

**TOWN OF COPAKE**  
**LOCAL LAW No. 7 OF 2014**

**A LOCAL LAW amending Chapter 23 of the Code of the Town of Copake, entitled: "A 2014 Local Law Amending Chapter 23 "Code of Ethics" of the Code of the Town of Copake."**

Be it enacted by the Town Board of the Town of Copake as follows:

Section 1. Title.

This law shall be known as the "2014 Local Law Amending Chapter 23 "Code of Ethics" of the Code of the Town of Copake". It may be cited as "Town of Copake Local Law No. 7 of 2014" or "L.L. 7 of 2014".

Section 2.

Section 23-1 of the Code of the Town of Copake is amended to read as follows:

§ 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.

### Section 3.

Subdivision (C.) of section 23-3 of the Code of the Town of Copake is amended to read as follows:

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.

### Section 4.

Subdivision (D.) of section 23-3 of the Code of the Town of Copake is amended to read as follows:

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.

### Section 5.

Subdivision (E.) of section 23-3 of the Code of the Town of Copake is amended to read as follows:

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.

## Section 6.

Subdivision (F.) of section 23-3 of the Code of the Town of Copake is amended to read as follows:

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.

## Section 7.

Subdivision (H.) of section 23-3 of the Code of the Town of Copake is amended to read as follows:

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.

## Section 8.

Subdivision (N.) of section 23-3 of the Code of the Town of Copake is repealed.

Section 9. Conflict with other laws and supersession.

This Local Law is enacted pursuant to the provisions of the section ten of the Municipal Home Rule Law of the State of New York, including Municipal Home Rule Law section 10(1)(i). It shall take precedence over and be controlling over contrary laws, ordinances and provisions and specifically supersedes section 808 of the New York General Municipal Law, which is not a general law in that it applies only to towns that elect to establish a board of ethics, to the extent such section may be construed not to authorize the hearing of complaints and issuing of opinions in response to inquiries from persons other than employees and officers of the town, as authorized by this Local Law.

Section 10. Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 11. Effective date.

This Local Law shall become effective immediately upon filing with the Secretary of State.

**BE IT ENACTED** this 11<sup>th</sup> day of December, 2014 by the Town Board of the Town of Copake of Columbia County, New York.