

Town of Kent, NY  
Tuesday, November 29, 2011

## Chapter 8. ETHICS, CODE OF

**[HISTORY: Adopted by the Town Board of the Town of Kent 12-28-1970 by L.L. No. 3-1970. Amendments noted where applicable.]**

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### GENERAL REFERENCES

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Departments and agencies — See Ch. 4.  
Town officers — See Ch. 19.

#### **§ 8-1. Purpose.**

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Kent recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Kent. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Kent. The rules of ethical conduct of this chapter, as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct of and interest in contracts by municipal officers and employees.

#### **§ 8-2. Definitions.**

**[Amended 4-2-1973 by L.L. No. 2-1973]**For the purposes of this chapter, the following terms shall have the meanings indicated unless the context clearly indicates a different meaning:

#### **CONFLICT OF INTEREST**

When the Town official or employee uses his official office or position of employment for the purpose of obtaining a pecuniary and/or material benefit for himself to the material detriment of the interests of the Town government and/or materially impairs the proper discharge of official duties or employment.

#### **INTEREST**

A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

#### **MUNICIPAL OFFICER OR EMPLOYEE**

An officer or employee of the Town of Kent, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

#### **§ 8-3. Standards of conduct.**

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

- A. Gifts. He shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of \$25 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.
- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his own personal interest.
- C. Representation before one's own agency. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or before any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of this municipality whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Town Board and any officer or employee of the Town of Kent, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- F. Investments in conflict with official duties. He shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his official duties.
- G. Private employment. He shall not 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 official duties.
- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Kent in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

**§ 8-4. Filing of claims by employees.**

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Kent or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**§ 8-5. Distribution of Code of Ethics.**

The Supervisor of the Town of Kent shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Kent within 30 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

**§ 8-6. Penalties for offenses.**

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

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## **ARTICLE IV, Prohibiting Eminent Domain for Economic Development**

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### **§ 53-10. Use of authority for economic development.**

Notwithstanding any other provision of law, the County Legislature shall not use eminent domain authority to take private property for economic development purposes without the willing and informed consent of the current owner(s) of the property.

### **§ 53-11. Term defined.**

The term "economic development" means any activity to increase tax revenue, tax base, employment, housing or general economic health; provided, however, that any of the following activities shall not constitute economic development:

- A. The transfer of land to public ownership or to the ownership of a public utility; or
- B. The acquisition of abandoned property, where the County has made diligent efforts to locate the owner of the property.

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## **Chapter 55, ETHICS, CODE OF, AND FINANCIAL DISCLOSURE**

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[HISTORY: Adopted by the Legislature of the County of Putnam 4-1-2008 by L.L. No. 13-2008.<sup>xVEN</sup> Amendments noted where applicable.]

### **GENERAL REFERENCES**

**Records -- See Ch. 90.**  
**Contracts and purchasing -- See Ch. 140.**

### **§ 55-1. Policy and purpose; applicability.**

- A. It is the policy of the County of Putnam that all officers and employees must avoid conflicts, or potential conflicts, of interest which shall exist whenever an officer or employee has an interest, direct or indirect, which conflicts with his or her duty to the County or which could adversely affect an individual's judgment in the discharge of his or her responsibilities. The purposes of this chapter are:
  - (1) To establish high standards of ethical conduct for officers and employees of the County;
  - (2) To afford officers and employees of the County clear guidance on such standards;
  - (3) To promote public confidence in the integrity of the governance and administration of the County and its agencies and administrative offices;
  - (4) By requiring public disclosure of financial interests that may influence or be perceived to influence the actions of County officers and employees, to facilitate consideration of potential ethical problems before they arise, and enhance the accountability of government to the people; and
  - (5) To provide for the fair and effective administration of this chapter.
- B. Every officer or employee of the County of Putnam shall be subject to and abide by the standards of conduct set forth in this chapter.

**§ 55-2. Definitions.**

Unless otherwise stated or unless the context otherwise requires, when used in this chapter:  
APPEAR and APPEAR BEFORE -- Communicating in any form, including, without limitation, personally, through another person, by letter, by email or other electronic means, or by telephone.

BOARD OF ETHICS -- The Board of Ethics of the County of Putnam established pursuant to § 55-12.

