

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.

Town of OYSTER BAY

Local Law No. _____ of the year 2017

A local law "A LOCAL LAW TO AMEND CHAPTER 4 OF THE CODE OF THE TOWN OF OYSTER BAY TO ADD ARTICLE XVIII, OFFICE OF THE INSPECTOR GENERAL, SEC. 4-194, ET SEQ."

Be it enacted by the of the TOWN BOARD
(Name of Legislative Body)

Town of OYSTER BAY as follows:

SECTION 1. Amend Chapter 4 (Administration of Government), by adding Article XVIII, Office of the Inspector General, as follows:

ARTICLE XVIII, Office of the Inspector General

§ 4-194. Title.

This article shall be known as "Town of Oyster Bay Office of the Inspector General."

§ 4-195. Definitions.

- A. Whenever used in this article, words used in the singular include the plural and vice versa.
- B. All words used in the present tense include the past and the future tense. Words used in the masculine gender include the feminine and neuter, and vice-versa, unless the natural construction of the wording indicates otherwise.
- C. As used in this article, the following terms shall have the meanings indicated:

INSPECTOR GENERAL — The Inspector General shall be the chief executive officer of the Department.

DEPARTMENT — The Town of Oyster Bay Office of the Inspector General which shall perform a major function of Town government.



DEPUTY INSPECTOR GENERAL — The Deputy Inspector General of the Town of Oyster Bay Office of the Inspector General, who shall generally act for and in place of the Inspector General.

§ 4-196. Establishment; department head; salary; qualifications.

- A. There shall be in the Town of Oyster Bay a Department entitled Office of the Inspector General. The principal executive officer and administrative head of said Department shall be the Inspector General, who shall be appointed by the Town Board for a term of three (3) consecutive years, at such salary as may from time to time be fixed by the Town Board.
- B. The Inspector General shall be appointed on the basis of his or her administrative experience and qualifications for the duties of such office as set forth in the job specification approved by the Nassau Civil Service Commission and such additional standards as may be required by the Town Board.
- C. The Inspector General shall be the head of the Department with power and authority to appoint and remove officers and employees under his or her jurisdiction in accordance with Civil Service Law and other applicable laws.

§ 4-197. Deputy.

The Inspector General is empowered herein to recommend to the Town Board, the appointment of one (1) deputy who shall generally act for and in his or her behalf and who shall perform such duties as are vested in and imposed upon that office by the provisions of this article, by statute or by other lawful authority and as set forth in the job specification approved by the Nassau County Civil Service Commission and whose term shall run concurrent with that of the Inspector General.

§ 4-198. Undertakings.

Before entering upon the duties of the office, the Inspector General shall execute and file an official undertaking, if the same shall be required by the Town Board, in such sum as prescribed by the Town Board and in such form as approved by the Town Attorney. Except as otherwise provided for herein, the Inspector General shall have charge of the administration of the Department.

§ 4-199. General powers and duties

The Inspector General shall be responsible for overseeing all aspects of the Town's contracting processes.

The Inspector General shall have power:

- A. To hire such assistants within the limits of the appropriation made by the Town Board as he or she deems necessary for the performance of his or her duties in accordance with the Nassau County Civil Service Commission;



- B. To examine the records of every Town department, subject to privilege, review the contracting methods and activities of each department and office of the Town as he or she may deem to be in the best interest of the Town and report to the Supervisor and Town Board, and to the Board of Ethics, if applicable, the findings thereon;
- C. To standardize the Town's purchasing and contract administration; to review the Town's procurement policy and surplus policy and to suggest any revisions or amendments thereto; and to review all Requests for Proposals and bid offerings before same are issued.
- D. To monitor compliance with all applicable procurement guidelines, policies, and requirements of federal, state and local laws, including the Code of the Town of Oyster Bay and resolutions adopted by the Town Board;
- E. To conduct such investigations as he or she deems necessary related to the Town's contracting processes. In conducting investigations, the Inspector General may administer oaths or affirmations and require the production of books or records that he or she deems relevant and material. (Nothing in this section shall be construed to permit the Inspector General to conduct an investigation of himself or herself or of any of his or her staff. If the Inspector General receives a complaint alleging that the Inspector General or any of his or her staff has violated any provision of law, the Inspector General shall promptly transmit to the Board of Ethics a copy of the complaint.)
In his or her discretion, after an investigation providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Inspector General may recommend that the Town Board take the following actions:
 - (1) Disciplinary action.
 - (2) Refer the matter to the Town Board of Ethics for consideration.
 - (3) That the Town, after consultation with the Town Attorney, initiate an action in the Supreme Court of the State of New York to obtain monetary damages.
 - (4) That the Town, after consultation with the Town Attorney, initiate an action or special proceeding, as appropriate, in the Supreme Court of the State of New York for injunctive relief to enjoin a violation of this Code or to compel compliance with this Code.

