

L Aid ON DESKS 9/8/14  
GOVERNMENT SERVICES & ADMINISTRATION

RESOLUTION NO. 2014253

RE: LOCAL LAW NO. \_\_\_\_\_ OF 2014, A LOCAL LAW  
ADOPTING THE DUTCHESS COUNTY CODE OF ETHICS AND  
REPEALING DUTCHESS COUNTY LOCAL LAW NO. 7 OF 2000,  
AS AMENDED BY LOCAL LAW NO. 2 OF 2001, LOCAL LAW NO. 7  
OF 2001 AND LOCAL LAW NO. 5 OF 2004

Legislators FLESLAND, ROLISON, MICCIO, and SURMAN offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. \_\_\_\_\_ of 2014 which has been submitted this day for consideration by said Legislature.

CA-164-14  
CRC/ca/G-0770-B  
8/25/14  
Fiscal Impact: None

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14th day of October 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 14th day of October 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. \_\_\_\_ of 2014

RE: LOCAL LAW NO. \_\_\_\_\_ OF 2014, A LOCAL LAW  
ADOPTING THE DUTCHESS COUNTY CODE OF ETHICS AND  
REPEALING DUTCHESS COUNTY LOCAL LAW NO. 7 OF 2000,  
AS AMENDED BY LOCAL LAW NO. 2 OF 2001, LOCAL LAW NO. 7  
OF 2001 AND LOCAL LAW NO. 5 OF 2004

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New  
York as follows:

# DUTCHESS COUNTY CODE OF ETHICS

- SECTION 1. STATEMENT OF PURPOSE
- SECTION 2. PRIOR ETHICS LOCAL LAW REPEALED
- SECTION 3. CONTINUATION OF THE BOARD OF ETHICS AND AUTHORITY THEREOF
- SECTION 4. DEFINITIONS
- SECTION 5. STANDARDS OF CONDUCT
- SECTION 6. MATTERS AGAINST THE COUNTY
- SECTION 7. DISTRIBUTION OF CODE OF ETHICS
- SECTION 8. OBLIGATION TO FILE FINANCIAL DISCLOSURE STATEMENT; MAINTENANCE OF DISCLOSURE STATEMENT
- SECTION 9. FINANCIAL DISCLOSURE STATEMENT
- SECTION 10. FINANCIAL DISCLOSURE STATEMENT; FILING; VARIANCES AND EXTENSIONS
- SECTION 11. PENALTIES
- SECTION 12. DUTCHESS COUNTY BOARD OF ETHICS: COMPOSITION
- SECTION 13. DUTCHESS COUNTY BOARD OF ETHICS: POWERS, DUTIES, AND FUNCTIONS
- SECTION 14. DUTCHESS COUNTY BOARD OF ETHICS: COMPLAINTS, HEARINGS AND ASSESSMENT OF PENALTIES
- SECTION 15. REPEAL OF LOCAL LAW NO. 3 OF 1971 AND LOCAL LAW NO. 7 OF 1990
- SECTION 16. AUTHORITY
- SECTION 17. SEVERABILITY
- SECTION 18. EFFECTIVE DATE

## SECTION 1. STATEMENT OF PURPOSE.

This Code of Ethics is enacted pursuant to Article 18 of General Municipal Law. It is the purpose of this Code to establish standards of ethical conduct for officers, employees, and certain appointed officials of the County of Dutchess, to afford them clear guidance as to these standards, and to ensure that county government is free from improper influence so as to assure public confidence and trust. This Code shall be in addition to all other legal restrictions, standards, and provisions pertaining to the conduct of County officers and employees and officials. The County Legislature shall annually review the Dutchess County Code of Ethics at its first regular meeting of the year.

Pursuant to NY General Municipal Law Section 806(1)(a) the County of Dutchess adopts a code of ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them.

By adopting a local law, ordinance or resolution as authorized by NY General Municipal Law Section 811(1) the County of Dutchess elects, pursuant to NY General Municipal Law Section 812(3), to remove itself from the ambit of NY General Municipal Law Section 812(5), which mandates a NY State prescribed financial disclosure statement form.

The County Legislature has determined that it is necessary and advisable to repeal Local Law No. 7 of 2000, as amended by Local Law No. 2 of 2001, Local Law No. 7 of 2001, and Local Law No. 5 of 2004 to consolidate in one Local Law all previous amendments and to:

- 1) add a definition of "complaint";
- 2) mandate annual Code of Ethics training;
- 3) provide a process for updating the list of titles and positions of local officers and employees required to file an annual financial disclosure statement;
- 4) correct the financial disclosure statement so that it does not give the impression that a Notary is required when an affirmation under penalty of perjury is sufficient;
- 5) require that County employees leaving County service complete a financial disclosure statement for the prior calendar year at the Exit Interview;
- 6) authorize the Dutchess County Board of Ethics to evaluate the contents of financial disclosure statement forms;
- 7) require that all hearings alleging a violation of the Dutchess County Code of Ethics remain confidential until a determination that there has indeed been a violation has been made;
- 8) authorize an Ethics Board Member to initiate a complaint; and
- 9) expand the enforcement remedies of the Code of Ethics to authorize the Dutchess County Board of Ethics to issue "cease and desist" orders upon the Board's determination that a violation of this Code has occurred.

#### SECTION 2. PRIOR ETHICS LOCAL LAW REPEALED.

Local Law No. 7 of 2000, as amended by Local Law No. 2 of 2001, Local Law No. 7 of 2001, and Local Law No. 5 of 2004 of the County of Dutchess, and known as the Dutchess County Code of Ethics is repealed upon the effective date of this Local Law; provided, however, that nothing, including this Section shall prohibit the enforcement of said Local Law No. 7 of 2000, as amended, of the County of Dutchess, for actions or inactions done or not done as the case may be, by those subject to such Local Law No. 7 of 2000, as amended, of the County of Dutchess, prior to the effective date of this Local Law. All fines, penalties, criminal, and civil liability as the case may be shall remain in full force and effect and available for enforcement under such repealed Local Law No. 7 of 2000, as amended, of the County of Dutchess, for any applicable actions or inaction of those subject to such law as if such law remained in full force and effect for actions taken or inaction prior to the effective date of this Local Law.

#### SECTION 3. CONTINUATION OF THE BOARD OF ETHICS AND AUTHORITY THEROF.

The Dutchess County Board of Ethics provided for in Local Law No. 7 of 2000, as amended, of the County of Dutchess, is hereby continued and the terms of the Members of such Board of Ethics shall continue uninterrupted until their expiration as made under Local Law No. 7 of 2000, as amended, of the County of Dutchess.

#### SECTION 4. DEFINITIONS.

Unless the context clearly provides otherwise, the terms set forth below shall have the following meanings:

- (a) "Appropriate Body" means the Dutchess County Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, New York, 12601.
- (b) "Child or Children" means any unemancipated son, daughter, stepson, or stepdaughter.
- (c) "Complaint" means a signed written communication from any source whatsoever containing factual allegations of misconduct of a Dutchess County employee or officer which, if proven, would constitute a violation of the Dutchess County Code of Ethics. A complaint need not be addressed to the Dutchess County Board of Ethics so long as the substance of the allegations involves purported unethical conduct of a Dutchess County employee or officer as outlined in Section 5.
- (d) "County" means the government of the County of Dutchess and Dutchess Community College.
- (e) "Hearsay Evidence" is evidence of a statement which was made by someone other than by a witness while testifying at a hearing and which is offered to prove the truthfulness of the matter stated.
- (f) "Interest" means a direct or indirect pecuniary or material benefit accruing to an officer or employee, or his or her relative whether as a result of a contract with the County or otherwise. For the purpose of this local law, a County officer or employee shall be deemed to have an interest in the contract of:
  - (i) A relative except as to a contract of employment with the County;
  - (ii) A firm, partnership or association of which such officer or employee is a member or employee;
  - (iii) A corporation of which such officer or employee is an officer, director or employee;
  - (iv) A corporation of which more than five percent of the outstanding stock is owned by any such officer, employee, or his or her relative.
- (g) "Legislation" means a matter which appears on the agenda of the County Legislature or on a committee thereof, on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances or resolutions.
- (h) "Officer" or "Employee" means an elected or appointed officer or employee of the County of Dutchess, whether paid or unpaid.
- (i) "Relative" means a child, step-child, parent, step-parent, brother, sister, step-brother, step-sister, or legal guardian of any of said persons of an officer or employee or of the spouse of the officer or employee.
- (j) "Spouse" means the husband or wife of an officer or employee unless living separate and apart pursuant to: (i) a judicial order, decree or judgment of separation, or (ii) a legally binding written agreement of separation in accordance with the Domestic Relations Law.
- (k) "Unemancipated Child" means a child who is under the age of eighteen, unmarried and living in the household of an officer or employee.

## SECTION 5. STANDARDS OF CONDUCT.

Every officer or employee of the County shall be subject to and abide by the following standards of conduct:

- (a) Gifts. No officer or employee shall directly or indirectly solicit any money or receive any money, whether in the form of cash, check, loan, credit, or any other form in any amount, or solicit any gifts, or accept or receive any individual annual

gift, having a value of seventy-five dollars (\$75) or more, whether in the form of services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the money or gift was intended to influence, or could reasonably be expected to influence, him or her in the performance of official duties or was intended as a reward for any official action.

- (b) Confidential Information. No officer or employee shall disclose confidential information acquired in the course of official duties or use such information to further a personal interest.
- (c) Representation Before One's Own Agency. No officer or employee shall receive or enter into any agreement, express or implied, for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee of any agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer, or employee.
- (d) Representation Before Any Agency For a Contingent Fee. No officer or employee shall receive or enter into any agreement, express or implied for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of the County, whereby his or her compensation is to be dependent or contingent on any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at anytime of fees based on the reasonable value of the services rendered.
- (e) Disclosure of Interest in Legislation. To the extent known, any officer or employee of the County who participates in the discussion or gives an official opinion to the County Legislature on any legislation before it shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they may have in such legislation.
- (f) Disclosure of Interests in Contracts. To the extent known, any officer or employee of the County who has, will have, or subsequently acquires any interest in any contract with the County shall publicly disclose the nature and extent of such interest in writing to the Board of Ethics and County Legislature as well as to his or her immediate supervisor as soon as he or she has knowledge of such actual or prospective interest.
- (g) Investments in Conflict with Official Duties. No officer or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his or her official duties.
- (h) Private Employment. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
- (i) Future Employment. No officer or employee shall, within a period of one year after termination of service or employment, appear before any agency of the

County, except on his or her own behalf. No officer or employee shall, after termination of service or employment, appear before any agency of the County in relation to any matter, case, proceeding, application or transaction with respect to which such person was directly concerned or in which he or she personally participated in during his or her service or employment.

- (j) Conflicts of Interest Prohibited. No county officer or employee shall have an interest in any contract between the county and a corporation or partnership of which he or she is an officer or employee when such County officer or employee, has the power to (a) negotiate, prepare, authorize, or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract (c) appoint an officer or employee who has any of the powers or duties set forth above, and, no chief fiscal officer, treasurer, or their deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the county of which he or she is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any county officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.
- (k) Certain interests prohibited. No officer or employee of Dutchess County who has an interest in any real property, either individually or as an officer or employee of a corporation or partnership, shall participate in the acquisition or plan for acquisition of said property or any property adjacent to said property by Dutchess County. The term participation shall include the promotion of the site as well as the negotiation of the terms of acquisition.
- (l) Nepotism. No relative of any person employed in a department of the County of Dutchess shall be entitled to hold a position of full-time or part-time employment in the same department of the County as their relative if the position applied for is in the direct line of supervision in the subject department. Notwithstanding the definition of relative of Section 2(g) for purposes of this subsection "Relative" shall mean a spouse, child, step-child, parent, step-parent, brother, brother-in-law, sister, sister-in-law, step-brother, step-sister, father-in-law, mother-in-law, or legal guardian of any of said persons. With respect to prospective employees who have relatives as defined herein in other County departments, the hiring official shall exercise sound discretion in employing such individual in order to avoid the appearance of impropriety which relationship shall be fully disclosed to the Board of Ethics.