COUNTY -- The County of Putnam. "County agency" means any Putnam County department or division, board, commission or bureau of any Putnam County department but shall not include the County Court.

COUNTY OFFICER OR EMPLOYEE -- Any officer or employee of the County, whether paid or unpaid, elected or appointed, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or Board of Ethics of the County. "County officer or employee" shall not include:

- A. A judge, justice, officer, or employee of the unified court system;
- B. A volunteer firefighter or civil defense volunteer; or
- C. A member of an advisory board of the County if, but only if, i) the advisory board has no authority to implement its recommendations or to act on behalf of the County or to restrict the authority of the County to act, and ii) such member is not entitled to participate in making recommendations regarding policy. No entity established pursuant to the General Municipal Law of the State of New York shall be deemed an advisory board for purposes of this Subsection C.

CUSTOMER OR CLIENT

- A. Any person to whom a County officer or employee has supplied goods or services during the previous 24 months having, in the aggregate, a value greater than \$5,000; or
- B. Any person to whom a County officer's or employee's outside employer or business has supplied goods or services during the previous 24 months having, in the aggregate, a value greater than \$5,000, but only if the County officer or employee knows or has reason to know the outside employer or business supplied the goods or services.

GIFT and FINANCIAL BENEFIT -- Shall include any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, or any promise thereof or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions permitted by law.

MEMBER OF THE HOUSEHOLD -- Any person with whom a County officer or employee lives as a single household unit.

MINISTERIAL ACT -- An administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

OUTSIDE EMPLOYER OR BUSINESS

A. Means:

- (1) Any activity, other than service to the County, from which the County officer or employee receives compensation for services rendered or goods sold or produced;
- (2) Any entity, other than the County, of which the County officer or employee is a member, officer, director, or employee and from which he or she receives compensation for services rendered or goods sold or produced; or

(3) Any entity in which the County officer or employee has an ownership interest of 5% or more.

B. For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

PERSON -- Includes individuals and entities.

RELATIVE -- A spouse, child, stepchild, sibling, half-brother, half-sister, parent, stepfather, stepmother, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparent, grandchild, uncle, aunt, niece, nephew, and first cousin. "Relative" shall also include any person claimed as a dependent on the New York State individual tax return of a County officer or employee.

### § 55-3. Prohibitions.

A. A County officer or employee shall not take or fail to take any action which he or she knows or has reason to know may result in a personal financial benefit for any of the following persons:

- (1) The County officer or employee;
- (2) A member of his or her household;
- (3) His or her outside employer or business;
- (4) A relative; or
- (5) A customer or client.

B. No County officer or employee shall engage in a business or transaction or have an interest that is prohibited by Article 18 of the General Municipal Law of the State of New York, nor shall such person have an interest in any contract that is prohibited by Article 18 of the General Municipal Law of the State of New York.

C. No County officer or employee shall, directly or indirectly, solicit any gift, or accept or receive any gift having a value of \$75 or more, or aggregating more than \$200 from one person in any twelve-month period, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her or could reasonably be expected that the gift would influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

D. A County officer or employee shall not represent any other person in any matter that person has before any County agency of which the County officer or employee is an officer, member, or employee or of any Putnam County agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.

E. A County officer or employee shall not appear before any agency of the County except on his or her own behalf or on behalf of the County, unless the details of such appearance (including the amount of compensation, if any) are disclosed in writing to the agency and provided that such appearance is not in conflict with the proper discharge of his or her official duties.

F. No County officer or employee shall disclose confidential information acquired by him or her in the course of official duties or use such information to further his or her personal interest or use for profit of himself or herself or others, information about the property, affairs, finances or government of the County that is not generally available to the public, exclusive of information available to the public under the Freedom of Information statutes.

G. A County officer or employee shall not require or authorize anyone else to require any subordinate of the officer or employee to participate in an election campaign or contribute to

a political party or campaign.

- H. No person who has served as a municipal officer or employee of a County agency shall within a period of two years after the termination of such service or employment a) appear before any board or agency of Putnam County (except on his or her own behalf or on behalf of the County) or b) receive compensation for any service rendered on behalf of any person, firm, corporation or association, in relation to any case, proceeding or application with respect to which such person was directly concerned or in which he or she personally participated during the period of his or her service of employment or which was under his or her active consideration. [Amended 6-3-2008 by L.L. No. 18-2008]
- I. No County employee shall use or permit the use of County property (including land, vehicles, equipment, materials and/or any other property) for personal convenience or profit, except when such use is available to County citizens generally or is provided as a condition of County employment or as a matter of County policy.

