a copy will be sent to the Town Clerk. The Board of Ethics opinion that is submitted to the Town Board must be finalized and voted on by the Board of Ethics prior to submission. Any member of the Board of Ethics will have the right to file a separate concurring or dissenting statement in writing, which will be included as an appendix to the document submitted to the Town Board.

#### **8. Requests for Advisory Opinions:**

- A. The BOE is authorized to receive and respond to requests for advisory opinions from all officers and employees of the Town, including Town Board members, Planning Board members, Zoning Board members, Citizen's Fiscal Advisory Board members, Youth Commission members, and all Town employees.
- B. Requests for advisory opinions must be made in writing to the BOE and received by the Town Clerk's Office clearly addressed to the Board of Ethics. The Town Clerk will stamp received and place in BOE Chairman's mailbox. A specified form is not required, but shall be available on the Town website.
- C. The Chairman will notify the BOE members that a request for Advisory Opinion has been received and a letter will be sent to requester within 15 days stating that the Opinion Evaluation Process will begin.
- D. All requests for advisory opinions will be discussed in executive session.
- E. The BOE may request additional information for clarification from the requester as it pertains to future proposed conduct or conduct that has already taken place.
- F. For an opinion on conduct ongoing or already taken place the BOE may investigate for further information.
- G. The Advisory Opinion issued by the BOE does not protect requester from being the subject of a later complaint.
- H. If additional information becomes known, the BOE reserves the right to change its position expressed in the original advisory opinion.
- I. Advisory opinions will be approved by the Board of Ethics.

J. Advisory opinions will be stated in written form and mailed to requester within 90 days.

**9. Statement of Financial Interests.**

All Town Officers are required to annually complete and submit to the BOE a Financial Disclosure Form. These records will be reviewed for completeness by the BOE and filed in the Town Clerk's Office. Disclosure forms shall be given to the Town Clerk to distribute to all Town Board members and Department heads. All disclosure forms must be returned to Town Clerk's office no later than April 15th of each year.

**10. Training**

In January of each year any new employees will be given a copy of the Code of Ethics. These will be given to the Town Clerk to distribute by the BOE Chairman. All new employees must sign off that they have read the Law and return to Town Clerk's Office prior to the First day of March.

The Board of Ethics will work with the Town Supervisor to coordinate with the Town Supervisor an appropriate time to schedule staff Ethics training. The BOE should coordinate how best to provide this training and by whom.

**11. New Members to the Board of Ethics**

All new members of the BOE will be given a copy of these Rules and Regulations.

**12. Alternate Members**

The chairperson of the ethics board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on a complaint, advisory opinion, or other matter before the board. The alternate member shall possess all the powers and responsibilities of such member of the board while the board is engaged in resolving that matter only. Once the matter at issue is resolved, the powers and responsibilities of the alternate member are extinguished. Such designation shall be entered into the minutes of the initial ethics board meeting at which the substitution is made. Until such designation is made, alternate members shall be deemed members of the public.

**13. Amendments to Rules and Regulations.**

These rules and regulations may be amended at a public meeting by a vote of the BOE.