#### SECTION 6. MATTERS AGAINST THE COUNTY.

Nothing herein shall be deemed to bar or prevent the appearance of a present or former officer or employee before any agency on his or her own behalf, or on behalf of a relative, to express an opinion or comment on a matter before that agency, nor prevent the appearance or timely filing of any claim, account, demand or suit against the County or any agency thereof where the matter arises out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

#### SECTION 7. DISTRIBUTION OF CODE OF ETHICS.

Within thirty (30) days of the effective date of this local law, the County Attorney shall cause a copy of this Code of Ethics to be distributed to every officer and employee required to file a Financial Disclosure Statement and shall further cause a copy of this local law to be posted in all County owned or leased buildings. Thereafter, each new officer and employee shall be furnished a copy of this local law within sixty (60) days of being elected, appointed, or hired by the County. Each officer and employee required to file a Financial Disclosure Statement shall complete Code of Ethics training provided by the County Attorney during such officer or employee's initial employee orientation, and annually thereafter, or sign a sworn statement that such officer or employee has received and read the Dutchess County Code of Ethics. Such sworn statement shall be filed with the County Attorney's office by the deadline for filing Financial Disclosure Statements (i.e., May 15). Failure to distribute, post, receive or read a copy of this local law, attend annual training, or to submit a sworn statement regarding receipt and reading of the Code of Ethics shall have no effect on the duty of compliance or the enforcement of the provisions of this local law.

SECTION 8. OBLIGATION TO FILE FINANCIAL DISCLOSURE STATEMENT;  
MAINTENANCE OF DISCLOSURE STATEMENT.

(a) The Dutchess County Commissioner of Human Resources shall, prior to February 1<sup>st</sup> of each calendar year in which changes to affected positions become effective, submit to the Dutchess County Legislature for approval by resolution, a list specifying by name of office or by title or classification, those officers, employees, and local elected officials of the executive and legislative branches of county government, but not judges or justices of the Unified Court System, who shall be required to complete and file an annual financial disclosure statement.

Such list shall contain the heads of all county created agencies, departments, divisions, councils, boards, commissions or bureaus and their deputies and assistants, and the officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils created by the county who hold policy making positions as determined by the appointing authority as appointing authority is defined by New York State Civil Service Law Section 2(9).

Such officers and employees shall be responsible to complete and file a financial disclosure statement in substantially the form set forth herein and in accordance with the requirements of this local law. On or before March 15<sup>th</sup> of each year, the County Attorney shall cause to be distributed to those persons holding the positions set forth on such list said financial disclosure statement.

(b) Financial Disclosure Statements filed pursuant to this Code of Ethics shall be sealed, indexed, and maintained on file for five (5) years in an appropriate manner, by the Board of Ethics. Such Disclosure Statements shall be available for public inspection in accordance with the New York State Freedom of Information Law. Such Disclosure Statements shall be destroyed upon the expiration of this five (5) year period.

SECTION 9. FINANCIAL DISCLOSURE STATEMENT.

# ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR CALENDAR YEAR \_\_\_\_\_

The Code of Ethics of Dutchess County requires certain elected or appointed officials and employees to file this statement prior to May 15 of the following year. Please answer all questions completely. Indicate not applicable (N/A) where appropriate. Attach additional pages if necessary. The filing of this statement does not affect other reporting requirements.

1. Reporting Individual

Name: \_\_\_\_\_

Title of County Position Held: \_\_\_\_\_

Department or Agency: \_\_\_\_\_

Current Office Address: \_\_\_\_\_

Current Office Telephone Number(including extension): \_\_\_\_\_

If you are currently an officer or employee required to file a Financial Disclosure Statement and a candidate for an elective office subject to disclosure, indicate the title of the office: \_\_\_\_\_

2. To the best of your knowledge and belief, do you, your spouse, your children or dependent(s) or any relatives as defined in Section 4(h) have *any* of the following relationships with Dutchess County? (If yes, check the appropriate boxes)

Do business with Dutchess County

Receive any benefits, payment or gift in excess of that allowed in Section 5(a) from any person, firm, company or organization either doing business with Dutchess County or licensed or regulated by Dutchess County

Own five (5) per cent or more of stock in a firm doing business with with Dutchess County

Check all boxes above that are applicable

If you checked a box in question 2 above, go on to page 2. Do not complete the certification below.

*If you did not check a box above, complete the certification below and file the Statement with the Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, NY 12601*

I hereby affirm under penalty of perjury that neither I nor any of the members of my Immediate Family have any of the Relationships described in Question 2 and that the information on this statement set forth above is true, accurate, and complete to the best of my ability.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(signature)



6. For every individual identified in Question 3, including yourself, identify any real property which each owns either in or contiguous to Dutchess County. The identification should include at a minimum the street address, municipality, property size, property use, and acquisition date. Include all property, whether the interest is vested or contingent, where fifty percent (50%) or more of the equitable interest in the property is held by the reporting person or relatives.

*Exclude any primary personal residence not exceeding five (5) acres.*

*With respect to items reported concerning "relatives", as defined, a demonstration of good faith effort to the Ethics Board shall be evidence of compliance.*

If you completed Questions 3-6, complete the Certification below prior to filing with the Board of Ethics.

*The reporting of information on this statement is required by law. Improper use of the information contained in this statement by any person or entity in violation of privacy or other rights is separately punishable in accordance with law. No inference of unethical or illegal conduct or behavior shall be drawn merely from the lawful compliance with disclosure requirements*

I hereby affirm under penalty of perjury that the information on this statement set forth above is true, accurate and complete to the best of my ability.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(signature)

SECTION 10. FINANCIAL DISCLOSURE STATEMENT; FILING;  
VARIANCES; EXTENSIONS

Annual Statement of Financial Disclosure; Filing; Variances and Extensions.

- (a) Any person required to file an Annual Statement of Financial Disclosure pursuant to this local law shall file such completed statement on or before May 15<sup>th</sup> of each year for the preceding calendar year directly with the appropriate body. Any person required to file such statement who leaves County employment shall complete such statement for the preceding calendar year so that it may be collected by Human Resources at the Exit Interview.
- (b) Any person required to file such statement who is employed after May 15<sup>th</sup> of any year shall file such statement within thirty (30) days of such employment.
- (c) A person who is subject to filing requirements from more than one county may satisfy the requirement of this Section by filing a financial disclosure form with the appropriate body of the other county and filing a copy of that form with this county within the time required, together with a notification to this county of the name of the other county and the name and address of the appropriate body for that county.
- (d) Any person who is subject to the reporting requirements of this local law and who timely files with the Internal Revenue Service an application for an extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to submit such financial disclosure statement on or before the fifteenth (15<sup>th</sup>) day after the expiration of the period of such extension of time within which to file such individual income tax return.
- (e) Any person who is required to file an annual financial disclosure statement and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship in accordance with the rules and regulations on the subject adopted by the appropriate body, shall file such statement within the additional period of time granted.
- (f) Each officer or employee required to file a financial disclosure statement shall be provided with a time-dated receipt of such filing.
- (g) Any person who is required to file an annual financial disclosure statement and who fails to file on or before May 15 of any year, shall be notified by certified mail by the appropriate body, and shall file such statement within fifteen (15) days of such notification subject to the penalty provided for in Section 11(a) below.
- (h) Any person required to file a financial disclosure statement may request an exemption from any requirement to report one or more items of information which pertains to such person's spouse or relatives which item or items may be exempted upon a finding by a majority of the Board of Ethics that the reporting individual's spouse or relatives, objects to providing the information necessary to make such

disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting individual's official duties.

SECTION 11. PENALTIES.

- (a) Any officer or employee who is required to complete and file an annual financial disclosure statement, and has failed to file within fifteen (15) additional days after having been given at least one reminder, in writing, may be assessed a civil penalty not to exceed \$100 for the first such failure and not to exceed \$150 for a second such failure and not to exceed \$250 for any failure to file thereafter. In assessing any penalty, the Board of Ethics shall consider any mitigating circumstances offered by the offending party. In addition to these penalties, a persistent violator shall be subject to a fine not to exceed \$500. A persistent violator is one who fails to file the annual statement of financial disclosure for three years.
- (b) Any officer or employee who knowingly and willfully, with intent to deceive, makes a false statement, or gives information on such statement, which such individual knows to be false, shall be assessed a civil penalty in an amount not to exceed \$2,500.
- (c) Any officer or employee who knowingly and willfully violates any other provisions of the county ethics laws, or of Article 18 of the General Municipal Law, or any other law establishing rules of conduct for public officers and employees, may be assessed a civil penalty not to exceed \$2,500 and may be subject to disciplinary action by the officer or employee's department head and/or the Commissioner of Human Resources and/or other proper authority.

SECTION 12. DUTCHESS COUNTY BOARD OF ETHICS; COMPOSITION.

- (a) The Dutchess County Board of Ethics, heretofore created by Local Law No. 3 of 1971 is terminated effective upon adoption of this local law.
- (b) Pursuant to Article 18 of the New York General Municipal Law, there is hereby established the Dutchess County Board of Ethics.
- (c) The Board of Ethics shall consist of five members appointed by the County Executive subject to confirmation by the County Legislature. No more than three shall be of the same enrolled party affiliation. No more than two of said members shall be officers or employees of Dutchess County or officers or employees of municipalities wholly or partially located in such County and at least one of whom shall be an elected or appointed officer or employee of the county or a municipality located within such county. Of the five members appointed by the County Executive, one shall serve for a term of one year, two shall serve for a term of two years, and two shall serve for a term of three years. Thereafter, all shall serve for a term of three years. Members whose terms expire may be reappointed for additional three-year terms subject to confirmation by the County Legislature. The Board of Ethics shall appoint a Chairman from among its members for a term of one year. Three members of the Board shall constitute a quorum. The County Attorney or one of his or her assistants shall serve as legal

counsel to the Board. The Board shall meet, at a minimum, at least once a calendar year, and at any other time or times deemed necessary by the Chairman of the Board or upon the request of a majority of its members.

- (d) The County Legislature may appropriate moneys for the maintenance and personal services connected with the Board of Ethics.
- (e) The members of the Board of Ethics shall receive no compensation for their services on such Board.

SECTION 13. BOARD OF ETHICS: POWERS, DUTIES, FUNCTIONS.

- (a) The Board of Ethics shall have the powers, duties and functions provided by Article 18 of the General Municipal Law.
- (b) The Board of Ethics shall be the repository for completed Financial Disclosure Statements and such other written instruments affidavits, and disclosures as required by law. The Dutchess County Commissioner of Finance shall inspect all Financial Disclosure Statements to ascertain whether a person required to file a statement has failed to do so and inform the Dutchess County Board of Ethics in writing of the results of such inspection. The Board of Ethics shall have the authority to request further information from any person required to file an Annual Statement of Financial Disclosure pursuant to this local law who has checked off a box in Item 2 of the Financial Disclosure Statement, and to take such further action as the Board deems warranted as allowed by this code.
- (c) The Board of Ethics shall render advisory opinions in writing to officers and employees of Dutchess County, upon written request of the officer or employee with regard to his or her own affairs. Such advisory opinions shall be with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant thereto, except that the County Board of Ethics shall not act with respect to the officers and employees of any municipality located within Dutchess County or agency thereto, where such municipality has established its own Board of Ethics, except that the local Board may at its option refer matters to the County Board of Ethics. Such opinions shall be rendered, if practicable, within thirty (30) days of the written request. The thirty (30) day time period may be extended an additional thirty days at the Board's discretion.
- (d) The County Executive, members of the County Legislature, Comptroller, Sheriff, or County Clerk, may request an advisory opinion with regard to the affairs of any county officer or employee. Such opinions shall be rendered, if practicable, within thirty (30) days of the written request. The thirty (30) day time period may be extended an additional thirty days at the Board's discretion. Thereafter, if deemed necessary by the Board, the time period may be extended by an additional ninety (90) days upon notification to the County Executive and Clerk of the County Legislature that a particular matter is under investigation and an additional extension is required. In any event, the Board shall render its opinion no later than one hundred fifty (150) days from the date of receipt of the written request.

