

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

of Deerpark

~~Town~~

~~Village~~

Local Law No. 11- of the year 2000

A local law Establishing Complaint and Opinion Procedures
(Insert Title)

Regarding The Code of Ethics of the Town

Of Deerpark.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~

of Deerpark

~~Town~~

~~Village~~

as follows:

1. Title
2. Filing a Complaint
3. Investigation of Alleged Violations
4. Recommendation of Disciplinary Action
5. Advisory Opinions
6. Unconstitutionality or Illegality

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Be it enacted by the Town Board of the Town of Deerpark, as follows:

1. TITLE

This Chapter shall be known as "Establishing Complaint and Opinion Procedures Regarding the Code of Ethics of the Town of Deerpark."

2. FILING OF A COMPLAINT

a. Any person may file a complaint alleging a violation of this Code by writing to the Town Ethics Board c/o Town Hall or by requesting through the Town Clerk's Office to meet with the Town Board of Ethics at one of its regularly scheduled meetings.

3. INVESTIGATION OF ALLEGED VIOLATIONS

a. Upon receipt of a sworn complaint by any person alleging any violation of this act, or of any local ethics law, or upon determining on its own initiative that a violation of this act or of any local ethics act may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provision of this act. The Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records, which it may deem relevant and material.

b. The accused shall be notified in writing regarding the complaint and shall have the right to appeal before the Board of Ethics to explain or defend his/her position regarding the complaint.

c. The Board of Ethics is not permitted to conduct an investigation of any of its members. Should the Board of Ethics receive notification alleging that the Board or any of its members has violated any provision of this Code or that of any County or State Ethics Board, the complaint shall be forwarded to the County or State Ethics Board.

d. The Board of Ethics shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. Upon the final disposition of a complaint, all such statements and all sworn complaints shall be public records and shall be indexed and maintained on file by the Board of Ethics. Prior to final disposition, all complaints, statements or other evidence shall remain confidential.

e. Upon receipt of a complaint alleging a violation of this Local Law by an individual that is a member of an association or society that maintains a grievance committee and has a grievance procedure in effect, the Board of Ethics shall forward the said complaint to the said grievance committee for an advisory opinion of any violation of the association or society Code of Ethics. Upon receipt of the advisory opinion, the Board of

Ethics shall either adopt, reject or adopt in part, the advisory opinion of the association or society and shall thereafter adopt its own decision.

f. All decisions of the Board of Ethics shall be reviewable by filing of a petition pursuant to Article 78 of the New York State Civil Practice Laws and Rules in the Supreme Court of the State of New York.

4. RECOMMENDATION OF DISCIPLINARY ACTION

a. In its discretion, and after a hearing, the Board of Ethics may recommend appropriate disciplinary action to an authority, or person, or body authorized by law to impose such sanctions. 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 authority, or person, or body authorized by law to impose disciplinary actions or to the appropriate prosecutor. If such a referral is made the Board of Ethics may adjourn its hearing pending determination by such authority, person, body or prosecutor.

5. ADVISORY OPINIONS

a. Upon written request of any board, department, or individual Town Officer, Town Employee or any applicant, the Town Ethics Board may render written advisory opinions with respect to the interpretation or application of any provision of this Code in a generic sense.

b. Opinions and requests for opinions shall be public records and shall be indexed and maintained on file in an appropriate manner by the Town Ethics Board along with all other Town Ethics Board records in the Office of the Town Clerk.

6. UNCONSTITUTIONALITY OR ILLEGALITY

If any clause, sentence, paragraph, word section or part of this competent jurisdiction be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2000 of the ~~(County)~~(City)(Town)(Village) of Deerpark ~~Town Board~~ was duly passed by the _____ on _____ 2000, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Shirley Zeller

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Shirley Zeller, Town Clerk

Date: *July 27 - 2000*

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
William D. Bavoso, Esq.
Town Attorney
Title

County
City of Deerpark
Town
~~Village~~

Date: _____