

Chapter 23:

[Adopted by the Town Board of the Town of Copake 12-9-1970; amended in its entirety 12-21-2007 by L.L. No. 4-2007. Subsequent amendments noted where applicable.]

§ 23-1 "Legislative Purpose; Board of Ethics Established."

A. Purpose of Code.

(1) Pursuant to the provisions of § 806 of Article 18 of the General Municipal Law of the State of New York, the Town Board of the Town of Copake recognizes the need for rules of ethical conduct for public officers and employees, whether elected or appointed, whether paid or unpaid, which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in local government.

(2) It is the purpose of this chapter to promulgate these rules of ethics for the officers and employees of the Town of Copake. These rules shall serve as the guide for official conduct of the officers and employees of the Town of Copake. They shall set forth the standards of conduct reasonably expected of the officers and employees of the Town of Copake.

(3) The Town of Copake shall require its officers and employees to be independent, impartial and free from conflicts of interest in fulfilling their public responsibilities in order to ensure their exemplary ethical behavior. Specifically, this Code of Ethics shall provide standards for officers and employees with respect to disclosure of interest in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and such other standards relating to the conduct of officers and employees as may be deemed advisable.

(4) The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

B. Board of Ethics established.

- (1) Pursuant to the authority in § 808 of the General Municipal Law, there is hereby established a Board of Ethics, to be appointed by the Town Board of the Town of Copake, all members of which shall reside in the Town of Copake and who shall serve without compensation and at the pleasure of the Town Board. Such Board of Ethics shall act only with respect to officers and employees of the Town of Copake that have established such Board or its agencies.
- (2) Upon written request of the Town Board, any officer, employee or resident of the Town of Copake, the Board of Ethics shall render advisory opinions on the requirements of this chapter and any other applicable provisions of law concerning ethics of municipal officers and employees. An opinion rendered by the Board of Ethics, until and unless amended or revoked, shall be binding on the Board of Ethics in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person, and may be introduced and shall be a defense, in any criminal or civil action. Such requests shall be confidential to the extent permitted by law except that the Board of Ethics may publish such opinions, provided that the name of the requesting person and other identifying details shall not be included in the publication. In the event, however, that legal advice may be necessary before such opinion is rendered, the Board of Ethics may consult with the Town Attorney.
- (3) The Board of Ethics, upon its formation, shall adopt its own rules and regulations as to its form and procedures and shall maintain formal records of its opinions and proceedings.

C. Membership and organization.

- (1) Member terms of office. The Board of Ethics shall be comprised of five members, the majority of whom are not otherwise officers or employees of the Town of Copake, however, such Board shall include at least one member who is an elected or appointed municipal officer or employee. Each member shall serve a term of four years. Upon adoption of these revisions, the term of each current member shall be set at four years from date of appointment

(2) The members of the Board of Ethics shall elect from among themselves a Chair, whose responsibilities shall include running Board of Ethics meetings, receiving and acknowledging complaints and communicating as necessary with the Copake Town Board.

(3) Secretary. The members of the Board of Ethics shall elect from among themselves a Secretary. The Secretary shall maintain records of all meetings, proceedings and opinions rendered, such records to be confidential and not subject to public disclosure except as required by the New York State Public Officers Law or other applicable law, and shall transmit minutes of Board of Ethics meetings to the Copake Town Clerk.

(4) The Chair and Secretary shall serve terms of two years, and may succeed themselves.

D. Filling vacancies. Vacancies will be filled in accordance with the Town of Copake Policy Manual.

E. Removal of Ethics Board members.

An Ethics Board member may be removed by approval of the Copake Town Board after written notice to that member and a hearing where the Board member may be heard in his or her defense. Grounds for removal shall consist of substantial neglect of duty, gross misconduct in office, inability to discharge the duties of office, conviction of a crime or similar acts or omissions.