- (e) Unless specifically requested by the individual charged with a violation, or the party requesting an advisory opinion, said opinions shall not be made public or disclosed unless required by the Freedom of Information Law, pursuant to Judicial subpoena or required on a disciplinary proceeding involving an officer or employee.
- (f) The Board of Ethics, by majority vote of the whole may request the County Legislature to authorize them to subpoena an individual, whether or not a county officer or employee, or any document or thing deemed necessary to the Board in resolving any pending proceeding or investigation.
- (g) The Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon the request of the County Legislature or the governing body of any municipality in the County.

SECTION 14.            BOARD OF ETHICS: COMPLAINTS, HEARINGS, AND ASSESSMENT OF PENALTIES.

- (a) All complaints alleging a violation of the Dutchess County Code of Ethics must be in writing and include the signed name and address of the complainant.
- (b) The Board may accept from the general public or any of its own members or any County officer or employee a complaint or allegation of conflict of interest of any officer or employee of Dutchess County. The Board may also accept from the general public or any of its own members or any County officer or employee a complaint or allegation of a violation of this Local Law by a County officer or employee.
- (c) Complaints to remain Confidential unless Violation.  
All such complaints or allegations are to be kept in the confidential records of the Board by the Board unless made public by the Board after a determination of a violation has been made.
- (d) Power of Ethics Board Member to Initiate Complaint.  
To the extent that the allegation is upon the information and belief of a Member of the Board of Ethics after such Member shall have received notice thereof, such Member may forward under his or her own name such allegation and state that it is on information and belief. The Members of the Ethics Board shall be entitled to the source of the information and belief of the complaint, which information may be chosen to be kept confidential by the Ethics Board to the extent permitted by law. Said Board member advancing an allegation shall henceforth be excluded from voting on the merits of the complaint if such member is a witness to any of the allegations of the complaint. In order for a determination to be rendered the Board must have a signed written complaint.
- (e) Confidentiality of Hearings/Meetings relating to possible violation of Law.  
No meeting or proceeding or hearing of the Board of Ethics concerning a possible violation of this Local Law by a County officer or employee shall be open to the public, except upon the written request of the officer or employee or as required by the provisions of Article 7 of the Public Officers Law or by some other state or federal law or regulation.

- (f) The Board's findings and conclusions and Order shall be made public if it is determined that the person who was the subject of the hearing knowingly violated this Local Law or that it is unreasonable that such person did not know of such violation.
- (g) Upon receipt of a complaint, the Board of Ethics shall make a determination as to whether, on its face, the complaint alleges a violation of the Code of Ethics. If a determination is made that a violation of the Code of Ethics is not alleged by the complainant, the Board shall notify the complainant of its determination in writing.
- (h) If a determination is made that a violation of the Code of Ethics is alleged by the complainant, the Board shall notify in writing the person against whom the complaint is made of the nature of the complaint and the provision of the Code of Ethics allegedly violated.
- (i) The officer or employee charged with a violation shall have fifteen (15) days from receipt of notice of alleged violation to respond in writing to the Board's notice of alleged violation. The fifteen (15) day time period may be extended an additional fifteen (15) days at the Board's discretion. The response shall either admit the violation or state facts supporting a denial of the charge.
- (j) If the charge is denied, the Board shall either dismiss the charge if the facts presented so warrant or conduct a hearing.
- (k) A fact hearing shall consist of sworn testimony, affidavits, or such document evidence as the Board allows. The person charged shall be allowed to be represented by legal counsel and allowed to present evidence and to confront evidence presented against him or her. Strict rules of evidence under the laws of New York State shall not apply to the hearing. The Board may direct that the hearing be recorded and transcribed.
- (l) After the hearing is conducted, the Board shall issue its decision in writing, indicating the reason therefor. Any determination by the Board that a violation of this Code of Ethics has occurred shall be based on a majority vote of the whole Board, specifically; at least three out of five votes in favor of such determination shall be required. Such decision shall be rendered, if practicable, within the time limits set forth for opinions as contained in Section 13(d) above. No determination may be based solely on hearsay evidence.
- (m) Upon the Board's determination that a violation of the Code of Ethics has occurred, and pursuant to Section 11 of this Code of Ethics, the Board of Ethics may assess a penalty as allowed by this code or issue a "cease and desist" order or both.
- (n) 1) Any determination resulting in a fine, cease and desist order, or disciplinary action by the Board of Ethics shall be subject to review by a special proceeding in New York Supreme Court. Such a proceeding must be commenced within thirty (30) days of receipt of notice of a determination. The Supreme Court, in its review, may make its own findings of fact based upon the record before it.

2) In instances where the Board of Ethics levies a fine in excess of \$1,000, the aggrieved party may seek review by the Dutchess County Legislature solely on the issue of excessive fine. The request for Legislative review shall be in writing and filed with the Clerk of the Legislature and the Board of Ethics within ten (10) days of receipt of notice of said determination. Upon receipt of such request, the Clerk shall refer the matter to the Budget, Finance, and Personnel Committee of the Legislature for its review and recommendation. In conducting its review, the Personnel Committee shall be restricted to only materials or testimony presented to the Board of Ethics. The Personnel Committee shall recommend an affirmance or reduction of the fine. The Personnel Committee's recommendation shall be in the form of a resolution submitted for action by the full Legislature. The Legislature shall have ninety (90) days from the date the Clerk receives the notice within which to act on the request. The failure by the Legislature to take action within the ninety (90) days shall be deemed an affirmance of the determination of the Board of Ethics.

3) The time within which to commence a special proceeding in Supreme Court shall be tolled pending action by the County Legislature and the County Executive upon adoption of the resolution as provided in the County Charter.

SECTION 15.      REPEAL OF LOCAL LAW NO. 3 OF 1971 AND LOCAL LAW NO. 7 OF 1990.

Local Law No. 3 of 1971, establishing a Board of Ethics for the County of Dutchess and Local Law No. 7 of 1990, establishing a Code of Ethics for the officers and employees of the County of Dutchess, are hereby repealed in their entirety.

SECTION 16.      AUTHORITY.

The provisions of this local law are enacted pursuant to the authority granted by Article 18 of the General Municipal Law. Notwithstanding anything to the contrary, the County of Dutchess hereby elects to remove itself from the ambit of all of the provisions of Section 812.

SECTION 17.      SEVERABILITY.

If any clause, sentence, paragraph, section, subdivision, item or other part of this local law or the application thereof to any person or circumstance should be held by a court of competent jurisdiction to be invalid, void, or violative of a constitution or controlling law, such judgment, holding or determination shall be restricted to such clause, sentence, paragraph, section, subdivision, item or other part or the application thereof and shall not apply to the remaining parts of such local law. To this end, the provisions of each clause, sentence, paragraph, section, subdivision, item or other part of this local law are hereby declared to be severable.

SECTION 18.      EFFECTIVE DATE.

This local law is not subject to any mandatory or permissive referendum and, therefore, shall take effect immediately upon filing in the Office of the Secretary of State.

McKinney's Consolidated Laws of New York Annotated  
General Municipal Law (Refs & Annos)  
Chapter 24. Of the Consolidated Laws  
Article 18. Conflicts of Interest of Municipal Officers and Employees (Refs & Annos)

McKinney's General Municipal Law § 806

§ 806. Code of ethics

Effective: June 1, 2006

Currentness

1. (a) The governing body of each county, city, town, village, school district and fire district shall and the governing body of any other municipality may by local law, ordinance or resolution adopt a code of ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them. Notwithstanding any other provision of this article to the contrary, a fire district code of ethics shall also apply to the volunteer members of the fire district fire department. Codes 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. Such codes may regulate or prescribe conduct which is not expressly prohibited by this article but may not authorize conduct otherwise prohibited. Such codes may provide for the prohibition of conduct or disclosure of information and the classification of employees or officers.

(b) Effective on and after January first, nineteen hundred ninety-one, such codes of political subdivisions, as defined in section eight hundred ten of this article, may contain provisions which require the filing of completed annual statements of financial disclosure with the appropriate body, as defined in section eight hundred ten of this article. Nothing herein shall be construed to restrict any political subdivision or any other municipality from requiring such a filing prior to January first, nineteen hundred ninety-one. Other than as required by subdivision two of section eight hundred eleven of this article, the governing body of any such political subdivision or other municipality may at any time subsequent to the effective date of this paragraph, adopt a local law, ordinance or resolution pursuant to subdivision one of section eight hundred eleven of this article and any such political subdivision or municipality, acting by its governing body, may take such other action as is authorized in such subdivision. Any political subdivision or other municipality to which all of the provisions of section eight hundred twelve of this article apply may elect to remove itself from the ambit of all (but not some) provisions of such section in the manner authorized in subdivision three of such section eight hundred twelve. In such event any such political subdivision or municipality shall be subject to certain conditions and limitations set forth in paragraphs (a), (b) and (c) of such subdivision three which shall include, but not be limited to, the promulgation of a form of an annual statement of financial disclosure described in subdivision one of such section eight hundred eleven.

2. The chief executive officer of a municipality adopting a code of ethics shall cause a copy thereof to be distributed to every officer and employee of his municipality. The fire district commissioners shall cause a copy of the fire district's code of ethics to be posted publicly and conspicuously in each building under such district's control. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

3. Until January first, nineteen hundred ninety-one, the clerk of each municipality shall file in the office of the state comptroller and on or after January first, nineteen hundred ninety-one, the clerk of each municipality and of each political subdivision, as

defined in section eight hundred ten of this article, shall file with the temporary state commission on local government ethics established by section eight hundred thirteen of this article, if such temporary state commission be in existence, and in all events shall maintain as a record subject to public inspection:

(a) a copy of any code of ethics or any amendments to any code of ethics adopted within thirty days after the adoption of such code or such amendment,

(b) a statement that such municipality or political subdivision has established a board of ethics, in accordance with section eight hundred eight and/or pursuant to other law, charter, code, local law, ordinance or resolution, and the composition of such board, within thirty days after the establishment of such board.

(c) a copy of the form of annual statement of financial disclosure described in subdivision one of section eight hundred eleven of this article and either a statement of the date such annual statement form was promulgated by local law, ordinance or resolution of the governing body, if adopted pursuant to subparagraph (i) of paragraph (a) of subdivision one of section eight hundred eleven of this article, or a statement that the governing body has, by local law, ordinance or resolution, resolved to continue the use of an authorized form of annual statement of financial disclosure in use on the date such local law, ordinance or resolution is adopted, if adopted pursuant to subparagraph (ii) of paragraph (a) of subdivision one of section eight hundred eleven of this article, and if as of January first, nineteen hundred ninety-one, no such form was promulgated and no such resolve was made to continue using an existing annual statement form, a statement that the provisions of section eight hundred twelve of this article apply or that it is a municipality which is not subject to the provisions of section eight hundred twelve of this article because it is not a political subdivision as defined in section eight hundred ten of this article.