#### **§ 55-4. Exclusions.**

The provisions of § 55-3 shall not prohibit;

- A. An action specifically authorized by statute, rule, or regulation of the State of New York or of the United States.
- B. A ministerial act.
- C. Gifts accepted on behalf of the County and transferred to the County.
- D. Gifts or benefits permitted in § 11 of the Domestic Relations Law of the State of New York for the solemnization of a marriage by a County officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.<sup>xvi</sup>EN
- E. Representation of constituents by elected officials without compensation in matters of public advocacy.
- F. Complimentary attendance by a County officer or employee at a private organization's event or function, including a meal or meals furnished to all attendees, provided that:
- (1) The County officer or employee reasonably determines that his or her attendance at the event or function is necessary or desirable for the proper performance of his or her County duties and responsibilities; and
  - (2) The cost of transportation to or from the event or function and/or the cost of any lodging in connection with the event or function, if provided by or on behalf of the private organization, shall not be exempt from the prohibitions of § 55-3.

#### **§ 55-5. Attempt to induce violation of Code.**

A County officer or employee shall promptly report to the Board of Ethics any attempt by any other person to induce him or her to violate any of the provisions of this chapter, whether or not the other person is also a County officer or employee.

#### **§ 55-6. Interests in contracts with County.**

- A. Prohibited interests. No County officer or employee shall have an interest in a contract with the County, or an interest in a bank or trust company, that is prohibited by § 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or

with the County in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by § 804 of that law.

B. Discloseable interests.

- (1) Any County officer or employee who has, will have, or later acquires a personal financial benefit from i) any legislation before the Putnam County Legislature or ii) any actual or proposed contract with the County shall publicly disclose the nature and extent of such personal financial benefit. In the case of legislation, such disclosure shall be made to the Clerk of the Legislature, in writing as well as (in the case of a County Legislator) publicly on the record of a legislative session, as soon as he or she has knowledge of such actual or prospective interest, and such disclosure shall be made part of and set forth in the official record of the proceedings of the Legislature. In the case of a contract, such disclosure shall be made in writing to or by the person executing the contract on behalf of the County, by an addendum to the contract or other communication that shall be attached to the contract.
- (2) Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.
- (3) Any County officer or employee who takes an action which he or she knows or has reason to know may result in a personal financial benefit for a person from whom the County officer or employee has received election campaign contributions of more than \$1,000 in the aggregate during the past twelve months shall disclose that fact in writing at the time of taking the action. In the case of legislation or a County contract, such disclosure shall be made in accordance with Subsection B(1).
- (4) Every municipal officer and employee shall also disclose publicly any conflict of interest as and to the extent required by § 803 of Article 18 of the General Municipal Law of the State of New York.

C. Violations. Any County officer or employee who willfully and knowingly violates the provisions of this section shall be guilty of a Class A misdemeanor to the extent provided by § 805 of the General Municipal Law.

**§ 55-7. Annual disclosure statements.**

- A. Officers and employees required to file. The Legislature shall determine, annually by resolution no later than at its organizational meeting, which County officers or employees shall be required to comply with the disclosure requirements herein, based upon a list or recommendation submitted by the Putnam County Personnel Director as to which County officers and employees are subject to such requirements in accordance with the New York State Public Officers Law. The Personnel Director shall submit the list for each year no later than December 1 of the preceding year.
- B. Time and place for filing.
  - (1) Annual financial disclosure statements shall be completed and returned, in sealed envelopes, to the Board of Ethics on or before May 15 of each year.
  - (2) Any person who is required to file an annual statement of financial disclosure may request, prior to May 15 of the year for which the employment is in effect, an extension, for a specific period of time, of the time for filing responses to all or any part of the statement. Such request shall be made, in writing, to the Board of Ethics and shall

substantiate justifiable cause or undue hardship or as otherwise required by law. The Board of Ethics may grant or deny the request, and extensions shall be for the specific period of additional time requested or as otherwise required by law.