F. Meetings.

(1) The meeting schedule of the Board of Ethics will be set at the January meeting each year. Additional special meetings may be called by any three members upon 48 hours' notice to each Board Member. The Board of Ethics is authorized to enter into executive session when appropriate, provided that all meetings of the Board of Ethics, including executive sessions, shall be conducted in accordance with the New York State Freedom of Information Law, Open Meetings Law, and other applicable laws.

(2) Three members shall constitute a quorum for transaction of business by the Board of Ethics. Any action by the Board of Ethics requires three affirmative votes.

G. False or deceptive statements.

An officer, employee and/or committee member of the Town of Copake shall not knowingly make a false or deceptive statement in the course of his or her official duties, nor shall he or she willfully violate or evade any provision of law relating to his or her duties or employment.

H. Confidentiality.

Records and proceedings of the Board of Ethics shall be kept confidential to the extent permitted by the New York State Public Officers Law, Open Meetings Law, Freedom of Information Law, or other applicable law, except that the following may be disclosed or disseminated:

- (1) The information set forth in an annual statement of financial disclosure;
- (2) The opinions rendered by the Board of Ethics, provided that such opinions shall not reveal the name of the person making the complaint or any other identifying characteristics;
- (3) A copy of any code of ethics or any amendments to any code of ethics adopted; and
- (4) A statement that the Town of Copake has established a Board of Ethics, in accordance with § 808 of the General Municipal Law and/or pursuant to other law, charter, code, local law, ordinance or resolution, and the composition of such board.

§ 23-2

Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INTEREST

A direct or indirect pecuniary or material benefit accruing to a municipal officer, employee or appointee as a result of a contract with the Town of Copake. For the purposes of the Code, a municipal officer, employee or appointee shall be deemed to have an interest in the contract of:

A. His or her spouse, minor children and dependents, except a contract of employment with the Town of Copake which such officer, employee or appointee serves.

B. A firm, partnership or association of which such officer, employee or appointee is a member or employee.

C. A corporation of which such officer, employee or appointee is an officer, director or employee.

D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer, employee or appointee.

MUNICIPAL OFFICER, EMPLOYEE OR APPOINTEE

An officer, employee or appointee of the Town of Copake, whether paid or unpaid, whether full or part-time, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.

§ 23-3

General powers and duties of Board of Ethics.

A. The Board of Ethics may act only with respect to Town officers, municipal employees and persons serving in positions appointed by the Town Board. The Board of Ethics shall be authorized to receive complaints alleging violations of the provisions of this Code as well as any other general or special law relating to ethical conduct.

B. The members of the Board of Ethics shall receive no salary or other form of compensation for their services as members of such Board, but shall be entitled to reimbursement of reasonable and customary expenses in accordance with rules established by the Town Board.

C. The Board of Ethics may prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with the Code of Ethics as so authorized by the Town Board of the Town of Copake.

D. The Town Clerk shall receive, review, index and maintain on file completed annual financial disclosure statements filed pursuant to the Code of Ethics provisions.

E. The Board of Ethics shall receive, review, index, maintain on file and act on requests for advisory opinions and/or complaints submitted to it. These complaints may originate from persons of the Town of Copake and such persons may be Town officers, Town employees and/or Town citizens. All requests, complaints and notifications shall constitute confidential personnel records and shall not be subject to public disclosure unless otherwise required by law.

F. The Board of Ethics, as it deems necessary, shall investigate, conduct hearings, recommend disciplinary action and the assessment of penalties, make referrals, and enforce and initiate any other appropriate actions and proceedings pursuant to the Code of Ethics.

G. The Board of Ethics shall have the power to conduct an investigation necessary to carry out the provisions of this Code.

(1) If the Board of Ethics preliminarily finds that a possible violation of the Code of Ethics exists, the Board may, but shall not be required to provide the person(s) charged with the violation a reasonable opportunity to resolve such violation.