(d) on or before the fifteenth day of February in each year, the comptroller or the temporary state commission on local government ethics if such commission be in existence, or the clerk of the municipality or political subdivision during or after calendar year nineteen hundred ninety-one if such commission not be in existence, as the case may be, shall submit to the legislature a report listing the name of each county, city, town, village and school district which has as of the thirty-first day of December next preceding, failed to so file with him or with it, as the case may be, a code of ethics, or in the case of a filing by the clerk of the municipality or political subdivision, stating whether or not the municipality or political subdivision has in effect as of the filing date, a code of ethics.

(e) not later than April first, nineteen hundred ninety-one, the comptroller shall submit to the temporary state commission on local government ethics:

(i) a report that sets forth, (A) the name of each political subdivision, as such term is defined in section eight hundred ten of this article, the governing body of which has elected to satisfy the requirements of subdivision one of section eight hundred eleven of this article by continuing to use the annual statement form in existence at the time such election is made as authorized by subdivision one of section eight hundred eleven of this article, and (B) the name of each political subdivision, as so defined, other than those listed in clause (A) of this subparagraph (i), that timely promulgated an annual statement form of financial disclosure in accordance with subdivision one of section eight hundred eleven of this article, and (C) in a separate category, sets forth the name of those political subdivisions that failed to continue using its existing form or to promulgate a form and which, therefore, by operation of subdivision two of section eight hundred eleven of this article have become subject, as of January first, nineteen hundred ninety-one, to the provisions of section eight hundred twelve of this article. The comptroller shall, at the same time such report is submitted to the temporary state commission on local government ethics, notify each political subdivision which is contained in the latter category that it is subject to section eight hundred twelve of this article; and

(ii) a copy of the most recent filing by all municipalities and political subdivisions, made pursuant to paragraphs (a), (b), (c) and (d) of this subdivision.

**Credits**

(Added L.1964, c. 946, § 2. Amended L.1969, c. 646, § 2; L.1970, c. 1019, § 3; L.1987, c. 813, §§ 10, 11; L.2006, c. 238, § 1, eff. June 1, 2006.)

Notes of Decisions (56)

McKinney's General Municipal Law § 806, NY GEN MUN § 806  
Current through L.2014, chapters 1 to 350.

---

End of Document

© 2014 Thomson Reuters. No claim to original U.S. Government Works.

McKinney's Consolidated Laws of New York Annotated  
General Municipal Law (Refs & Annos)  
Chapter 24. Of the Consolidated Laws  
Article 18. Conflicts of Interest of Municipal Officers and Employees (Refs & Annos)

McKinney's General Municipal Law § 811

§ 811. Promulgation of form of annual statement of financial disclosure;  
authority of governing body with respect to persons subject thereto

Effective: April 7, 2008  
Currentness

1. (a) The governing body of each political subdivision may, not later than January first, nineteen hundred ninety-one, and the governing body of any other municipality may at any time subsequent to the effective date of this section, adopt a local law, ordinance, or resolution: (i) wherein it promulgates a form of annual statement of financial disclosure which is designed to assure disclosure by municipal officers and employees, which for the purposes of this section, the definition for which shall be modified so as to also include a city with a population of one million or more, and (in the case of a political subdivision or any other county, city, town or village) which is designed to assure disclosure by local elected officials and/or by local political party officials of such financial information as is determined necessary by the governing body, or (ii) wherein it resolves to continue the use of an authorized form of annual statement of financial disclosure in use on the date such local law, ordinance or resolution is adopted. In either event, such local law, ordinance or resolution if and when adopted shall specify by name of office or by title or classification those municipal officers and employees and (in the case of a political subdivision or any other county, city, town or village) those local elected officials and/or those local political party officials which shall be required to complete and file such annual statement.

(a-1) In a city with a population of one million or more, such local law, ordinance or resolution shall require, on two or more types of forms for annual statements of financial disclosure, disclosure of information that could reveal potential conflicts of interest as defined by chapter sixty-eight of the New York city charter.

(i) The disclosure required by such law, ordinance or resolution of such city shall, at a minimum, include information about any non-city employment or interests that may give rise to a conflict of interest, including, but not limited to, interests of the filer and his or her spouse or registered domestic partner, and unemancipated children, in: (A) real property located in such city, and (B) positions or business dealings with, financial interests in, or gifts from, any persons or firms or entities engaged in business dealings with such city.

(ii) In any such city, local elected officials and compensated local officers and employees, as defined in subdivisions two and three, respectively, of section eight hundred ten of this article, shall, at a minimum, disclose in addition to the information required by subparagraph (i) of this paragraph: (A) interests in a firm where the value of the interest is ten thousand dollars or more; (B) where the official, officer, or employee holds a policy-making position with such city, membership in the national or state committee of a political party or service as assembly district leader of a political party or service as the chair or as an officer of the county committee or county executive committee of a political party; (C) the names and positions of any spouse or registered domestic partner, child, stepchild, brother, sister, parent or stepparent holding a position with any such city; (D) each volunteer office or position held by the filer or his or her spouse or registered domestic partner with any not-for-profit organization engaged in business dealings with such city, except where the person volunteers only in a non-policy-making, non-

administrative capacity; and (E) agreements between the filer and any person or firm or entity engaged in business dealings with such city for future payment to or employment of the filer.

(iii) For purposes of this paragraph, the term "firm" shall have the same meaning as set forth in subdivision eleven of section twenty-six hundred one of the New York city charter.

(b) The governing body of a political subdivision or any other county, city, town or village, which requires the completion and filing of either of such forms of annual statements of financial disclosure by local or municipal officers and employees and/or by local elected officials shall have the power, if it so chooses, to require the completion and filing of such annual statements of financial disclosure by local political party officials as if such officials were officers or employees of such county, city, town or village, provided however, that a person who is subject to the filing requirements of both subdivision two of section seventy-three-a of the public officers law and of this subdivision may satisfy the requirements of this subdivision by filing a copy of the statement filed pursuant to section seventy-three-a of the public officers law with the appropriate body, as defined in section eight hundred ten of this article, on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by this subdivision.

(c) The governing body of a political subdivision or any other county, city, town or village which requires any local or municipal officer or employee or any local elected official or any local political party official to complete and file either of such annual statements of financial disclosure shall have, possess, exercise and enjoy all the rights, powers and privileges attendant thereto which are necessary and proper to the enforcement of such requirement, including but not limited to, the promulgation of rules and regulations pursuant to local law, ordinance or resolution, which rules or regulations may provide for the public availability of items of information to be contained on such form of statement of financial disclosure, the determination of penalties for violation of such rules or regulations, and such other powers as are conferred upon the temporary state commission on local government ethics pursuant to section eight hundred thirteen of this article as such local governing body determines are warranted under the circumstances existing in its county, city, town or village.

(d) The local law, ordinance or resolution, if and when adopted, shall provide for the annual filing of completed statements with either the temporary state commission on local government ethics or with the board of ethics of the political subdivision or other municipality and shall contain the procedure for filing such statements and the date by which such filing shall be required. If the board of ethics is designated as the appropriate body, then such local law, ordinance or resolution shall confer upon the board appropriate authority to enforce such filing requirement, including the authority to promulgate rules and regulations of the same import as those which the temporary state commission on local government ethics enjoys under section eight hundred thirteen of this article. Any such local law, ordinance or resolution shall authorize exceptions with respect to complying with timely filing of such disclosure statements due to justifiable cause or undue hardship. The appropriate body shall prescribe rules and regulations related to such exceptions with respect to extensions and additional periods of time within which to file such statement including the imposition of a time limitation upon such extensions.

(e) Nothing herein shall be construed to prohibit a political subdivision or other municipality from promulgating the form of annual financial disclosure statement set forth in section eight hundred twelve of this article. Promulgation of the same form of annual financial disclosure statement set forth in section eight hundred twelve of this article shall not be deemed an automatic election to be subject to the provisions of such section.

2. In the event that a political subdivision fails by January first, nineteen hundred ninety-one to promulgate, or fails by such date to elect to continue using, a form of annual statement of financial disclosure in the manner authorized in subdivision one

(i) A candidate whose name will appear on both a party designating petition and on an independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this subdivision by complying with the earliest applicable deadline only.

2. The governing body of a county, city, town or village having a population of less than fifty thousand may by local law or ordinance elect to be subject to the provisions of this section. In such event, any such city, county, town or village shall be deemed to be a political subdivision under this section.

✓ 3. Any political subdivision or other county, city, town or village to which all of the provisions of this section are made applicable, whether as a result of the provisions contained in subdivision two of section eight hundred eleven of this article or as a result of an election to be subject to the provisions of this section as permitted by subdivision two of this section, may elect to remove itself from the ambit of all (but not some) provisions of this section (other than this subdivision) by adopting a local law, ordinance or resolution specifically referring to the authority conferred by this subdivision. Provided, however, that the terms of such local law, ordinance or resolution shall be subject to the following conditions and limitations:

(a) Such local law, ordinance or resolution must provide for the promulgation of a form of an annual statement of financial disclosure described in subdivision one of section eight hundred eleven of this article for use with respect to information the governing body requires to be reported for the calendar year next succeeding the year in which such local law, ordinance or resolution is adopted and for use with respect to information required to be reported for subsequent calendar years; and shall provide for the filing of completed statements with either the temporary state commission on local government ethics or with the board of ethics of the political subdivision or other municipality, as specified in subdivision one of section eight hundred eleven of this article.

(b) Such removal shall not be effective with respect to the annual financial disclosure statement for the calendar year in which the local law, ordinance or resolution is adopted (the filing of which statement is due on May fifteenth of the next succeeding year with certain exceptions), nor shall such removal be effective with respect to any required annual financial disclosure statement for the immediately preceding calendar year (the filing of which statement is due on May fifteenth (with certain exceptions) of the calendar year in which such local law, ordinance or resolution is adopted), nor shall such removal be effective with respect to any other preceding year but such removal shall apply first to the statement which would have been due on May fifteenth (with certain exceptions) of the second year next succeeding the year in which such local law, ordinance or resolution is adopted, and such removal shall apply thereafter to subsequent statements otherwise due pursuant to this section.

(c) Such removal shall not affect the power to impose, or the imposition of, a penalty for failure to file, or for false filing, of any required annual financial disclosure statement.

(d) The local law, ordinance or resolution referred to in paragraph (a) of this subdivision or any other such local law, ordinance or resolution so adopted may make provision for any other right, power or privilege granted by subdivision one of such section eight hundred eleven.

4. Nothing contained in this section shall be construed as precluding the governing body of a political subdivision from requiring additional and/or more detailed items of financial disclosure than are set forth in subdivision five hereinbelow.

✓ 5. The annual statement of financial disclosure shall contain the information and shall be in the form set forth hereinbelow:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR%tc

(Insert Name of Political Subdivision) - (For calendar year \_\_\_\_\_)

1. Name .....
2. (a) Title of Position .....
- (b) Department, Agency or other Governmental Entity .....
- (c) Address of Present Office .....
- (d) Office Telephone Number .....
3. (a) Marital Status \_\_\_\_\_ . If married, please give spouse's full name including maiden name where applicable.  
     \_\_\_\_\_
- (b) List the names of all unemancipated children.  
     \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_

Answer each of the following questions completely, with respect to calendar year \_\_\_\_\_, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A - under \$5,000; Category B - \$5,000 to under \$20,000; Category C - \$20,000 to under \$60,000; Category D - \$60,000 to under \$100,000; Category E - \$100,000 to under \$250,000; and Category F - \$250,000 or over. A reporting individual shall indicate the Category by letter only.

For the purposes of this statement, anywhere the term "local agency" shall appear such term shall mean a local agency, as defined in section eight hundred ten of the general municipal law, of the political subdivision for which this financial disclosure statement has been filed.

4. (a) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York or (insert name of political subdivision). If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

<u>Position</u>	<u>Organization</u>	<u>State or</u>
-----------------	---------------------	-----------------



.....