- C. Annual financial disclosure statement form. The annual financial disclosure statement form shall be supplied by the Board of Ethics, by no later than January 15 of each year, to those persons who are required to file. It shall be substantially in the form approved by the County Legislature and shall contain language advising those persons of their continuing duty to disclose known conflicts of interest.
- D. Failure to file. A failure to file an annual disclosure form, or a failure to disclose true and accurate information required thereby, shall be a violation of this chapter.
- E. Good-faith efforts. Failure to disclose the information required by the disclosure statement with respect to a County officer's or employee's spouse or other relative shall not constitute a violation of Subsection D if the officer or employee has made a good-faith effort to obtain the information and if he or she also sets forth those efforts in his or her disclosure statement.

**§ 55-8. Void contracts.**

Any contract willfully entered into by or with the County in which there is an interest prohibited by Article 8 of the General Municipal Law or this chapter shall be null, void and wholly unenforceable, and a contract which involves a failure to make a disclosure required by this chapter shall be null, void and wholly unenforceable unless ratified by the Legislature after the requisite disclosure is made.

**§ 55-9. Penalties for offenses; disciplinary action.**

- A. Disciplinary action.
  - (1) Any County officer or employee who fails to file a disclosure statement after notice has been given of the failure to file, who files an incomplete or inaccurate disclosure statement after notice and an opportunity to complete or correct the filed statement, or who engages in any action that violates any provision of this chapter may, upon written recommendation of the Board of Ethics, be warned or reprimanded or suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law. Such recommendation by the Board of Ethics shall be made only after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements.
  - (2) The Board shall conduct and complete the hearing within 120 days, unless in its discretion the Board refers the matter to the authority or person or body authorized by law to impose disciplinary action or unless the Board refers the matter to the appropriate prosecutor. If such a referral is made, the Board may adjourn the matter pending determination by the authority, person, body, or prosecutor.
- B. Civil penalty. Any County officer or employee who violates any provision of this chapter may, upon recommendation by the Board of Ethics to the County Legislature, be subject to a civil penalty of up to \$100 for his or her failure to file a true, complete and accurate

disclosure statement or up to \$10,000 for any other violation. A civil penalty may be imposed in addition to any other penalty contained in any other provision of law or in this chapter. A civil penalty may not be imposed for a violation of § 55-3. Such recommendation by the Board of Ethics shall be made only after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements. The Board shall conduct and complete the hearing with reasonable promptness. The civil penalty shall be payable to the County. In the event that the County is required to institute legal proceedings to collect all or any part of a civil penalty imposed upon a person hereunder, the County shall be entitled to recover from the person any and all associated costs incurred by the County, if any, including legal fees, and interest upon any unpaid civil penalty calculated at the statutory rate. [Amended 5-4-2010 by L.L. No. 11-2010]

- C. Misdemeanor. A County officer or employee who intentionally or knowingly violates any provision of this chapter shall be guilty of a Class A misdemeanor. The Board of Ethics shall refer any such matter to the District Attorney for further action. This subsection shall not apply to a violation of § 55-5.

**§ 55-10. Injunctive relief.**

Any resident, officer, or employee of the County may initiate an action or special proceeding, as appropriate, in a court of appropriate jurisdiction for injunctive relief to enjoin an officer or employee of the County from violating this chapter or to compel an officer or employee of the County to comply with the provisions of this chapter. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.

**§ 55-11. Maintenance of disclosure statements.**

All annual financial disclosure statements required hereunder shall be filed with and retained by the Board of Ethics. Disclosure thereof shall be made only pursuant to law, and the Board of Ethics may adopt appropriate rules and regulations to enforce the various provisions of this chapter. The Board of Ethics shall destroy all disclosure forms submitted in accordance with this chapter pursuant to the Records Retention Disposition Schedule as issued by the New York State Education Department.

**§ 55-12. Board of Ethics establishment; qualifications of members; appointment of members; term of office. [Amended 12-7-2010 by L.L. No. 1-2011]**

- A. There is hereby established a Board of Ethics consisting of five members appointed by the County Executive, subject to confirmation by a simple majority of the Legislature.
- B. The members of the Board of Ethics shall reside in the County of Putnam.
- C. No more than one member of the Board of Ethics may be an appointed officer or employee of the County.
- D. No Board of Ethics member shall hold office in a political party or be employed or act as a lobbyist or hold elective office in the County.
- E. The term of office of Board of Ethics members shall be three years and shall run from January 1 through December 31, except that of the members holding office on the effective date of this chapter, one member shall serve until December 31 of that year, two shall serve until the next December 31, and two shall serve until the third December 31.

