

Chapter 17
ETHICS, CODE OF

GENERAL REFERENCES

Procurement policy — See Ch. 30.

Personnel policies — See Ch. A128.

§ 17-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the State of New York 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 Rhinebeck (hereafter, the "Town"). These rules shall serve as a guide for official conduct of the officers and employees of the Town. 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 the ethical conduct and interest in contracts of municipal officers and employees.

§ 17-2. Supersession and repeal of existing laws.

To the extent this chapter is inconsistent with the provisions of § 808 of the General Municipal Law, this chapter shall supersede those provisions. This chapter shall replace and repeal the existing Code of Ethics for Town of Rhinebeck officers and employees in its entirety.

§ 17-3. Code of Ethics for officers and employees.

- A. General prohibition. An officer or employee shall not use his or her official position or office, or take or fail to take any action, in a manner 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 officer or employee;
 - (2) His or her outside employer or business;
 - (3) A member of his or her household;
 - (4) A customer or client;
 - (5) A relative; or
 - (6) A person from whom the officer or employee has received election campaign contributions of more than \$1,000 in the aggregate during the past 12 months.

- B. Recusal. An officer or employee shall promptly recuse himself from formally or informally acting on any matter before the Town if the officer or employee's involvement is prohibited pursuant to Subsection A hereof.
- C. Gifts. An officer or employee shall not solicit anything of value from any person who has received or sought a benefit from the Town, nor accept anything of value from any person who the officer or employee knows or has reason to know has received or sought a benefit from the Town, within the previous 24 months.
- D. Representation. An officer or employee shall not represent any other person in any matter that person has before the Town nor represent any other person in any matter against the interests of the Town.
- E. Appearances. An officer or employee shall not appear before any agency of the Town except on behalf of himself or herself, an immediate family member, or on behalf of the Town.
- F. Confidential information. Officers and employees and former officers and employees shall not disclose any confidential information acquired in the course of their official duties or use it to further a personal interest. No officer or employee or former officers and employees may accept employment or engage in business or professional activity that the officer or employee might reasonably expect would require or induce him or her by reason of his or her official position, to disclose confidential information acquired by reason of his or her official position.
- G. Political solicitation. An officer or employee shall not knowingly request or knowingly authorize anyone else to request any subordinate of the officer or employee to participate in an election campaign or contribute to a political committee.
- H. Revolving door. An officer or employee shall not appear or practice before the Town, except on his or her own behalf, or receive compensation for working on any matter before the Town for a period of one year after the termination of his or her Town service or employment. However, the bar shall be permanent as to particular matters on which the officer or employee personally worked while in the Town's service.
- I. Avoidance of conflicts. Officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would put them in violation of this Code of Ethics.
- J. Inducement of others. An officer or employee shall not induce or aid another officer or employee to violate any of the provisions of this Code of Ethics.

§ 17-4. Transactional disclosure.

- A. Whenever an officer or employee is required to recuse himself or herself under the Code of Ethics set forth in § 17-3 of this chapter, he or she:
 - (1) Shall immediately refrain from participating further in the matter;
 - (2) Shall promptly inform his or her superior, if any; and

- (3) Shall promptly file with the Town of Rhinebeck Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of any board, shall state that information upon the public record of such board.
- B. The Town Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.

§ 17-5. Exclusions from Code of Ethics and transactional disclosure.

The provisions of §§ 17-3 and 17-4 of this chapter shall not prohibit or require recusal or transactional disclosure as a result of:

- 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:
 - (1) Received by the officer or employee from an immediate family member; or
 - (2) Having an aggregate value of \$75 or less during any twelve-month period from all sources or individuals; or
 - (3) Accepted on behalf of the Town of Rhinebeck and transferred to the Town of Rhinebeck.
 - (4) No actual cash payments.
- D. Awards from charitable organizations.
- E. Receipt of Town of Rhinebeck services or benefits, or use of Town of Rhinebeck facilities, that are generally available on the same terms and conditions to residents or a class of residents in the Town of Rhinebeck.
- F. Representation of constituents by elected officials without compensation in the proper discharge of official duties.
- G. Officers or employees appearing or practicing before the Town or receiving compensation for working on a matter before the Town after termination of their Town service or employment where they performed only ministerial acts while working for the Town.