.....

.....

.....

.....

6. List any interest, in excess of \$1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract except from guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

<u>Self, Spouse or Child</u>	<u>Entity Which Held Interest in Contract</u>	<u>Relationship to Entity and Interest in Contract</u>	<u>Contracting State or Local Agency</u>	<u>Category of Value of Contract</u>
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political party district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

.....

.....

.....

.....

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the name of the individual clients, customers or patients.

.....  
.....  
.....  
.....  
.....

(b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000 excluding investments in securities and interests in real property.

.....  
.....  
.....  
.....

9. List each source of gifts, excluding campaign contributions, in excess of \$1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, excluding gifts from a relative. Include the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

<u>Self, Spouse or Child</u>	<u>Name of Donor</u>	<u>Address</u>	<u>Nature of Gift</u>	<u>Category of Value of Gift</u>
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

10. Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures and expenditures in connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding events. The term "reimbursements" does not include gifts reported under item 9.

<u>Source</u>	<u>Description</u>
.....	.....
.....	.....

.....  
.....  
.....

11. List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans other than retirement plans of the state of New York or the city of New York, and deferred compensation plans established in accordance with the internal revenue code, in which the reporting individual held a beneficial interest in excess of \$1,000 at any time during the preceding year. Do not report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

<u>Identity</u>	<u>Category of Value *</u>
.....	.....
.....	.....
.....	.....

\* The value of such interest shall be reported only if reasonably ascertainable.

12. (a) Describe the terms of, and the parties to, any contract, promise, or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position (other than a leave of absence).

.....  
.....  
.....  
.....

- (b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the reporting individual in excess of \$1,000 from a prior employer other than the political subdivision for which this statement is filed. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)

.....  
.....  
.....  
.....

13. List below the nature and amount of any income in excess of \$1,000 from each source for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, salary for government employment, income from other compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income,

partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

<u>Self/ Spouse</u>	<u>Source</u>	<u>Nature</u>	<u>Category of Amount</u>
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

14. List the sources of any deferred income in excess of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

<u>Source</u>	<u>Category of Amount</u>
.....	.....
.....	.....
.....	.....
.....	.....

15. List each assignment of income in excess of \$1000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of \$1000, which would otherwise be required to be reported herein and is not or has not been so reported.

<u>Item Assigned or Transferred</u>	<u>Assigned or Transferred to</u>	<u>Category of Value</u>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

16. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in excess of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit

in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership if the reporting person or the reporting person's spouse holds more than five percent of the stock of a corporation in which the stock is publicly traded or more than ten percent of the stock of a corporation in which the stock is not publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if the security is corporate stock, not publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

<u>Self/ Spouse</u>	<u>Issuing Entity</u>	<u>Type of Security</u>	<u>Category of Market Value as of the close of the taxable year last occurring prior to the filing of this statement</u>	<u>Percentage of corporate stock owned or controlled</u>
.....				
.....				
.....				
.....				
.....				

17. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in excess of \$1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do not list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

<u>Self/ Spouse/ Other Party</u>	<u>Location</u>	<u>Size</u>	<u>General Nature</u>	<u>Acquisition Date</u>	<u>Category of Market Value</u>	<u>Percentage of Ownership</u>
.....						
.....						
.....						
.....						
.....						

18. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in excess of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

<u>Name of Debtor</u>	<u>Type of Obligation, Date Due, and Nature of Collateral, if any</u>	<u>Category of Amount</u>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

19. List below all liabilities of the reporting individual and such individual's spouse, in excess of \$5,000 as of the date of filing of this statement, other than liabilities to a relative. Do not list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Revolving charge account information shall only be set forth if liability thereon is in excess of \$5,000 at the time of filing. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

<u>Name of Creditor or Guarantor</u>	<u>Type of Liability and Collateral, if any</u>	<u>Category of Amount</u>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

(Signature of Reporting Individual)

Date (month/day/year)

6. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the appropriate body, as such term is defined in section eight hundred ten of this article. For a violation of this subdivision, other than for conduct which constitutes a violation of subdivision twelve of section seventy-three of the public officers law, the board of ethics of the political subdivision or

other municipality may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. Each appropriate body, as such term is defined in section eight hundred ten of this article, shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the appropriate body, pursuant to article seventy-eight of the civil practice law and rules.

#### Credits

(Added L.1987, c. 813, § 15. Amended L.2004, c. 85, § 1, eff. May 18, 2004.)

#### Notes of Decisions (2)

#### Footnotes

1 So in original. (word misspelled.)

McKinney's General Municipal Law § 812, NY GEN MUN § 812

Current through L.2014, chapters 1 to 350.

- (b) "Child or Children" means any unemancipated son, daughter, stepson, or stepdaughter.
- (c) "County" means the government of the County of Dutchess and Dutchess Community College.
- (d) "Interest" means a direct or indirect pecuniary or material benefit accruing to an officer or employee, or his or her relative whether as a result of a contract with the County or otherwise. For the purpose of this local law, a County officer or employee shall be deemed to have an interest in the contract of:
  - (i) A relative except as to a contract of employment with the County;
  - (ii) A firm, partnership or association of which such officer or employee is a member or employee;
  - (iii) A corporation of which such officer or employee is an officer, director or employee;
  - (iv) A corporation of which more than five percent of the outstanding stock is owned by any such officer, employee, or his or her relative.
- (e) "Legislation" means a matter which appears on the agenda of the County Legislature or on a committee thereof, on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances or resolutions.
- (f) "Officer" or "Employee" means an elected or appointed officer or employee of the County of Dutchess, whether paid or unpaid.
- (g) "Relative" means a child, step-child, parent, step-parent, brother, sister, step-brother, step-sister, or legal guardian of any of said persons of an officer or employee or of the spouse of the officer or employee.
- (h) "Spouse" means the husband or wife of an officer or employee unless living separate and apart pursuant to: (i) a judicial order, decree or judgment of separation, or (ii) a legally binding written agreement of separation in accordance with the Domestic Relations Law.
- (i) "Unemancipated Child" means a child who is under the age eighteen, unmarried and living in the household of an officer or employee.

### SECTION 3. STANDARDS OF CONDUCT.

Every officer or employee of the County shall be subject to and abide by the following standards of conduct:

- (a) Gifts. No officer or employee shall directly or indirectly solicit any money or receive any money, whether in the form of cash, check, loan, credit, or any other form in any amount, or solicit any gifts, or accept or receive any individual annual gift, having a value of seventy-five dollars (\$75) or more, whether in the form of services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the money or gift was intended to influence, or could reasonably be expected to

✓  
SECTION 5. DISTRIBUTION OF CODE OF ETHICS.

Within thirty (30) days of the effective date of this local law, the County Attorney shall cause a copy of this Code of Ethics to be distributed to every officer and employee required to file a Financial Disclosure Statement and shall further cause a copy of this local law to be posted in all County owned or leased buildings. Thereafter, each new officer and employee shall be furnished a copy of this local law within sixty (60) days of being elected, appointed, or hired by the County. Failure to distribute, post or receive a copy of this local law shall have no effect on the duty of compliance or the enforcement of the provisions of this local law.

SECTION 6. OBLIGATION TO FILE FINANCIAL DISCLOSURE STATEMENT;  
MAINTENANCE OF DISCLOSURE STATEMENT.

- (a) All officers and employees, holding the positions set forth below shall be responsible to complete and file a financial disclosure statement in substantially the form set forth herein and in accordance with the requirements of this local law. On or before March 15 of each year, the County Attorney shall cause to be distributed to those persons holding the positions set forth below said financial disclosure statement.

AGING, OFFICE FOR

Director, Office for the Aging

BOARD OF ELECTIONS

Commissioners of Elections  
Administrators – Board of Elections

BUDGET OFFICE

Budget Director

CENTRAL PURCHASE ADMINISTRATION

Director of Central Services  
Assistant Director of Central Services  
Fleet Administrator  
Telecommunications Systems Manager  
Buyer/Central Services Supervisor

CITIZEN ADVOCACY

Executive Director Human Rights Commission

COMMUNITY ALTERNATIVE SYSTEMS AGENCY

Long-term Care Director

COMMUNITY COLLEGE

President, Dutchess Community College  
Dean of Academic Affairs  
Dean of Student Personnel Services  
Dean of Community Services and Special Projects  
Dean of Administration

McKinney's Consolidated Laws of New York Annotated  
Civil Service Law (Refs & Annos)  
Chapter 7. Of the Consolidated Laws (Refs & Annos)  
Article I. Short Title; Definitions

McKinney's Civil Service Law § 2

§ 2. Definitions

Effective: June 3, 2008

Currentness

When used in this chapter.

1. The term "commission" or "state commission" means the state civil service commission;
2. The term "president" means the president of the state civil service commission;
3. The term "department" or "civil service department" means the state department of civil service, unless otherwise expressly stated or unless the context requires a different meaning;
4. The term "municipal commission" or "municipal civil service commission" means the civil service commission of a city, of a county, or of a suburban town governed pursuant to article three-A of the town law<sup>1</sup> and having a population of at least fifty thousand as shown in the most recent decennial federal census or special population census taken pursuant to section twenty of the general municipal law, or the personnel officer of a city, of a county, or of such a suburban town, or a regional civil service commission or a regional personnel officer, as the case may be, unless otherwise expressly stated or unless the context requires a different meaning;
5. The "civil service" of the state of New York or any of its civil divisions includes all offices and positions in the service of the state or of such civil divisions, except such offices and positions in the militia and the military departments as are or may be created under the provisions of article twelve of the constitution;
6. The "state service" shall include all offices and positions in the civil service of the state;
7. The "city service" shall include all offices and positions in the civil service of any city;
8. The "service of a civil division" shall include all offices and positions in the civil service of any subdivision of the state; and the term "civil division" shall include within its meaning a city;
- ✓ 9. The term "appointing authority" or "appointing officer" means the officer, commission or body having the power of appointment to subordinate positions;

AMENDED BY LOCAL LAW NOS. 2 OF 2001/7 OF 2001/5 OF 2004

Lay on Desk  
8-14  
Charter & LL

RESOLUTION NO. 200272

RE: LOCAL LAW NO. 7 OF 2000, A LOCAL LAW ESTABLISHING A CODE OF ETHICS FOR OFFICERS AND EMPLOYEES AND REQUIRING FINANCIAL DISCLOSURE FOR CERTAIN OFFICERS AND EMPLOYEES OF THE COUNTY OF DUTCHESS AND ESTABLISHING A BOARD OF ETHICS FOR THE COUNTY OF DUTCHESS AND REPEALING LOCAL LAW NO. 7 OF 1990 AND LOCAL LAW NO. 3 OF 1971

Legislators HAMMOND, MOLINARO, HORTON, KLOSE, PHILLIPS, QUINN, SWARTZ, BALLO, KNAPP, and SMITH offer the following and move its adoption:

RESOLVED, that this Legislature of the County of Dutchess adopt Local Law No. 7 of 2000, which has been submitted this day for consideration by said Legislature.

APPROVED

  
WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

RES. 272 6/13/00 js/jh Revised 7/5/00 js/IMac  
Revised in Charter & Local Laws 7/6/00 lw Revised 7/12/00 js/Imac/Dutch  
Revised 7/24/00 lw/jh Revised 7/27/00 lw/jh Revised 8/7/00 lw/jh  
Revised in Charter & Local Laws 8/10/00 lw

Date

10/17, 2000

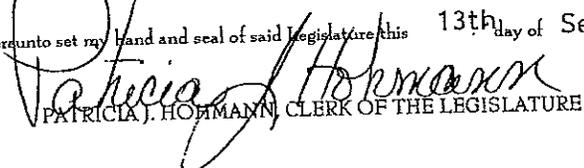
STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13th day of September and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of September, 2000.