- F. A Board of Ethics member shall serve until his or her successor has been appointed.
- G. The members of the Board of Ethics shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

**§ 55-13. Board of Ethics vacancies.**

When a vacancy occurs in the membership of the Board of Ethics, the vacancy shall, within 60 days, be filled for the unexpired portion of the term in the same manner as the original appointment. Any person appointed to fill a vacancy on the Board of Ethics shall meet the qualifications set forth in § 55-12.

**§ 55-14. Removal of Board of Ethics members.**

A Board of Ethics member may be removed from office in the same manner in which he or she was appointed, after written notice and opportunity for reply. Grounds for removal shall be failure to meet the qualifications set forth in § 55-12, chronic absenteeism, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this chapter.

**§ 55-15. Board of Ethics meetings.**

At its first meeting each year, the Board of Ethics shall elect a Chair from among its members. A majority of the Board shall be required for the Board to take any action. The Chair or a majority of the Board may call a meeting of the Board.

**§ 55-16. Board of Ethics jurisdiction, powers, and duties.**

- A. The Board of Ethics may only act with respect to officers and employees of the County.
- B. The termination of a municipal officer's or employee's term of office or employment with the County shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed on him or her by this chapter.
- C. Internal organization and procedures; other powers and duties.
  - (1) The Board of Ethics shall adopt rules and regulations governing its own internal organization and procedures in a manner consistent with this chapter. Such rules and regulations shall guarantee due process and be consistent with all applicable state laws and adopted after consultation with the Putnam County Attorney.
  - (2) The Board of Ethics shall have such other powers and duties as shall be provided by or pursuant to Article 18 of the General Municipal Law of the State of New York.
- D. The County Attorney shall provide legal services to the Board of Ethics upon request, except that in cases where the Board of Ethics deems it necessary or appropriate, the Board may engage the services of outside counsel with the consent of the County Legislature which shall not be unreasonably withheld.

**§ 55-17. Review of lists and disclosure statements.**

The Board of Ethics shall review:

- A. The lists of officers and employees prepared pursuant to § 55-7, to determine whether the

lists are complete and accurate. The Board shall recommend to the Legislature the addition or deletion of County officers or employees in appropriate circumstances.

- B. All annual financial disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this chapter.

**§ 55-18. Investigations.**

- A. Upon receipt of a signed written complaint by any person alleging a violation of this chapter, or upon determining on its own initiative that a violation of this chapter may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this chapter. In conducting any such investigation, the Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records that it may deem relevant and material.
- B. The Board of Ethics shall state in writing the disposition of every complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all complaints shall be indexed and maintained on file by the Board.
- C. Every person filing a complaint with the Board of Ethics shall be notified in writing a) of the Board's receipt of the complaint, promptly after its receipt, and b) of the disposition of the complaint promptly after its disposition.
- D. Nothing in this section shall be construed to permit the Board of Ethics to conduct an investigation of itself or of any of its members or staff. If the Board of Ethics receives a complaint alleging that the Board of Ethics or any of its members or staff has violated any provision of this chapter, or any other law, the Board of Ethics shall promptly transmit to the County Legislature a copy of the complaint. The Legislature may refer the matter to another board of ethics in the County for a determination.
- E. The Board of Ethics may refer to the appropriate prosecutor possible criminal violations of this chapter. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any violation of this chapter or of any other law.
- F. Nothing in this section shall be construed to permit the Board of Ethics to take any action with respect to any alleged violation of this chapter, or of any other law, by the Board of Ethics or by any member or staff member thereof.

**§ 55-19. Injunctive relief initiated by Board.**

The Board of Ethics may refer any matter to the County Attorney for a determination whether to initiate an action or special proceeding, as appropriate, in a court of appropriate jurisdiction for injunctive relief to enjoin a violation of this chapter or to compel compliance with this chapter.

