

Powers and Duties of the Village of East Nassau Board of Ethics

A. The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the municipal officers and employees of the Village of East Nassau, pursuant to a written request, with respect to Article 18 of the General Municipal Law.

B, The Board shall render advisory opinions to municipal officers and employees with respect to the East Nassau Code of Ethics pursuant to a written request by a municipal officer or employee. In no event shall the identity of the municipal officer or employee be publicly disclosed.

C. An advisory opinion regarding this Code of Ethics shall be provided to the person requesting same. Opinions shall be forwarded by the Board of Ethics to the Village Mayor and Trustees of the Village of East Nassau following the rendering of such opinion.

D. In addition to the other powers and duties granted to the Board of Ethics, the Board shall have the authority to receive from any person a written complaint questioning the compliance of any Village officer or employee with the provisions of the Code of Ethics. The Board of Ethics may prescribe a form for such complaint. The Board of Ethics may on its own motion conduct an inquiry of an officer or employee's alleged non-compliance with the provisions of the Code of Ethics upon receipt of substantial, reliable evidence, including, but not limited to, documents, written material, or other forms of proof. The Board of Ethics shall also have the power to initiate complaints as a result of information discovered during the course of its duties.

E. The Village Board of the Village of East Nassau hereby empowers the Village of East Nassau Board of Ethics with the authority to take testimony under oath recognizing that false statements given under oath will be forwarded to the Rensselaer County District Attorney for possible criminal prosecution.

F. The Board of Ethics may promulgate its own rules as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings in compliance with State laws. All such rules and regulations shall be in compliance with applicable State laws, shall guarantee due process and shall be reviewed and approved by the Village Attorney. The procedure for receipt and investigation of complaints shall be as follows:

Receipt and Investigation of Complaints

- (1) The written complaint must be signed, must include the individual complainant's address, and set forth reasonable detail and documentation, if any, of the facts alleged to constitute the violation(s).

- (2) The written complaint shall be filed with the Board of Ethics. Upon receipt of said complaint, the Board of Ethics shall acknowledge receipt to the complainant and forward the complaint simultaneously to the officer or employee who is the subject of the complaint and the Village Attorney.
- (3) The Board of Ethics shall then conduct a preliminary analysis of the complaint and determine in writing whether there is probable cause for the complaint. In the event that the Board of Ethics should find no probable cause for the complaint, the complaint shall be dismissed by the Board of Ethics without the need for further proceedings. Such dismissal shall be decisive and binding with respect to the matter or matters set forth in the dismissed complaint. The Board of Ethics shall then notify the complainant, the officer or the employee who is subject of the complaint and the Village Board of the disposition of the complaint.
- (4) In the event that the Board of Ethics should find probable cause for the complaint, the Board of Ethics shall forward to the Village Board a copy of its probable cause decision together with any information and documentation acquired by the Board of Ethics regarding the complaint.
- (5) The Board of Ethics shall then conduct an investigation and hearing on said complaint within a reasonable time period not to exceed 90 days.
- (6) Upon the request of a majority vote of the total voting membership of the Board of Ethics, the Board may require the attendance of necessary witnesses and the production of documents and other materials pertinent to the investigation.
- (7) The officer or employee who is the subject of the complaint shall have the right to be represented by counsel at any required appearance before the Board of Ethics.
- (8) A copy of the transcript of the testimony of the officer or employee, who is the subject of the complaint, shall be provided at no cost to the officer or employee.
- (9) The Board of Ethics may require a written sworn response from the officer or employee who is the subject of the complaint in lieu of an appearance before the Board of Ethics.
- (10) After the complaint has been filed and prior to any investigation undertaken of a complaint before the Board of Ethics, no member of the Board of Ethics or any of the Board's authorized agents may communicate directly or indirectly with any party or other persons about any issue of fact or law regarding the complaint, except that:
 - (a) the members of the Board of Ethics may obtain legal advice from the Village Attorney or special counsel as the case may be, and
 - (b) the members of the Board of Ethics may discuss the complaint among themselves;
 - (c) if any person attempts to influence a Board of Ethics member regarding the pending complaint, the Board member shall report the substance of the communication to the Board of Ethics at the next regular meeting of the Board of Ethics; and
 - (d) failure to comply with this paragraph shall be deemed to be cause for removal of that member.

(11) At the conclusion of its investigation and hearing on said complaint, the Board of Ethics shall then furnish the complainant, the officer or the employee who is subject of the complaint, the Village Attorney and the Village Board of the disposition of the complaint and its recommendation for action made to the Village Board.

G. All actions, decisions and recommendations of the Board of Ethics shall be by majority vote of the entire membership.

H. The Village of East Nassau Board of Ethics shall have such other powers and duties as shall be provided by or pursuant to Article 18 of the General Municipal Law of the State of New York.

I. To the extent allowed by law, the Village of East Nassau Board of Ethics shall be exempt from the Freedom of Information Law and from the Open Meetings Law.

J. Discussions held in Executive Session shall remain confidential and will not be disclosed.

K. The complaint, records and other proceedings related thereto shall remain confidential until the Board of Ethics makes a recommendation for action to the Village Board or dismisses the complaint.

L. The members of the Board of Ethics shall have the right to obtain opinions from qualified people other than themselves provided that the majority of the members of the Board of Ethics agree with such a course of action and the names of the individuals involved in the complaint are withheld.