  
PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

LOCAL LAW NO. 7 OF 2000

RE: A LOCAL LAW ESTABLISHING A CODE OF ETHICS FOR OFFICERS AND EMPLOYEES AND REQUIRING FINANCIAL DISCLOSURE FOR CERTAIN OFFICERS AND EMPLOYEES OF THE COUNTY OF DUTCHESS AND ESTABLISHING A BOARD OF ETHICS FOR THE COUNTY OF DUTCHESS AND REPEALING LOCAL LAW NO. 7 OF 1990 AND LOCAL LAW NO. 3 OF 1971

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

- SECTION 1. STATEMENT OF PURPOSE
- SECTION 2. DEFINITIONS
- SECTION 3. STANDARDS OF CONDUCT
- SECTION 4. MATTERS AGAINST THE COUNTY
- SECTION 5. DISTRIBUTION OF CODE OF ETHICS
- SECTION 6. OBLIGATION TO FILE FINANCIAL DISCLOSURE STATEMENT; MAINTENANCE OF DISCLOSURE STATEMENT
- SECTION 7. FINANCIAL DISCLOSURE STATEMENT
- SECTION 8. FINANCIAL DISCLOSURE STATEMENT; FILING; VARIANCES AND EXTENSIONS
- SECTION 9. PENALTIES
- SECTION 10. DUTCHESS COUNTY BOARD OF ETHICS: COMPOSITION
- SECTION 11. DUTCHESS COUNTY BOARD OF ETHICS: POWERS, DUTIES, AND FUNCTIONS
- SECTION 12. DUTCHESS COUNTY BOARD OF ETHICS: COMPLAINTS, HEARINGS AND ASSESSMENT OF PENALTIES
- SECTION 13. REPEAL OF LOCAL LAW NO. 3 OF 1971 AND LOCAL LAW NO. 7 OF 1990
- SECTION 14. AUTHORITY
- SECTION 15. SEVERABILITY
- SECTION 16. EFFECTIVE DATE

SECTION 1. STATEMENT OF PURPOSE.

This Code of Ethics is enacted pursuant to Article 18 of General Municipal Law. It is the purpose of this Code to establish standards of ethical conduct for officers, employees, and certain appointed officials of the County of Dutchess, to afford them clear guidance as to these standards, and to ensure that county government is so free from improper influence as to assure public confidence and trust. This Code shall be in addition to all other legal restrictions, standards, and provisions pertaining to the conduct of County officers and employees and officials.

## SECTION 2. DEFINITIONS.

Unless the context clearly provides otherwise, the terms set forth below shall have the following meanings:

- (a) "Appropriate Body" means the Dutchess County Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, New York, 12601.
- (b) "Child or Children" means any unemancipated son, daughter, stepson, or stepdaughter.
- (c) "County" means the government of the County of Dutchess and Dutchess Community College.
- (d) "Interest" means a direct or indirect pecuniary or material benefit accruing to an officer or employee, or his or her relative whether as a result of a contract with the County or otherwise. For the purpose of this local law, a County officer or employee shall be deemed to have an interest in the contract of:
  - (I) A relative except as to a contract of employment with the County;
  - (II) A firm, partnership or association of which such officer or employee is a member or employee;
  - (III) A corporation of which such officer or employee is an officer, director or employee;
  - (IV) A corporation of which more than five percent of the outstanding stock is owned by any such officer, employee, or his or her relative.
- (e) "Legislation" means a matter which appears on the agenda of the County Legislature or on a committee thereof, on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances or resolutions.
- (f) "Officer" or "Employee" means an elected or appointed officer or employee of the County of Dutchess, whether paid or unpaid.
- (g) "Relative" means a child, stepchild, parent, step-parent, brother, sister, step-brother, step-sister, or legal guardian of any of said persons of an officer or employee or of the spouse of the officer or employee.
- (h) "Spouse" means the husband or wife of an officer or employee unless living separate and apart pursuant to: (1) a judicial order, decree or judgement of separation, or (ii) a legally binding written agreement of separation in accordance with the Domestic Relations Law.
- (i) "Unemancipated Child" means a child who is under the age eighteen, unmarried and living in the household of an officer or employee.

## SECTION 3. STANDARDS OF CONDUCT.

Every officer or employee of the County shall be subject to and abide by the following standards of conduct:

- (a) Gifts. No officer or employee shall directly or indirectly solicit any money or receive any money, whether in the form of cash, check, loan, credit, or any other form in any amount, or solicit any gifts, or accept or receive any individual annual gift, having a value of seventy-five dollars (\$75) or more, whether in the form of services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the money or gift was intended to influence, or could be reasonably be expected to influence, him or her in the performance of official duties or was intended as a reward for any official action.
- (b) Confidential Information. No officer or employee shall disclose confidential information acquired in the course of official duties or use such information to further a personal interest.
- (c) Representation Before One's Own Agency. No officer or employee shall receive or enter into any agreement, express or implied, for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee or of any agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer, or employee.
- (d) Representation Before Any Agency For a Contingent Fee. No officer or employee shall receive or enter into any agreement, express or implied for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of the County, whereby his or her compensation is to be dependent or contingent on any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at anytime of fees based on the reasonable value of the services rendered.
- (e) Disclosure of Interest in Legislation. To the extent known, any officer or employee of the County who participates in the discussion or gives an official opinion to the County Legislature on any legislation before it shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they may have in such legislation.
- (f) Disclosure of Interests in Contracts. To the extent known, any officer or employee of the County who has, will have, or subsequently acquires any interest in any contract with the County shall publicly disclose the nature and extent of such interest in writing to the Board of Ethics and County Legislature as well as to his or her immediate supervisor as soon as he or she has knowledge of such actual or prospective interest.
- (g) Investments in Conflict with Official Duties. No officer or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his or her official duties.

- (h) Private Employment. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
- (i) Future Employment. No officer or employee shall, within a period of one year after termination of service or employment, appear before any agency of the County, except on his or her own behalf. No officer or employee shall, after termination of service or employment, appear before any agency of the County in relation to any matter, case, proceeding, application or transaction with respect to which such person was directly concerned or in which he or she personally participated in during his or her service or employment.
- (j) Conflicts of Interest Prohibited. No county officer or employee shall have an interest in any contract between the county and a corporation or partnership of which he or she is an officer or employee when such county officer or employee has the power to (a) negotiate, prepare, authorize, or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract (c) appoint an officer or employee who has any of the powers or duties set forth above, and, no chief fiscal officer, treasurer, or their deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the county of which he or she is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any county officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.
- (k) Certain interests prohibited. No officer or employee of Dutchess County who has an interest in any real property, either individually or as an officer or employee of a corporation or partnership, shall participate in the acquisition or plan for acquisition of said property or any property adjacent to said property by Dutchess County. The term participation shall include the promotion of the site as well as the negotiation of the terms of acquisition.

#### SECTION 4. MATTERS AGAINST THE COUNTY.

Nothing herein shall be deemed to bar or prevent the appearance of a present or former officer or employee before any agency on his or her own behalf, or on behalf of a relative, to express an opinion or comment on a matter before that agency, nor prevent the appearance or timely filing of any claim, account, demand or suit against the County or any agency thereof where the matter arises out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

#### SECTION 5. DISTRIBUTION OF CODE OF ETHICS.

Within thirty (30) days of the effective date of this local law, the County Attorney shall cause a copy of this Code of Ethics to be distributed to every officer and employee required to file a Financial Disclosure Statement and shall further cause a copy of this local law to be posted in all County owned or leased buildings. Thereafter, each new officer and employee shall be furnished a copy of this local law within sixty (60) days of being elected, appointed, or hired by the County. Failure to distribute, post or receive a copy of this local law shall have no effect on the duty of compliance or the enforcement of the provisions of this local law.

SECTION 6. OBLIGATION TO FILE FINANCIAL DISCLOSURE STATEMENT; MAINTENANCE OF DISCLOSURE STATEMENT.

- (a) All officers and employees, holding the positions set forth below shall be responsible to complete and file a financial disclosure statement in substantially the form set forth herein and in accordance with the requirements of this local law. On or before March 15 of each year, the County Attorney shall cause to be distributed to those persons holding the positions set forth below said financial disclosure statement.

AGING, OFFICE FOR  
Director, Office for the Aging

BOARD OF ELECTIONS  
Commissioners of Elections  
Administrator – Board of Elections

BUDGET OFFICE  
Budget Director

CENTRAL PURCHASE ADMINISTRATION  
Director of Central Services  
Assistant Director of Central Services  
Fleet Administrator  
Telecommunications Systems Manager  
Buyer/Central Services Supervisor

CITIZEN ADVOCACY  
Executive Director Human Rights Commission

COMMUNITY ALTERNATIVE SYSTEMS AGENCY  
Long-term Care Director

COMMUNITY COLLEGE  
President, Dutchess Community College  
Dean of Academic Affairs  
Dean of Student Personnel Services  
Dean of Community Services and Special Projects  
Dean of Administration

COMPTROLLER

Comptroller  
Deputy Comptroller

COMPUTER INFORMATION SERVICES

Commissioner of Computer Information Systems  
Computer Operations Manager  
Systems Managers

CONSUMER AFFAIRS

Director of Weights and Measures B/Consumer Affairs  
Assistant Director of Consumer Affairs

COUNTY ATTORNEY

County Attorney  
Chief Assistant County Attorney  
Bureau Chief

COUNTY CLERK

County Clerk  
Deputy County Clerks

COUNTY EXECUTIVE

County Executive  
Assistants to the County Executive

COUNTY LEGISLATURE

County Legislators  
Clerk of the County Legislature  
Deputy Clerk of the County Legislature  
Assistant to the Chairman  
Legislative Attorney

DISTRICT ATTORNEY

District Attorney  
Chief Assistant District Attorney  
Bureau Chiefs

EMERGENCY RESPONSE, DEPARTMENT OF

Emergency Response Coordinator  
Assistant Emergency Response Coordinator for E-911

FINANCE

Commissioner of Finance  
First Deputy Commissioner of Finance  
Second Deputy Commissioner of Finance

HEALTH DEPARTMENT

Commissioner of Health

Assistant Commissioner for Administration  
Director of Public Health Nursing  
Director of Environmental Health Services  
Clinical Physician

MEDICAL EXAMINER  
Medical Examiner

MENTAL HYGIENE  
Commissioner of Mental Hygiene  
Administrative Division Chief  
Clinical Division Chiefs

PERSONNEL DEPARTMENT  
Commissioner of Personnel  
Director of Civil Service Administration  
Director of Employee Relations  
Equal Employment Opportunity Officer

PLANNING DEPARTMENT  
Commissioner of Planning  
Assistant Commissioner of Planning

PROBATION DEPARTMENT  
Director of Probation and Community Corrections  
Deputy Directors of Probation and Community Corrections

PUBLIC DEFENDER  
Public Defender  
Chief Assistant Public Defender  
Bureau Chief

PUBLIC WORKS DEPARTMENT  
Commissioner of Public Works  
Deputy Commissioner of Public Works  
Assistant Director of Construction and Maintenance  
Director of Engineering  
Director of Physical Facilities  
Director of Highway Construction and Maintenance  
Assistant Director of Engineering  
Garage Superintendent  
Airport Director  
Park Superintendent

REAL PROPERTY TAX  
Director of Real Property Tax Services III

RESOURCE RECOVERY AGENCY  
Executive Director

RISK MANAGEMENT  
Director of Risk Management

SHERIFF  
Sheriff  
Undersheriff  
Deputy Sheriff Colonel  
Correction Lieutenant Colonel  
Correction Major

SOCIAL SERVICES DEPARTMENT  
Commissioner of Social Services  
Deputy Commissioner of Social Services  
Director of Administrative Services

SOLID WASTE  
Commissioner of Solid Waste Management

VETERANS SERVICE AGENCY  
Director of Veterans Affairs  
Deputy Director of Veterans Affairs

WASTE/WATER AGENCY  
Water Resources Manager  
Assistant Water Resources Manager

YOUTH BOARD  
Executive Director -- Youth Bureau

- (b) Financial Disclosure Statements filed pursuant to this Code of Ethics shall be sealed, indexed, and maintained on file for five (5) years in an appropriate manner, by the Board of Ethics. Such Disclosure Statements shall be available for public inspection in accordance with the New York State Freedom of Information Law. Such Disclosure Statements shall be destroyed upon the expiration of this five (5) year period.