(2) If under any other circumstances, such as through the filing and investigation of a complaint, the Board of Ethics determines that there is reasonable cause to believe that a violation of the Code of Ethics has occurred, or after any grace period granted by the Board of Ethics has expired and such violation remains unresolved, it shall send a notice of alleged violation to the person(s) charged with the violation and to the Supervisor of the Town Board.

(3) Before any reasonable cause finding of a violation shall be finalized, the affected person(s) charged with the violation will be given an opportunity to submit a written response setting forth such information that may clear the respondent of reasonable cause of the alleged violation.

(4) In conducting any investigation necessary to carry out the provisions of this chapter, the Board of Ethics may administer oaths or affirmations, subpoena and/or examine witnesses, compel their attendance and require the production and

submission for examination of any books or records that it may deem relevant and material.

H. Opinions of the Board of Ethics.

- (1) All opinions of the Board of Ethics shall be rendered within 60 days unless an extension is granted by the Town Board which shall not exceed 90 days from the date of receipt of a request for an advisory opinion or complaint.
- (2) All requests for advisory opinions shall describe the conduct, alleged conflict of interest or other alleged wrongdoing on the part of a Town officer, Town employee or other appointed person, and be signed by the person submitting the request.
- (3) The Board of Ethics shall conduct a hearing on the request for an advisory opinion and/or complaint. The subject person(s) of the alleged wrongdoing may be present and shall have the right to be represented by an attorney. No meeting or proceedings, including any such hearing contemplated under this section, shall be open to the public, except as required by law.
- (4) At the conclusion of its deliberations, the Board of Ethics shall render a written confidential opinion to the Town Board, and the identity of the person(s) involved in the wrongdoing shall not be disclosed except to the Town Board. Copies of the opinion shall be provided to the person who is the subject of the wrongdoing. The Board of Ethics is also authorized to publish the opinion, provided that all identifying details of the wrongdoer and the person filing the complaint are removed.
- (5) The advice of counsel may be obtained before submitting the Board of Ethics opinion to the Town Board.

I. Any person aggrieved by an advisory opinion and/or decision of the Board of Ethics may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

J. Upon request, the Board of Ethics shall make information concerning the Code of Ethics, Article 18 of the General Municipal Law of the State of New York, and Article 78 of the Civil Practice Law and Rules of the State of New York available

to the Town officers, employees, citizens and to persons interested in doing business with the Town of Copake.

K. The Board shall be empowered to request support staff assistance from the Town Board Supervisor to facilitate the duties of the Board of Ethics.

L. The Board of Ethics shall prepare an annual report summarizing the activities of the Board of Ethics for the previous fiscal year and recommending any changes in the laws governing the conduct of the officers or employees of the Town of Copake, or the rules, regulations and procedures governing the Board of Ethic's conduct. Such report shall be submitted to the Copake Town Board no later than 60 days after the closing of the fiscal year. The report shall include, but not be limited to, the following:

(1) A listing of each complaint and referral received which alleged a possible violation, including the current status of each complaint;

(2) Where a matter has been resolved, the date and nature of the disposition and any sanction imposed, subject to the confidentiality requirements of this chapter; provided, however, that such annual report shall not contain any information for which disclosure is not permitted pursuant to this chapter; and

(3) A statement to the extent that the Code of Ethics as written either sufficiently promotes integrity and public confidence and sets forth clear and enforceable common sense standards of conduct or that the Board of Ethics will recommend certain amendments for adoption by the Town Board.

M. The Board of Ethics shall possess all powers and duties authorized by Article 18 of the General Municipal Law and any other applicable laws of the State of New York.

§ 23-4

Filing of claim against Town.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Copake or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 23-5

Distribution of Code of Ethics.

The Supervisor of the Town of Copake shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town within five days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office of employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such Code, nor the enforcement provisions thereof.

§ 23-6

Filing of Code of Ethics with state.

