

Ethics Board Procedures

1) Complaints can be initiated in two ways: either by a citizen via the City Website Portal, or via a direct request from City Council.

2) Complaints received from citizens via the portal will be vetted by the Board of whether or not the complaint is valid. Validity shall be determined based on evidence and not hearsay. Evidence may include video footage (as per NYS Open Meetings Law), minutes of any open meeting, police reports, financial statements, witness statements, media reports, and any other evidence the Board deems legitimate. Additionally, a complaint is valid only if one or more of the tenets of the Code of Ethics is violated. Any breaches of local/state law shall be forwarded to Legal for further investigation before proceeding with any alleged violations of the Code of Ethics. More than one complaint against a single individual may be handled as a single complaint for purposes of the investigation, but all parties may submit their own evidence and/or submit to interviews.

A directive from City Council may be presumed to be legitimate and should be investigated accordingly. The POC will be the City Clerk.

3) Definitions such as "impropriety" and other information on related ethical matters (ie what may constitute a conflict of interest) can be found in Chapter 10 of the NYCOM Handbook for City Officials (NOTE: a copy of this document, which is normally issued to elected and appointed officials, ie City Councilors and the city Manager, &c, can be obtained from the City Clerk's Office). The City Clerk is the official liaison from City Government to the Board of Ethics.

4) Upon determination of an investigation, the following should be notified: the individual being complained against, the complainant, the Mayor, and the City Clerk. Complaints can be levied against any elected or appointed official who has taken an oath of office. Such officials include the Mayor, members of Council, the City Manager, the City Clerk, and any member of any official Board of Commission.

Complaints levied against City Employees (Police, Fire, DPW, Clerk's Office, &c) shall immediately be referred to the Human Resources Department and the City Manager for further action.

5) Communication with Council: upon the conclusion of an investigation (whether initiated by citizen complaint or by Council), the Board of Ethics will report to the Mayor and City Clerk that the complainant was either in violation of one or more tenets of the Code of Ethics or was not in violation of the code of Ethics. In either contingency, the Mayor and City Clerk shall be notified, and the matter will appear on the next Council agenda. The results will be read in open Council.

6) Any action taken as the result of an investigation will be up to Council and based on NYS Law. Any reprimand or articles of censure will be initiated in Council.

7) A quorum of three or more will be required to hold a meeting; the Board of Ethics can investigate up to two complaints simultaneously (two teams of three, including the alternate) should the need arise. The Chair of the Board of Ethics shall ensure, to the best of his/her

abilities, that the investigating teams are divided in such a way as to be fair and impartial in the prosecution of investigations.

8) In the event that a member of the Board of Ethics is the subject of a complaint, said member may still participate in other business but must recuse him/herself from any investigation concerning that member. The accused member may still submit statements and/or submit to a personal interview.

9) In the event the membership of the Board of Ethics falls below four members, the Chair shall alert the City Clerk so that vacancies can be filled in a timely manner.

10) As with all Boards and Commissions, Council may elect to remove any member with good cause for egregious violation of their oath of office/non-attendance/&c. Should any Board or Commission elect to remove a member internally (again, with good cause), The Mayor/Council and the City Clerk should be notified immediately.

11) Timetable for proceedings: It has been previously determined that a maximum of 45 days should be allowed for the resolution of all complaints. Should this not be possible for any reason, the Chair (or other designated member) will inform ALL parties concerned, giving a reason for the delay. The Board shall give the option of having a complaint resubmitted in the event of a long delay and/or new evidence coming to light. E-mail should be checked regularly and any issues (such as City e-mail addresses, issues with the portal, &c) should be immediately reported to the IT Department. Otherwise, an ideal timetable might be as follows:

ACKNOWLEDGEMENT OF THE RECEIPT OF A COMPLAINT (inform the complainant/Council as necessary): within 3 business days

ACKNOWLEDGEMENT FROM THE INDIVIDUAL COMPLAINED AGAINST: Within 10 business days; several attempts to contact the individual should be made before proceeding in absentia.

SUBMISSION OF STATEMENTS/EVIDENCE/COUNTER STATEMENTS: 15-20 business days or as practicable.

INTERVIEWING ONE OR MORE PARTIES: within 30 days, depending on availability; every effort shall be made to accommodate individual schedules.

RESOLUTION OF COMPLAINT: 45 Days

The Chair may adjust the schedule accordingly and have the secretary or other designated individual communicate with all parties concerned; any resolution resulting in the determination of a violation of the Code of Ethics will be submitted to the City Clerk for inclusion on the next regular Council agenda.