

DUTCHESS COUNTY LOCAL DEVELOPMENT CORPORATION

CODE OF ETHICS

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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 others, employers, and certain appointed officials of the Dutchess County Local Development Corporation, to afford them clear guidance as to these standards, and to ensure that the Dutchess County Local Development Corporation 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 Dutchess County Local Development Corporation 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) **“DCLDC”** shall mean the Dutchess County Local Development Corporation.
- (c) **“Child or Children”** means any unemancipated son, daughter, stepson, or stepdaughter.
- (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 DCLDC or otherwise. For the purpose of this local law, an DCLDC 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 DCLDC;

- (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 DCLDC Board 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) **“Member of the Board”** means any Member of the Board of Directors of the Dutchess County Local Development Corporation.
 - (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.
 - (j) **“Member”** means a duly appointed Member of the Board of Directors of the Dutchess County Local Development Corporation.

SECTION 3 STANDARDS OF CONDUCT

Every Member of the Board 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 gift, 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, 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 the Board on behalf of any project applicant or representative of a project applicant.
- (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 the DCLDC or any agency thereof, whereby his or her compensation is to be dependent or contingent on any action by the

DCLDC or any agency thereof with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time 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 DCLDC who participates in the discussion or gives an official opinion to the DCLDC on any matter 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 matter.
- (f) **Disclosure of Interests in Contracts.** To the extent known, any officer or employee of the DCLDC who has, will have, or subsequently acquires any interest in any contract with the DCLDC shall publicly disclose the nature and extent of such interest in writing to the DCLDC Board as soon as he or she has knowledge of such actual or prospective interest.
- (g) **Investment in Conflict with Official Duties.** No officer or employee of the DCLDC 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 of the DCLDC 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 of the DCLDC shall, within a period of one year after termination of service or employment, appear before the DCLDC, except on his or her own behalf. No officer or employee of the DCLDC shall, after termination of service or employment, appear before the DCLDC Board 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 DCLDC Member of the Board, officer or employee of the DCLDC shall have an interest in any contract between the DCLDC and a corporation or partnership of which he or she is an officer or employee when such DCLDC 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 Member of the Board, officer or employee of the DCLDC 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 DCLDC

Nothing herein shall be deemed to bar or prevent the appearance of a present or former Member of the Board, officer or employee of the DCLDC before the DCLDC on his or her own behalf, or on behalf of a relative, to express an opinion or comment on a matter before the agency, nor prevent the appearance or timely filing of any claim, account, demand or suit against the DCLDC 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 the adoption of this Code, the Recording Secretary of the DCLDC Board shall cause a copy of this Code of Ethics to be distributed to every Member of the Board, officer and employee required to file a Financial Disclosure Statement Thereafter, each new Member of the Board, 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 Code of Ethics 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 Board Members of the DCLDC and any Officers and Employees hereinafter listed **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 Code on or before March 15 of each year, or within sixty days of said persons appointment as a Member, Officer or Employee of the DCLDC. The Recording Secretary of the DCLDC Board shall distribute to those persons required to file copies of the financial statement at least thirty days prior to the date the statement must be filed.**
- (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 Secretary of the DCLDC. 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

The following Annual Statement of Financial Disclosure shall be completed and filed each calendar year by all Members of the Board, Officers and Employees of the DCLDC.

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 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 of any year shall file such statement within sixty (60) days of such employment.
- (c) 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 (15th) day after the expiration of the period of such extension of time within which to file such individual income tax return.
- (d) Any person who is required to file an annual fiscal 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.
- (e) Each officer or employee required to file a financial disclosure statement shall be provided with a time-dated receipt of such filing.
- (f) 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 Recording Secretary of the DCLDC, and shall file such statement within fifteen (15) days of such notification. The Secretary of the DCLDC shall verify filings with the Commissioner of Finance immediately after the filing deadline.
- (g) 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 the DCLDC Board 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 9 PENALTIES

- (a) The name of any DCLDC Board Member, 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, shall be reviewed by the DCLDC Board for appropriate action.

SECTION 10 AUTHORITY

The provisions of this Code of Ethics are enacted pursuant to the authority granted by Article 18 of the N.Y. General Municipal Law. Notwithstanding anything to the contrary, the Dutchess County Local Development Corporation hereby elects to remove itself from the ambit of all of the provisions of Section 812.

SECTION 11 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 12 EFFECTIVE DATE

This Code of Ethics shall take effect immediately upon approval by the DCLDC Board.

*Adopted 5/7/2010
Adopted 1/20/2012
Readopted 1/17/2013
Amended & Readopted 1/19/2016
Readopted 1/16/18
Readopted 1/9/2019*