

LOCAL LAW # _____, YEAR 2015

A Local Law amending the Code of Ethics of the Town of East Greenbush, in relation to the receipt and investigation of complaints.

SECTION 1.

Local Law Number 3 of the year 2013 is amended by adding a new subdivision (c) to Section 19.

(c) *Receipt and investigation of complaints*

(1) In addition to the other powers and duties granted to the board of ethics above, the board shall have the authority to receive from any person a written complaint alleging a violation by any officer or employee of the Town of the provisions of this article. The board of ethics may prescribe a form for such complaint.

The written complaint must be signed and notarized, shall include the individual complainant's address, and set forth in reasonable detail and documentation, if any, the facts alleged to constitute the violation(s). Within 15 business days of receipt of a complaint, the board of ethics, by a member, shall send a written acknowledgement that the complaint has been received.

(2) The identity of individuals filing complaints with the board shall remain confidential. All proceedings and actions relating to any complaint received by the board of ethics, including interviews, reviews of documents and other evidence, and deliberations, shall be held in executive session.

(3) If the board, after reviewing the complaint, determines that it does not state a violation of the code, it shall take no further action. If the board determines that the complaint states a violation of the code, it may make such investigation as it deems proper. If, after such investigation, it determines that there is inadequate proof, the

board shall make a determination to take no action. In either case, the complainant shall be notified of the board's action.

(4) If the board determines, after review of the complaint and such further investigation as the board deems necessary, that a preponderance of the evidence shows that a violation of the code of ethics has occurred, the board shall prepare and submit to the town board a written report, setting forth the allegations in the complaint, a summary of the board's investigation, and the board's determination that adequate evidence exists that a violation of the code of ethics has occurred. A copy of the report shall be provided to the town official or employee who is the subject of the report. The report shall be a public document.

(5) If a complaint is received that is duplicative of a complaint already in front of the board of ethics, it may be combined into a single complaint. In order for a complaint to be deemed duplicative it must be:

- a. Against the same person;
- b. For the same violation; and
- c. For the same circumstance.

Repetitive violations whose only difference is the day or time at which they occurred will be considered duplicative.

SECTION 2.

This local law shall take place immediately upon filing with the Secretary of State's office.