SECTION 7.      FINANCIAL DISCLOSURE STATEMENT.

**ANNUAL STATEMENT OF FINANCIAL DISCLOSURE  
FOR CALENDAR YEAR \_\_\_\_\_**

The Code of Ethics of Dutchess County requires certain elected or appointed officials and employees to file this statement prior to May 15 of the following year. Please answer all questions completely. Indicate not applicable (N/A) where appropriate. Attach additional pages if necessary. The filing of this statement does not effect other reporting requirements.

If you wish a time-stamped receipt of the filing of this document, please check the box here.

1. Reporting Individual

Name: \_\_\_\_\_

Title of County Position Held: \_\_\_\_\_

Department or Agency: \_\_\_\_\_

Current Office Address: \_\_\_\_\_

Current Office Telephone Number (including extension): \_\_\_\_\_

If you are currently an officer or employee required to file a Financial Disclosure Statement and a candidate for an elective office subject to disclosure, indicate the title of the office: \_\_\_\_\_

2. To the best of your knowledge and belief, do you, your spouse, your children, or dependent(s) or any relatives as defined in Section 2(g) have *any* of the following relationships with Dutchess County? (If yes, check the appropriate boxes)

Do business with Dutchess County

Receive any benefits, payments, or gift in excess of that allowed Section 3(a) from any person, firm, company, or organization either doing business with Dutchess County or licensed or regulated by Dutchess County

Own five (5) per cent or more of stock in a firm doing business with Dutchess County

Check all boxes above that are applicable

If you checked a box in Question 2 above, go on to page 2. Do not complete the certification below.  
*If you did not check a box above, complete the certification below and file the Statement with the Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, NY 12601*

STATE OF NEW YORK     )  
                                  )ss.:  
COUNTY OF DUTCHESS    )

I hereby affirm under penalty of perjury that neither I nor any of the members of my Immediate Family have any of the Relationships described in Question 2 and that the information on this statement set forth above is true, accurate, and complete to the best of my ability.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(signature)

DO NOT COMPLETE QUESTIONS 3-6 UNLESS YOU CHECKED A BOX IN QUESTION 2

3. Identify the following for all boxes checked in Question 2.
  - a. The name of the individual
  - b. The Relationship with Dutchess County
  - c. The value of Relationship as best can be determined
  - d. The dates the Relationship began and ended (or will end)
  
4. For every individual identified in Question 3, including yourself, identify any gifts, payments, or personal entertainment having an annual cumulative value in excess of \$75.00 directly from:
  - a. Any person or entity doing business with Dutchess County.
  - b. Any person or entity regulated or licensed by Dutchess County.
  
5. For every individual identified in Question 3, including yourself, identify any agreement or promise of future employment or payment including transfers of anything of a cumulative value in excess of \$100.00 from:
  - a. The County of Dutchess.
  - b. Any person or entity doing business with Dutchess County.
  - c. Any person or entity regulated or licensed by Dutchess County.

6. For every individual identified in Question 3, including yourself, identify any real property which each owns either in or contiguous to Dutchess County. The identification should include at a minimum the street address, municipality, property size, property use, and acquisition date. Include all property, whether the interest is vested or contingent, where fifty percent (50%) or more of the equitable interest in the property is held by the reporting person or relatives.

*Exclude any primary personal residence not exceeding five (5) acres.*

*With respect to items reported concerning "relatives," as defined, a demonstration of good faith effort to the Ethics Board shall be evidence of compliance.*

If you completed Questions 3-6, complete the Certification below prior to filing with the Board of Ethics.

*The reporting of information on this statement is required by law. Improper use of the information contained in this statement by any person or entity in violation of privacy or other rights is separately punishable in accordance with law. No inference of unethical or illegal conduct or behavior shall be drawn merely from the lawful compliance with disclosure requirements*

STATE OF NEW YORK     )  
                                  )ss.:  
COUNTY OF DUTCHESS    )

I hereby affirm under penalty of perjury that the information on this Statement set forth above is true, accurate and complete to the best of my ability.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(signature)

SECTION 8. FINANCIAL DISCLOSURE STATEMENT; FILING;  
VARIANCES; EXTENSIONS

Annual Statement of Financial Disclosure; Filing; Variances and Extensions.

- (a) Any person required to file an Annual Statement of Financial Disclosure pursuant to this local law shall file such completed statement on or before May 15<sup>th</sup> of each year for the preceding calendar year directly with the appropriate body.
- (b) Any person required to file such statement who is employed after May 15<sup>th</sup> of any year shall file such statement within thirty (30) days of such employment.
- (c) A person who is subject to filing requirements from more than one county may satisfy the requirement of this Section by filing a financial disclosure form with the appropriate body of the other county and filing a copy of that form with this county within the time required, together with a notification to this county of the name of the other county and the name and address of the appropriate body for that county.
- (d) Any person who is subject to the reporting requirements of this local law and who timely files with the Internal Revenue Service an application for an extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to submit such financial disclosure statement on or before the fifteenth (15) day after the expiration of the period of such extension of time within which to file such individual income tax return.
- (e) Any person who is required to file an annual financial disclosure statement and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship in accordance with the rules and regulations on the subject adopted by the appropriate body, shall file such statement within the additional period of time granted.
- (f) Upon filing of such annual disclosure statement, each officer and employee may obtain a dated receipt of such filing by checking the box on the first page of the disclosure form provided for that purpose.
- (g) Any person who is required to file an annual financial disclosure statement and who fails to file on or before May 15 of any year, shall be notified by certified mail by the appropriate body, and shall file such statement within fifteen (15) days of such notification subject to the penalty provided for in Section 9 (a) below.
- (h) Any person required to file a financial disclosure statement may request an exemption from any requirement to report one or more items of information which pertains to such person's spouse or relatives which item or items may be exempted upon a finding by a majority of the Board of Ethics that the reporting individual's spouse, on his or her own behalf or on behalf of an

unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting individual's official duties.

SECTION 9. PENALTIES.

- (a) Any officer or employee who is required to complete and file an annual financial disclosure statement, and has failed to file within fifteen (15) additional days after having been given at least one reminder, in writing, may be assessed a civil penalty not to exceed \$100 for the first such failure and not to exceed \$150 for a second such failure and not to exceed \$250 for any failure to file thereafter. In assessing any penalty, the Board of Ethics shall consider any mitigating circumstances offered by the offending party. In addition to these penalties, a persistent violator shall be subject to a fine not to exceed \$500. A persistent violator is one who fails to file the annual statement of financial disclosure for three years.
- (b) Any officer or employee who knowingly and willfully, with intent to deceive, makes a false statement, or gives information on such statement, which such individual knows to be false, shall be assessed a civil penalty in an amount not to exceed \$2,500.
- (c) Any officer or employee who knowingly and willfully violates any other provisions of the county ethics law, or of Article 18 of the General Municipal Law, or any other law establishing rules of conduct for public officers and employees, may be assessed a civil penalty not to exceed \$2,500 and may be subject to disciplinary action by the appropriate body.

SECTION 10. DUTCHESS COUNTY BOARD OF ETHICS;  
COMPOSITION.

- (a) The Dutchess County Board of Ethics, heretofore created by Local Law No. 3 of 1971 is terminated effective upon adoption of this local law.
- (b) Pursuant to Article 18 of the New York General Municipal Law, there is hereby established the Dutchess County Board of Ethics.
- (c) The Board of Ethics shall consist of five members appointed by the County Executive subject to confirmation by the County Legislature. No more than three shall be of the same enrolled party affiliation. Of the five members appointed by the County Executive, one shall serve for a term of one year, two shall serve for a term of two years, and two shall serve for a term of three years. Thereafter, all shall serve for a term of three years. Members whose terms expire may be reappointed for additional three-year terms subject to confirmation by the County Legislature. The Board of Ethics shall appoint a Chairman from among its members for a term of one year. Three members of the Board shall constitute a quorum. The County Attorney or one of his or her assistants shall serve as legal counsel to the Board. The Board shall meet, at a minimum, at least once a calendar year,

and at any other time or times deemed necessary by the Chairman of the Board or upon the request of a majority of its members.

- (d) The County Legislature may appropriate moneys for the maintenance and personal services connected with the Board of Ethics.
- (e) The members of the Board of Ethics shall receive no compensation for their services on such Board.

SECTION 11. BOARD OF ETHICS: POWERS, DUTIES, FUNCTIONS.

- (a) The Board of Ethics shall have the powers, duties and functions provided by Article 18 of the General Municipal Law.
- (b) The Board of Ethics shall be the repository for completed Financial Disclosure Statements and such other written instruments affidavits, and disclosures as required by law. The Board shall inspect all Financial Disclosure Statements to ascertain whether a person required to file a statement has failed to do so.
- (c) The Board of Ethics shall render advisory opinions in writing to officers and employees of Dutchess County, upon written request of the officer or employee with regard to his or her own affairs. Such advisory opinions shall be with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant thereto, except that the County Board of Ethics shall not act with respect to the officers and employees of any municipality located within Dutchess County or agency thereto, where such municipality has established its own Board of Ethics, except that the local Board may at its option refer matters to the County Board of Ethics.
- (d) The County Executive, members of the County Legislature, Comptroller, Sheriff, and County Clerk, may request an advisory opinion with regard to the affairs of any county officer or employee. Such opinions shall be rendered, if practicable, within thirty (30) days of the written request. The thirty (30) day time period may be extended an additional thirty days at the Board's discretion. Thereafter, if deemed necessary by the Board, the time period may be extended by an additional ninety (90) days upon notification to the County Executive and Clerk of the County Legislature that a particular matter is under investigation and an additional extension is required. In any event, the Board shall render its opinion no later than one hundred fifty (150) days from the date of receipt of the written request.
- (e) Unless specifically requested by the individual charged with a violation, or the party requesting an advisory opinion, said opinions shall not be made public or disclosed unless required by the Freedom of Information Law, pursuant to Judicial subpoena or required in a disciplinary proceeding involving an officer or employee.
- (f) The Board of Ethics, by majority vote of the whole may request the County Legislature to authorize them to subpoena an individual, whether or not a

county officer or employee, or any document or thing deemed necessary to the Board in resolving any pending proceeding or investigation.

- (g) The Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon the request of the County Legislature or the governing body of any municipality in the County.

SECTION 12. BOARD OF ETHICS: COMPLAINTS, HEARINGS, AND ASSESSMENT OF PENALTIES.