**§ 55-20. Advisory opinions.**

- A. The Board of Ethics shall render advisory opinions to County officers and employees with respect to the interpretation and application of this chapter or Article 18 of the General Municipal Law.
- B. The Board of Ethics shall render any such advisory opinion only pursuant to a written request by a County officer or employee. The request must relate to the County officer's or employee's official duties and responsibilities. The Board of Ethics shall acknowledge receipt

of any such request within 30 days after receipt thereof and shall act upon such request within 60 days of receipt or may treat the request as a complaint governed by § 55-18.

- C. Advisory opinions of the Board of Ethics and the identity of the person requesting an advisory opinion shall be confidential, and in no event shall an advisory opinion or the identity of the County officer or employee be disclosed by the Board of Ethics. The person to whom an advisory opinion is rendered may make such disclosures with respect to the advisory opinion as he or she may wish.

**§ 55-21. Training and education.**

The Board of Ethics:

- A. Shall make information concerning this chapter and Article 18 of the General Municipal Law available to the officers and employees of the County, to the public, and to persons interested in doing business with the County; and
- B. Shall develop educational materials and an educational program for the officers and employees of the County on the provisions of this chapter and on Article 18 of the General Municipal Law.

**§ 55-22. Annual reports; review of ethics laws.**

- A. The Board of Ethics shall, no later than March 15 each year, prepare and submit an annual report to the County Executive and the County Legislature, summarizing the activities of the Board. The report may also recommend changes to the text or administration of this chapter.
- B. The Board of Ethics shall periodically review this chapter and the Board's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in County government and whether they set forth clear and enforceable, common-sense standards of conduct and shall take or recommend action as appropriate.

**§ 55-23. Public inspection of records; public access to meetings.**

- A. The Board of Ethics shall, in accordance with its published rules, make available for public inspection and copying all records, except that it may deny access to records or portions thereof that are not required to be disclosed under Article 6 of the Public Officers Law of the State of New York or by other state or federal law or regulation.
- B. Every meeting or proceeding of the Board of Ethics shall be open to the public, except as provided by Article 7 of the Public Officers Law or by other state or federal law or regulation.

**§ 55-24. Miscellaneous provisions.**

- A. No existing right or remedy shall be lost, impaired, or affected by reason of this chapter.
- B. Nothing in this chapter shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the County, or any County agency, on behalf of himself or herself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

- C. If any provision of this chapter is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of this chapter.

**§ 55-25. Distribution and posting.**

- A. Within 90 days after the effective date of this chapter, and thereafter as appropriate, the Board of Ethics shall transmit to the County Executive of the County, in a form suitable for posting, copies of this chapter, together with a summary of those provisions of this chapter which the Board of Ethics deems appropriate. Within 10 days after receipt of those copies and summary, the County Executive shall cause the copies and summary to be posted conspicuously in every public building under the jurisdiction of the County.
- B. Within 90 days after the effective date of this chapter, and thereafter as appropriate, the Board of Ethics shall transmit to the County Executive of the County, in a form suitable for distribution to the officers and employees of the County, copies of this chapter, together with a summary of those provisions of this chapter which the Board of Ethics deems appropriate. Within 10 days after receipt of those copies, the County Executive shall cause the copies and summary to be distributed to every officer and employee of the County and made readily available to the public. Every County officer or employee elected or appointed thereafter shall be furnished a copy of this chapter and the summary within 10 days after entering upon the duties of his or her position.
- C. Failure of the County to comply with the provisions of this § 55-25 or failure of any County officer or employee to receive a copy of the provisions of this chapter shall have no effect on the duty of compliance with this chapter or on the enforcement of its provisions.

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**Chapter 56, (RESERVED)**

[Former Ch. 56, Financial Disclosure Statements, adopted 8-1-2000 by L.L. No. 11-2000, was repealed 4-1-2008 by L.L. No. 13-2008.]

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**Chapter 58, FINANCE, DEPARTMENT OF**

[HISTORY: Adopted by the Legislature of the County of Putnam as indicated in article histories. Amendments noted where applicable.]

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**ARTICLE I, Powers and duties of Deputy Commissioner of Finance [Adopted 12-29-1998 by L.L. No. 1-1999]**

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**§ 58-1. Purpose.**

The purpose of this article is to set forth the minimum qualifications for the appointed position of Deputy Commissioner of Finance and to provide and reflect complete and clear authority for the two positions of Deputy Commissioner of Finance to act generally for and on behalf of the Commissioner of Finance and to provide for the proper and timely conduct of business of the