§ 4-200. Performance of other duties; delegation of powers.

The Inspector General shall be empowered to perform such other duties and functions that are prescribed to be performed by him or her in any law, ordinance or resolution of the Town Board or lawful directive of the Supervisor. The Inspector General may delegate his or her authority to or direct any of his or her duties to be performed to a Deputy Inspector General.

§ 4-201. Charges against special districts.

All costs and expenses incurred by the Department or its officers or employees on behalf of a special district or special Town project shall be charged against such district or



project and paid from the funds duly appropriated for the purpose of such district or project.

§ 4-202. Powers of Supervisor.

Nothing herein contained shall be construed to delegate or transfer any power of the Town Supervisor contained in §§ 29, 52 and 125 of the Town Law of the State of New York or any other powers, which may be lawfully exercised by said Supervisor.

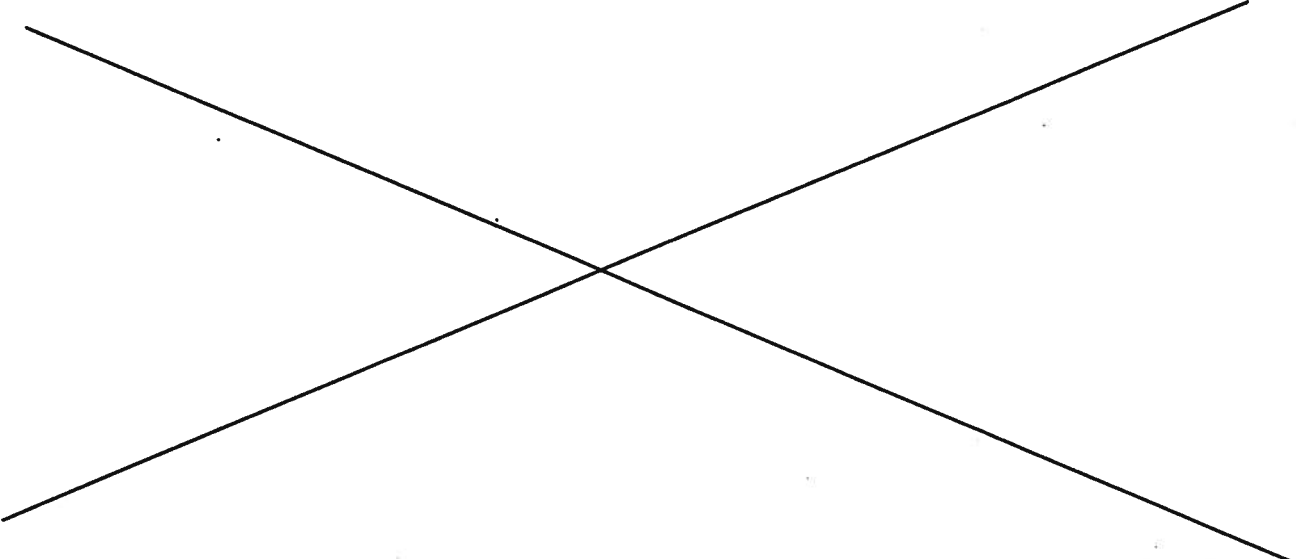
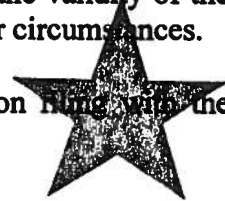
§ 4-203. Fees.

The Inspector General may establish, subject to Town Board approval, a schedule of fees to be collected for any services rendered in connection with the work of this Department and for which he or she deems it necessary to charge and to collect a fee therefore.

SECTION 2. SEQRA Determination. It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R., pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and, accordingly, is of a class of actions which do not have a significant effect on the environment and no further review is required.

SECTION 3. Severability. If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.

SECTION 4. This local law shall become effective immediately upon filing with the Secretary of State.



CERTIFICATION:

DRAFT

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2017 of the Town of Oyster Bay was duly passed by the Town Board on _____ 2017, in accordance with the applicable provisions of law.

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 1, above.

Clerk of the Town of Oyster Bay

(Seal)

Date: _____, 2017

(Certification to be executed by the Town Attorney or other authorized attorney of locality).

STATE OF NEW YORK
COUNTY OF NASSAU

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

Town Attorney

Title

Town of Oyster Bay

Date: _____ 2017