In accordance with Subdivision 3 of § 806 of the General Municipal Law, the Clerk of the Town of Copake shall file a copy of this Code of Ethics with the temporary state commission on local government ethics established by § 813 of the General Municipal Law, if such temporary state commission be in existence, and in all events shall maintain as a record subject to public inspection the documents provided for by § 23-1H of this chapter.

§ 23-7

Conflict of interest.

A.

Financial interest.

(1) An officer, employee, board member, or committee member (hereafter "officer or employee") of the Town of Copake may not exploit his/her position to influence, induce, persuade, or have an effect, favorably or unfavorably, on his or her own financial interest or the financial interest of a business partner, private employer, or any other organization for which the officer or employee serves as an officer, director, trustee, or employee. For instance, such officer or employee may not:

(a) Influence the awarding of business to an organization or its geographic competitors in which the officer or employee has a financial or employment interest;

(b) Participate on behalf of the Town of Copake in licensing, inspection, zoning, or other matters that affect or influence a business organization or its competitors for which the officer or employee has a financial or employment interest; and

(c) Participate in any decision by the Town of Copake that would influence any not-for-profit organization on whose board the officer or employee may hold a position.

(2) Such officer or employee may not possess any private or personal business involvement (financial, employment or otherwise) with suppliers under contract for services, materials, supplies, and real estate matters to the Town of Copake. Such officer or employee may not be a supplier to the Town of Copake unless the contract has been awarded by a bid process and he or she has disclosed his/her financial interest before the bidding process.

(3) No real or personal property in which the Town has a right, title, or interest shall be offered to or sold to or purchased by such officer or employee, except upon 10 days of public notice, which shall include advertising and posting in the Town Hall and thereafter the proposed sale shall be publicly held.

(4) Such officer or employee may not invest, may not have a financial or employment interest, and may not hold any investment, directly or indirectly, in any contract or property; nor hold any other financial, business, economic, commercial, or other activity which is adverse to the interests of the Town of Copake or is in conflict with this individual's role as an official public servant.

(5) Such officer or employee may not use Town equipment for political or private purposes. Examples of Town property include, but are not limited to, office computers, phones, fax machines, postage machines, copiers, staff time, uniforms, and official vehicles.

B. Nepotism.

(1) Officers of the Town of Copake who are authorized to hire temporary or full-time persons for employment by the Town of Copake must first conduct their search by posting the open position at the Town Hall and, if necessary, placing an ad for the position in one of the official newspapers for the Town. These notices must clearly define the qualifications and major position responsibilities required by candidates.

(2) Candidates being considered for vacant Town Council positions and other board and committee positions must follow the same practice as defined herein.

(3) Every effort shall be made by the person who will conduct the search and hiring to avoid, in the face of equally qualified candidates, showing favoritism to any person within his or her family. The term "any person within his or her family" includes a spouse, dependent children, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandchildren, all in-laws, stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister.

(4) In the event that the search, when conducted for a reasonable amount of time, results in finding no qualified nonfamily member, as defined in Subsection B(3) above, the hiring process then may consider recommending family members who are deemed to possess the necessary qualifications. The hiring of a family member, however, shall be limited to employment in departments where no family member is employed. The Town Council of Copake shall approve and sign off on the hiring of any family member.

(5) The sensitivity and difficulty in abiding by the process stated above is acknowledged. To that extent, employees, council persons, board and committee persons who are currently employed by the Town of Copake shall be grandfathered for the remaining period of their services. When their position is vacated, filling of the vacancy shall follow hiring practices as defined herein.

(6) Officers or employees of the Town of Copake may not influence any matter that will affect the financial or employment interest of any person within his or her family as defined herein. For example, no officer or employee may participate in licensing or inspection processes involving a family member's business.

C. Agency.

(1) Officers or employees may not act on behalf of or receive compensation from third parties in connection with anything of direct and substantial interest to the Town of Copake.

(2) Such officers or employees may not represent any entity other than the Town of Copake in any matter in which the government of that Town has an interest. For example, they may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.

