

PROCEDURES OF THE TOWN OF OSSINING BOARD OF ETHICS

I Meetings of The Board of Ethics

- A. Regular meetings of the Town of Ossining Board of Ethics (BOE) shall be held no less than twice a year at times and dates to be determined by the BOE. Those meetings shall be held at Town Hall, 16 Croton Avenue, Ossining, NY, or at an alternative location in the Town of Ossining as determined by the BOE. Regular meetings shall be in addition to meetings to be convened by the BOE at Town Hall upon receipt of a Verified Complaint and/or Request for an Advisory Opinion.
- B. Special meeting(s) may be called at any time at the request of any member of the BOE.
- C. At any meeting a majority of the BOE shall constitute a quorum for the transaction of business.

II General Protocol

- A. All Complaints and requests for Advisory Opinions will be reviewed by the BOE in a closed session.
- B. The members of the BOE may seek to obtain information on matters before it, provided that the majority of the members of the BOE agree with such a course of action.
- C. Discussions held in closed session shall remain confidential and will not be disclosed.
- D. BOE members shall recuse themselves from participation in discussions, deliberations, or voting in any matter in which they have an actual or potential conflict of interest, or which may create an appearance of a conflict of interest.
- E. A minimum of three members must concur on all actions, decisions and recommendations of the BOE.
- F. Except to the extent such records must be disclosed under the Freedom of Information Law, the complaint records shall remain confidential.
- G. Selection of Chairperson

The BOE shall have a Chairperson who shall serve for one year from the date of selection. The Chairperson shall be selected in the order in which each member of the BOE was appointed by the Town Board. The controlling date for this determination shall be the date the Town Board appoints a member to the BOE. On a rotating basis, the Chairperson shall assign each request for advisory opinion and each complaint to one member of the BOE (“the member in charge”). Each member in charge shall be responsible for coordinating the analysis and response to a request for an

advisory opinion or for organizing the investigation of a complaint. The Chairperson shall endeavor to make such assignments based upon the nature and complexity of the issues presented, and the experience, background, and knowledge of the member in charge.

H. The Chairperson shall select meeting dates and provide reasonable notice to BOE members of the meeting, which shall be subject to the receipt of reasonable input from the other members of the BOE. In the event that the Chairperson is unable for any reason to be at any particular meeting or is temporarily unable to serve, the BOE member with the most seniority shall act in place of the Chairperson.

I. If any person attempts to influence or coerce a BOE member regarding the pending complaint, the BOE member shall report the substance of the communication to the BOE at or before its next regular meeting.

III. Complaints

The procedure for receipt and investigation of Complaints shall be as follows:

A. Receipt of Complaints:

1. The written complaint must be signed by the complainant and include the complainant's address, telephone number and contact information and must set forth the name, address and title, if known, of the person(s) or entity who is the subject of the complaint, setting forth in reasonable detail the facts alleged to constitute a violation of the Code of Ethics, providing any appropriate documentation thereof.
2. After the complaint has been provided to the BOE by the Town Clerk, and prior to any investigation undertaken of the complaint before the BOE, no member of the BOE or any of the BOE'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 BOE may discuss the complaint among themselves;
 - b) The members of the BOE may obtain legal advice from the Town Attorney or special counsel.

B. Initial Review of Complaint:

The Board of Ethics shall conduct an initial Complaint Review within 21 days of receipt, resulting in one of the following steps:

1. Return of Complaint – the complaint is returned for more information or clarification if, in the opinion of the BOE, the nature of the alleged

offense(s) and/or the alleged ethical / legal violation is unclear and/or if the offense(s) alleged in the complaint does not fall within the jurisdiction of the BOE and/or, in the opinion of the BOE does not allege sufficient facts to warrant investigation.

2. Referral to the Town Board – the matter is forwarded to the Town Board to take appropriate action where the written complaint alleges a violation of law under the jurisdiction of the District Attorney or appropriate law enforcement agency.
3. Acceptance of the Complaint for investigation – The BOE proceeds to the Complaint Review process described below.

C. Complaint Review:

1. The BOE shall conduct an investigation of the complaint.
2. The subject(s) of the complaint shall have the right to be represented by counsel at any requested / required appearance before the BOE.
3. The subject of the complaint, shall be afforded an opportunity to present evidence to the Board of Ethics; if the subject of the investigation does not, for any reason, cooperate in the investigation process, the BOE may conduct its investigation and reach its conclusions based upon the evidence available.
4. The BOE reserves the right to request documents, evidence and testimony as it deems appropriate for its investigation of any complaint period. Cooperation from the complaining party and from the person(s) who is the subject of the investigation is expected.
5. Within 45 days after the BOE has received and reviewed all of the information that it deems necessary to make findings of fact and conclusions of law with respect to a complaint, it shall forward its written findings of fact and recommendations to the Town Board.

IV. Request for Advisory Opinion

- A. An Advisory Opinion is generally sought regarding one's own contemplated action or status for guidance in interpreting the Town Ethics Law or Article 18 of the General Municipal Law. An Advisory Opinion is not sought regarding the actions or perceived unethical situations and/or

behaviors of others. Any individual subject to the Town of Ossining Code of Ethics may obtain an Advisory Opinion.

- B. A request for an Advisory Opinion from the BOE must be made in writing, using the Request For An Advisory form.
- C. Within 21 days after the BOE has received and reviewed all of the information it deems necessary to review the request, the BOE will issue its Advisory Opinion.
- D. Advisory Opinions shall be maintained by the Town Clerk.
- E. The person seeking an Advisory Opinion is expected to cooperate and provide all information requested by the BOE.