

Town of Cicero, NY
Board of Ethics
Internal Rules and Regulations

The Cicero Town Code, Section 22-10, Subdivision C authorizes The Town of Cicero Board of Ethics to adopt its own Rules and Regulations.

It is the intent and purpose of The Town of Cicero Board of Ethics to strengthen the public's trust and confidence in government through fair and just procedures that afford all parties due process protection and fair and just resolution of all matters under its jurisdiction, and for the efficient working of the Board of Ethics, herein after referred to as "BOE".

1. Quorum. A quorum shall be three voting members of the BOE.

2. Action. An affirmative vote of three members shall be required to approve any action except as otherwise provided herein.

3. Rules of Order. For procedures not covered herein, Robert's Rule of Order for Small Organizations shall govern.

4. Meetings.

- a) Frequency. The BOE shall convene upon receiving a request from the Town Board, a Municipal Officer or Employee; and may convene upon request of two members of the BOE or upon call of the Chair.
- b) Time. Meetings may be scheduled in the morning, afternoon or evening.
- c) Location. Meetings shall be held at a location within the Town of Cicero as determined by the BOE.
- d) Scheduling. The next meeting shall be scheduled at the end of each meeting. If it is necessary to schedule a meeting prior to the next scheduled meeting, such meeting may be called by the Chair or by any two members acting in concert.
- e) Presiding Officer. The Chairman shall preside over meetings. If the Chairman is absent, the members shall choose one of their members present to serve as acting chairperson for the duration of the meeting.
- f) Public Participation. The public may and is encouraged to attend open meetings of the BOE. The public does not attend when the BOE convenes in Executive Session. At open meetings, allowing the public to speak is within the discretion of the BOE. However, it is the intent of the BOE, subject to reasonable rules as it may impose, to allow the public to speak. A public comment period may be scheduled on the agenda. Public comment is subject to the necessary rule of avoiding excessive repetition, obstructionism or personal attacks. The Chairman or a majority of the members present may rule that a speaker is out-of order.

5. Handling requests for Advisory opinions. The BOE is authorized to receive and respond to requests for advisory opinions concerning proposed future conduct of Municipal Officers and Employees and concerning conduct by Municipal Officers and Employees that has already taken place, or is ongoing, from three groups: The Municipal Officers, Municipal Employees and the Town Board.

- a) Requests for advisory opinions must be made in writing to the BOE; an approved Request for Advisory Opinion Form is not required, but is available in the Town Clerk's Office if needed.
- b) The BOE upon receipt of a request for an advisory opinion may ask the Town Board, Municipal Officer or Employee making the request for further clarification before it begins its deliberations.
- c) The final opinion rendered by the BOE will be shared only with the proper parties specified in Section 22-10(B) of the Code of Ethics.
- d) In preparing an advisory opinion the BOE will focus on the issue(s) and the Code of Ethics provisions specified in the Request, but it may also take up other related issues or provisions as the circumstances warrant.
- e) Preparation of advisory opinions will be conducted by the BOE in accordance with the following procedures:
 - i. If the request is for an advisory opinion that concerns proposed future conduct by an Officer or Employee, the background and circumstances relevant to that conduct will be provided by the Town Board, Officer or Employee without additional independent preparation by the BOE. In this case, the BOE will make clear that its opinion is contingent upon the accuracy and completeness of the information supplied by the requesting Officer or Employee.
 - ii. If the request is for an advisory opinion that concerns conduct that has already taken place, or is ongoing, the preparatory process may go beyond information supplied by the requesting Town Board, Officer or Employee. Additional documentation may be requested from the requestor; other persons may be interviewed by the BOE to provide additional information concerning the nature of the conduct in question and the circumstances leading up to it. The Officer or Employee who is affected by the Request shall be notified in writing of the filing; shall be afforded an opportunity to submit a written response setting forth such information as said affected person deems relevant to the conduct cited in the request; and shall be afforded an opportunity to provide an oral response before the BOE in addition to the written response.
- f) Deliberations and opinions will be handled by the BOE in accordance with the following procedures:
 - i. Advisory opinions will be determined by a majority of the BOE; concurring or dissenting statements may be prepared to accompany the majority opinion if individual members of the BOE chose to file such statements.

6. Providing Recommendations concerning Town Policy. The BOE may be called upon by the Town Board to offer analysis, recommendations, and advice concerning general matters of town ethics law and policy or on general matters of public policy that may have an ethical dimension or ethical implications. In making policy recommendations the BOE will strive to focus on its own experience and expertise in the area of government ethics and on the practices of municipal ethics boards in other jurisdictions.

7. Providing Recommendations concerning the Code of Ethics. The BOE may be called upon by The Town Board to make recommendations with respect to the drafting and adoption of a Code of Ethics or revisions and/or amendments thereto.

8. Filing. A copy of these Internal Rules and Regulations and a copy of the Request for Advisory Opinion Form as adopted by the BOE shall be filed in the Office of the Town Clerk.

9. Amendments to Rules and Regulations. These rules and regulations may be added to and amended by a majority vote of the members of the BOE.