

## *Local Law Filing*

(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 Walden  
~~Town~~  
Village

Local Law No. 9 of the year 2013

A local law to amend the Code of Ethics of the Village of Walden  
(Insert Title)

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

of the  
~~County~~  
~~City~~  
of Walden as follows:  
~~Town~~  
Village

### **SECTION 1: PURPOSE.**

The purpose of this local law is (1) to make clear that, consistent with State Law, advisory opinions issued by the Ethics Board are limited to those officials, employees and consultants requesting an opinion concerning their own conduct or intentions, and (2) to grant to the Board of Ethics the power to enforce the various standards of ethical conduct presently set forth in the Code of Ethics at Sections 38-3 and 38-4.

### **SECTION 2: AMENDMENT TO THE CODE OF ETHICS REGARDING ADVISORY OPINIONS.**

Section 38-7(B) of the Village Code of Ethics is hereby amended to add the following after the first sentence of Section 38-7(B):

Such advisory opinions shall be rendered only upon the written request of a municipal officer or employee, or consultant, which is requesting the opinion as to their own conduct. No such opinions shall be made public or disclosed by the Board of Ethics or any member thereof, unless required by the New York Freedom of Information Law (N.Y. Public Officers Law Article 6), Court order, or for use in a disciplinary proceeding or investigation and/or hearing pursuant to §38-7(D).

**SECTION 3: AMENDMENT TO THE CODE OF ETHICS REGARDING CODE OF ETHICS ENFORCEMENT.**

Section 38-7 of the Village Code of Ethics is hereby amended by adding the following new paragraphs:

§38-7. Board of Ethics established; power and duties; rendering of rules, regulations and opinions.

D. The Board of Ethics shall have the power to conduct investigations and hearings to determine whether any member of the Village Board any Village consultant, any duly appointed member of the Planning Board, any duly appointed member of the Zoning Board of Appeals, the Village Clerk, Village Treasurer or Village Manager has violated any of the standards of conduct set forth in §38-3 and 38-4 of the Village Code of Ethics. The Board of Ethics has the power to subpoena any individual (whether or not a Village officer, employee or consultant), and any document or thing, which the Board of Ethics deems necessary and/or advisable to the resolution of any pending investigation or hearing. The Board of Ethics may initiate such investigation and hearing on its own initiative by a vote of a minimum of four (4) of its' members. Any alleged violation must be demonstrated to exist by clear and convincing evidence that such Village official, employee or consultant knowingly and intentionally violated any of the standards of conduct set forth in §38-3 and 38-4 of the Village Code of Ethics.

E. If a violation is found to exist and has been committed by a member of the Village Board, Village Planning Board, Village Zoning Board of Appeals, Village Clerk, Village Treasurer or Village Manager, the matter shall be referred to the Village Board for consideration of the imposition of penalties as set forth in §38-8 of the Village Code of Ethics and/or a monetary civil penalty in an amount not to exceed \$5,000.00.

**SECTION 4. SUPERSEDING PROVISION.**

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, New York General Municipal Law Article 18, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law.

**SECTION 5. SEVERANCE.**

The invalidity or unenforceability of any particular provisions of this local law shall not affect the validity or enforceability of other provisions of this local law, which provisions shall continue to be both enforceable and valid.

**SECTION 6. EFFECTIVE DATE.**

This law shall take effect in the manner provided for in the Municipal Home Rule Law.