§ 23-8

Standards of conduct.

A. Nondiscrimination in hiring and/or promotion.

(1) Officers or employees of the Town of Copake who are responsible for hiring and/or promotion of employees are enjoined from discriminating on the basis of race, ethnicity, religion, gender, sexual orientation, and/or disabilities that would not render them incapable of performing the duties specified in the job description.

(2) Officers or employees of the Town of Copake who are responsible for hiring shall publicly post job openings allowing any qualified person to apply for the position.

B. False or deceptive statements and actions.

(1) An officer, appointee, or employee of the Town of Copake shall not knowingly make a false or deceptive report or statement in the course of his or her official duties.

(2) An officer, appointee, or employee of the Town of Copake shall not willfully violate or evade any provision of law relating to his or her office or employment.

C. Fraudulent acts. An officer, appointee, or employee of the Town of Copake shall not convert any Town property to his or her own use or knowingly permit any other person to convert it; nor shall said officer, appointee, or employee, by gross neglect of duty, allow the same to be lost to the Town or commit any fraud upon the Town.

D. Confidential information. No officer, appointee, or employee, or any former officer, appointee, or employee of the Town shall disclose confidential information concerning the property, government, or affairs of the Town; nor shall he or she use, allow, or make possible the use of such information to advance the private, financial, or other interest of him or herself or others.

E. Disclosure of interests. An officer or employee of the Town of Copake shall be required to file a statement in the office of the Town Clerk concerning any office held, or stock or other financial instrument held by the officer or employee and his or her immediate family in a bank, finance or similar institution which engages in business, directly or indirectly, with the Town of Copake. Such statement shall be in accordance with the financial disclosure section of the Code of Ethics.

F. Bribes and gratuities.

(1) An officer or employee may not ask for or accept any gifts of value offered in exchange for the officer or employee's agreeing to perform or not perform an official act.

(2) An officer or employee may not accept any gift from anyone with whom he or she has official dealings, including, but not limited to, sports tickets, costs of drinks and/or meals, travel expenses, conference fees, entertainment expenses, free use of vacation homes, complimentary tickets to charitable events, or an honorarium for delivering a speech related to their official duties.

G. Abuse of position. An officer or employee may not use his or her official position to obtain unwarranted privileges or any type of special treatment for him or herself or for anyone else. For instance, an officer or employee may not approach his or her subordinates, vendors whose contracts he or she oversees, or people who are subject to their official authority to propose private business dealings.

H. Sexual harassment and exploitation.

(1) An officer or employee may under no circumstances propose or enter into a romantic and/or sexual relationship with a subordinate.

(2) An officer or employee shall not engage in any unwelcome sexually suggestive behavior, either physical or verbal, with other employees or officers and especially with subordinates; nor will they post and/or disseminate sexually implicit material; or in other similar ways contribute to the establishment of a hostile work environment.

(3)

No officer or employee responsible for the hiring and/or promotion of other officers and employees may suggest explicitly or implicitly that employment or advancement would be contingent upon providing sexual favors.

I. Representation before any agency for contingent fee. No officer or employee shall receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of this municipality, whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

J. Disclosure of interest in legislation. To the extent that an officer or employee knows thereof, a member of the Town Board and any officer or employee of the Town of Copake, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.

K. Investments in conflict with official duties. No officer or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his or her official duties.

L. Private employment. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

M. Future employment. No officer or employee shall, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Copake in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

§ 23-9

Penalties for offenses.

