

DUTCHESS COUNTY CODE OF ETHICS ¹

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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.

¹ Code of Ethics established by Local Law No. 7 of 2000, Resolution No. 200272; as amended by Local Law No. 2 of 2001, Resolution No. 201057; Local Law No. 7 of 2001, Resolution No. 201265 and Local Law No. 5 of 2004, Resolution No. 204246.

(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 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.⁵

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.

⁵ Section 3 (l), as amended by Local Law No. 5 of 2004, Resolution No. 204246.

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

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.

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.

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, payment or gift in excess of that allowed in 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)

² Check box deleted by Local Law No. 7 of 2001, Resolution No. 201265

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 15th 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 15th 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) Each officer or employee required to file a financial disclosure statement shall be provided with a time-dated receipt of such filing. ³
- (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 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.

³ Section 8 (f), as amended by Local Law No. 7 of 2001, Resolution No. 201265.

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 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 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. 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. 4

⁴ Section 10 (c), as amended by Local Law No. 2 of 2001, Resolution No. 201057.

(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 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 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 of Ethics 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) 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.
- (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)
 - 1) 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.
 - 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 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 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.