- (a) All complaints alleging a violation of the Dutchess County Code of Ethics must be in writing and include the signed name and address of the complainant.
- (b) Upon receipt of a complaint, the Board of Ethics shall make a determination as to whether, on its face, the complaint alleges a violation of the Code of Ethics. If a determination is made that a violation of the Code of Ethics is not alleged by the complainant, the Board shall notify the complainant of its determination in writing.
- (c) If a determination is made that a violation of the Code of Ethics is alleged by the complainant, the Board shall notify in writing the person against whom the complaint is made of the nature of the complaint and the provision of the Code allegedly violated.
- (d) The officer or employee charged with a violation shall have fifteen (15) days from receipt of notice of alleged violation to respond in writing to the Board's notice of alleged violation. The fifteen (15) daytime period may be extended an additional fifteen (15) days at the Board's discretion. The response shall either admit the violation or state facts supporting a denial of the charge.
- (e) If the charge is denied, the Board shall either dismiss the charge if the facts presented so warrant or conduct a hearing.
- (f) A fact hearing shall consist of sworn testimony, affidavits, or such document evidence as the Board allows. The person charged shall be allowed to be represented by legal counsel and allowed to present evidence and to confront evidence presented against him or her. Strict rules of evidence under the laws of New York State shall not apply to the hearing. The Board may direct that the hearing be recorded and transcribed.
- (g) After the hearing is conducted, the Board shall issue its decision in writing, indicating the reason therefor. Such decision shall be rendered, if practicable, within the time limits set forth for opinions as contained in Section 11 (d) above. No determination may be based solely on hearsay evidence.

- (h) Upon the Board's determination that a violation of the Code of Ethics has occurred, and pursuant to Section 9 of this Code of Ethics, the Board of Ethics may assess a penalty.
- (i)
  - (I) Any determination resulting in a fine or disciplinary action by the Board of Ethics shall be subject to review by a special proceeding in New York Supreme Court. Such a proceeding must be commenced within thirty (30) days of receipt of notice of a determination. The Supreme Court, in its review, may make its own findings of fact based upon the record before it.
  - (II) In instances where the Board of Ethics levies a fine in excess of \$1,000, the aggrieved party may seek review by the Dutchess County Legislature solely on the issue of excessive fine. The request for Legislative review shall be in writing and filed with the Clerk of the Legislature and the Board of Ethics within ten (10) days of receipt of notice of said determination. Upon receipt of such request, the Clerk shall refer the matter to the Personnel Committee of the Legislature for its review and recommendation. In conducting its review, the Personnel Committee shall be restricted to only materials or testimony presented to the Board of Ethics. The Personnel Committee shall recommend an affirmance or reduction of the fine. The Personnel Committee's recommendation shall be in the form of a resolution submitted for action by the full Legislature. The Legislature shall have ninety (90) days from the date the Clerk receives the notice within which to act on the request. The failure by the Legislature to take action within the ninety (90) days shall be deemed an affirmance of the determination of the Board of Ethics.
  - (III) The time within which to commence a special proceeding in Supreme Court shall be tolled pending action by the County Legislature and the County Executive upon adoption of the resolution as provided in the County Charter.

SECTION 13. REPEAL OF LOCAL LAW NO. 3 OF 1971 AND LOCAL LAW NO. 7 OF 1990.

Local Law No. 3 of 1971, establishing a Board of Ethics for the County of Dutchess and Local Law No. 7 of 1990, establishing a Code of Ethics for the officers and employees of the County of Dutchess, are hereby repealed in their entirety.

SECTION 14. AUTHORITY.

The provisions of this local law are enacted pursuant to the authority granted by Article 18 of the General Municipal Law. Notwithstanding anything to the contrary, the County of Dutchess hereby elects to remove itself from the ambit of all of the provisions of Section 812.

SECTION 15.      SEVERABILITY.

If any clause, sentence, paragraph, section, subdivision, item or other part of this local law or the application thereof to any person or circumstance should be held by a court of competent jurisdiction to be invalid, void, or violative of a constitution or controlling law, such judgment, holding or determination shall be restricted to such clause, sentence, paragraph, section, subdivision, item or other part or the application thereof and shall not apply to the remaining parts of such local law. To this end, the provisions of each clause, sentence, paragraph, section, subdivision, item or other part of this local law are hereby declared to be severable.

SECTION 16.      EFFECTIVE DATE.

This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation. Officers and employees required to file a Financial Disclosure Statement for calendar year 2000 shall have the option of filing the form of the Statement required by Local Law No. 7 of 1990 or the form of the Statement included in this Local Law. The Financial Disclosure Statement required for calendar year 2001 and thereafter shall be in the form set forth herein.

RESOLUTION NO. 201057

*Relay on Desks  
2-14  
C.A.L.  
3-12*

RE: LOCAL LAW NO. 2 OF 2001, A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 2000

Legislators KENDALL, HAMMOND, MOLINARO, and SMITH offer the following and move its adoption:

RESOLVED, that this Legislature of the County of Dutchess adopt Local Law No. 2 of 2001, which has been submitted this day for consideration by said Legislature.

RHS. 57 2/5/01 tq/js Revised 3/8/01 jh/js

STATE OF NEW YORK  
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 17th day of April, 2001, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 17th day of April, 2001.

*Patricia J. Hohmann*  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

LOCAL LAW NO. 2 OF 2001

RE: A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 2000.

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

SECTION 1. LEGISLATIVE INTENT.

The Dutchess County Legislature has previously determined that it is in the best interest of the citizens of the County of Dutchess that the Board of Ethics established, pursuant to Local Law No. 7 of 2000, contain language which states that a majority of the members of said Board of Ethics shall not be officers or employees of the County of Dutchess or officers or employees of municipalities wholly or partially located in Dutchess County.

SECTION 2. AMENDMENT.

Section 10 of Local Law No. 7 of 2000 shall be amended so that Section 10(c) shall read as follows:

“(c) The Board of Ethics shall consist of five members appointed by the County Executive subject to confirmation by the County Legislature. No more than three shall be of the same enrolled party affiliation. No more than two of said members shall be officers or employees of Dutchess County or officers or employees of municipalities wholly or partially located in such County and at least one of whom shall be an elected or appointed officer or employee of the county or a municipality located within such county. Of the five members appointed by the County Executive, one shall serve for a term of one year, two shall serve for a term of two years, and two shall serve for a term of three years. Thereafter, all shall serve for a term of three years. Members whose terms expire may be reappointed for additional three-year terms subject to confirmation by the County Legislature. The Board of Ethics shall appoint a Chairman from among its members for a term of one year. Three members of the Board shall constitute a quorum. The County Attorney or one of his or her assistants shall serve as legal counsel to the Board. The Board shall meet, at a minimum, at least once a calendar year, and at any other time or times deemed necessary by the Chairman of the Board or upon the request of a majority of its members.”

SECTION 2. EFFECTIVE DATE.

This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

# 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

~~XXX~~

~~XXX~~

~~XXX~~

of DUTCHESS

Local Law No. 7 of the year 2001

A local law ~~AMENDING LOCAL LAW NO. 7 OF 2000 WHICH ESTABLISHED A CODE OF~~  
(Insert Title)  
ETHICS FOR OFFICERS AND EMPLOYEES

Be it enacted by the LEGISLATURE of the  
(Name of Legislative Body)

County

~~XXX~~

~~XXX~~

~~XXX~~

of DUTCHESS as follows:

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

SECTION 1. PURPOSE.

It is the purpose of this Local Law to amend Local Law No. 7 of 2000.

SECTION 2. Section 7 of Local Law No. 7 of 2000 shall be amended so that the following language is deleted:

If you wish a time-stamped receipt of the filing of this document, please check the box here."

SECTION 3. Section 8(f) of Local Law No. 7 of 2000 shall be amended by the deletion of all of Section 8(f) and in its place the following language shall appear:

"Section 8(f): Each officer or employee required to file a financial disclosure statement shall be provided with a time-dated receipt of such filing."

SECTION 4. In all other respects Local Law No. 7 of 2000 shall remain in effect.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

(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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, 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. \_\_\_\_\_7\_\_\_\_\_ of 20.01\_\_\_\_ of the (County)(City)(Town)(Village) of Dutchess \_\_\_\_\_ was duly passed by the \_\_\_\_\_ Dutchess County Legislature on September 10, 2001, and was (approved)(not approved)(repassed after ~~disapproval~~) by the \_\_\_\_\_ County Executive \_\_\_\_\_ and was deemed duly adopted on September 27, 2001, in accordance with the applicable provisions of law.  
*(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.  
*(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.  
*(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.)

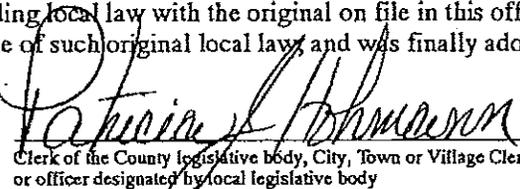
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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.)

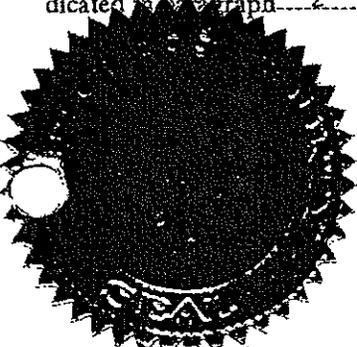
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the 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.

  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

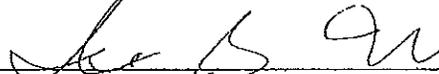
Date: October 18, 2001



(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 Dutchess

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 Ian G. Mac Donald

\_\_\_\_\_  
Title County Attorney

County  
~~CITY~~  
~~TOWN~~ of Dutchess  
~~VILLAGE~~

Date: October 18, 2001

RESOLUTION NO. 204246

RE: LOCAL LAW NO. 5 OF 2004, AMENDING LOCAL LAW NO. 7 OF 2000, AS AMENDED, WHICH ESTABLISHED A CODE OF ETHICS FOR OFFICERS AND EMPLOYEES OF THE COUNTY OF DUTCHESS

Legislators CLEARWATER, MOLINARO, REILLY, and KELLER-COFFEY offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. 5 of 2004, which proposed Local Law will amend Local Law No. 7 of 2000, as amended, and which has been submitted this day for consideration by said Legislature.

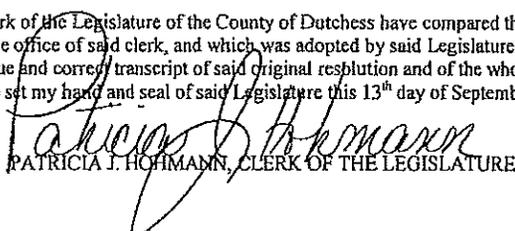
STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13<sup>th</sup> day of September, 2004, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13<sup>th</sup> day of September, 2004.

  
PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

LOCAL LAW NO. 5 OF 2004

RE: AMENDING LOCAL LAW NO. 7 OF 2000, AS AMENDED,  
WHICH ESTABLISHED A CODE OF ETHICS FOR OFFICERS  
AND EMPLOYEES OF THE COUNTY OF DUTCHESS

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

SECTION 1            PURPOSE. It is the purpose of this Local Law to amend Local Law No. 7 of 2000 as amended.

SECTION 2            Section 3 of Local Law No. 7 of 2000 shall be amended by adding a new Section "3(1)" as follows:

"(1) Nepotism; No relative of any person employed in a department of the County of Dutchess shall be entitled to hold a position of full-time or part-time employment in the same department of the County as their relative if the position applied for is in the direct line of supervision in the subject department. Notwithstanding the definition of relative of Section 2 (g) for purposes of this subsection "Relative" shall mean a spouse, child, step-child, parent, step-parent, brother, brother-in-law, sister, sister-in-law, step-brother, step-sister, father-in-law, mother-in-law, or legal guardian of any of said persons. With respect to prospective employees who have relatives as defined herein in other County departments, the hiring official shall exercise sound discretion in employing such individual in order to avoid the appearance of impropriety which relationship shall be fully disclosed to the Board of Ethics."

SECTION 3            In all other respects Local Law No. 7 of 2000, as amended, shall remain in full force and effect.

SECTION 4            This amendment as proposed herein shall apply to all hiring commencing upon the effective date of this Local Law.

SECTION 5            EFFECTIVE DATE.

The effective date of this Local Law shall take effect immediately upon full compliance with the applicable provisions of the Municipal Home Rule Law.