Any person whose conduct constitutes a violation of the Code of Ethics is subject to the following disciplinary actions, civil fines, damages, civil forfeiture or referral to appropriate authorities for prosecution:

A. Disciplinary action. After a hearing is conducted in accordance with due process, the Board of Ethics, in its discretion, may recommend appropriate disciplinary action including, but not limited to, a warning, reprimand, suspension or removal from office or employment. Such disciplinary action may be imposed in addition to any other penalty contained in the Code of Ethics. Said recommendation of the Board of Ethics shall be made to the Town Board or such other person or body authorized by law to impose such disciplinary action. The Board of Ethics shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Board of Ethics refers the matter to the Town Board or such other person or body authorized by law to impose disciplinary action or the appropriate prosecutor. If such a referral is made, the Board of Ethics

may adjourn the matter pending determination by the Town Board, person, body, or prosecutor, as the case may be.

B. Civil fine. In its discretion and after such hearing, upon the recommendation of the Board of Ethics, the Town Board, pursuant to the Code of Ethics, may assess a civil fine, not to exceed \$100 for each violation, upon any Town officer or municipal employee found by the Board of Ethics to have violated the Code of Ethics. The Town Board shall conduct and complete the civil fine hearing with reasonable promptness. The subject Town officer or employee may be present and shall have the right to be represented by an attorney at the civil fine hearing, which hearing shall not be open to the public. The civil fine shall be payable to the Town. A civil fine may be imposed in addition to any other penalty contained in any other provision of the law or the Code of Ethics.

C. Damages. Any Town officer or municipal employee who violates any provision of the Code of Ethics shall be liable in damages to the Town of Copake for losses or increased costs incurred by the Town as a result of the violation. The Town Board may initiate an action in the court of appropriate jurisdiction to obtain said damages. Such damages may be imposed in addition to any other penalty contained in any others provision of the law or in the Code of Ethics.

D. Civil forfeiture. Any Town officer or municipal employee who intentionally or knowingly violates any provision of the Code of Ethics may be subject to civil forfeiture to the Town in a sum equal to three times the value of any financial benefit he or she received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in the Code of Ethics.

E. Injunctive relief. The Town Board on behalf of the Town may initiate an action or special proceeding, as appropriate, in a court of appropriate jurisdiction for injunctive relief to enjoin a violation of the Code of Ethics or to compel compliance therewith.

F. Prosecutions. The Town Board may refer to the appropriate prosecutor possible criminal violations of this chapter. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any person violating the Code of Ethics or any other law. Any person, firm or corporation who is guilty of a violation of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or

both. Each day after notice that a violation continues shall be deemed a separate offense.

§ 23-10 Whistleblower policy and procedure.

A. Purpose. The Town of Copake is committed to ensuring that elected and appointed officials and employees carry out their positions in an ethical, honest and lawful manner.

B. Policy statement. It is the policy of the Town of Copake to encourage the reporting by its employees and its citizens of improper governmental action taken by Town officers and employees. It is further the policy to protect any person who has reported improper or alleged improper governmental actions, and further, this policy encourages the reporting of retaliatory actions for such reporting of alleged improper actions. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline.

C. Procedures for reporting allegations of wrongdoing.

(1) All employees, officials, appointees and citizens have an obligation to report, or cause to be reported, and to assist in any investigation regarding, but not limited to, the following: illegal or fraudulent activity; financial/accounting misstatements; conflicts of interest; violations of the standards of conduct in the Code of Ethics; sexual harassment; discrimination of any kind; misuse of assets of the Town of Copake; violations of procurement policies; and improper or illegal violation of any other laws of the Town of Copake.

(2) The method of reporting may be by a verbal or written complaint to an employee's supervisor who may resolve the matter directly with the complainant; or a written complaint directed only to the Board of Ethics by delivering or mailing said complaint to the Board of Ethics confidential mail box at the Town Hall.

(3) The Board of Ethics shall investigate the matter and render a decision as to whether the matter is an ethics violation and, if so, the Board shall set a recommended disciplinary action consistent with the severity of the misconduct and advise those involved of such action.

§ 23-11 Constitutionality.

If any part or provision of this chapter or the application thereof to any person or organization is adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect or impair any other part or provision or the application thereof to any other person or organization, but shall be confined in its operation to such part or provision.