§ 17-6. Inducement of violations of Code of Ethics.

No Town officer or employee shall induce or attempt to induce any other Town officer or employee to violate any of the provisions of §§ 17-3 or 17-4 of this chapter.

§ 17-7. Interest in contracts with Town.

- A. Prohibited interests. No officer or employee, or spouse of same officer or employee, shall have an interest in any contract with the Town, 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 Town 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. Disclosable interests. Any officer or employee, or his or her spouse, who has or has reasonable expectation that he or she will have an interest in any actual or proposed contract with the Town shall publicly disclose the nature and extent of that interest in accordance with § 803 of the General Municipal Law. The Town Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.
- C. Violations. Any officer or employee who willfully and knowingly violates the provisions of this section shall be guilty of a Class A misdemeanor, punishable by imprisonment of greater than 15 days or \$1,000, to the extent provided by § 805 of the General Municipal Law.
- D. Exceptions. Officers or employees may avail themselves of exceptions to this section afforded by § 802 of the General Municipal Law.

§ 17-8. Definitions.

Unless otherwise stated or unless the context otherwise requires, when used in this chapter, the following terms shall have the meanings indicated:

APPEAR — Communicating in any form, whether personally or through another person.

CUSTOMER OR CLIENT —

- A. Any person to whom an officer or employee has supplied goods or services during the previous 24 months having, in the aggregate, a value greater than \$1,000; or
- B. Any person to whom an officer's or employee's outside business has supplied goods or services during the previous 24 months having, in the aggregate, a value greater than \$1,000, but only if the officer or employee knows or has reason to know the outside business supplied the goods or services.

ETHICS BOARD — The Ethics Board of the Town of Rhinebeck established pursuant to § 17-18 of this chapter.

GIFT and FINANCIAL BENEFIT — Any pecuniary or material benefit derived by oneself or an immediate family member, including, without limitation, 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 in excess of \$75. 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.

IMMEDIATE FAMILY MEMBER — Parent, spouse, minor child, or sibling.

MINISTERIAL ACT — An action performed in a prescribed manner without exercise of judgment or discretion as to the propriety of the act.

OFFICER OR EMPLOYEE — Any officer or employee of the Town of Rhinebeck, whether paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the Town. "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;
- C. A member of an advisory board of the Town of Rhinebeck, but only if the advisory board has no authority to act on behalf of its recommendations; or
- D. An outside paid consultant providing professional services to the Town on an annual or contract basis, such as an engineer, attorney, planner, or accountant.

OUTSIDE BUSINESS —

- A. Any activity, other than service to the Town of Rhinebeck, from which the officer or employee receives compensation for services rendered or goods sold or produced;
- B. Any entity, other than the Town of Rhinebeck, of which the 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
- C. Any entity in which the officer or employee has an ownership interest, except a corporation of which the officer or employee owns less than 5% of the outstanding stock.

TOWN OF RHINEBECK and TOWN — Shall not include the Town Court.

§ 17-9. Appearances by outside employers and businesses of officers and employees.

- A. Except as provided in Subsection C of this section, the outside employer or business of an officer or employee shall not appear before the particular agency in which the officer or employee serves or by which he or she is employed.
- B. Except as provided in Subsection C of this section, the outside business of an officer or employee shall not appear before any Town agency or board if the officer or employee has the authority to appoint any officer, employee, or member of the agency or to review, approve, audit or authorize any budget, bill, payment, or claim of such agency or board.
- C. Nothing in this section shall be construed to prohibit the outside business of an officer or employee from:
 - (1) Appearing on its own behalf, or on behalf of the Town of Rhinebeck, before a Town of Rhinebeck agency or board;
 - (2) Seeking or obtaining a ministerial act; or
 - (3) Receiving a Town service or benefit or using a Town facility which is generally available to the public.

§ 17-10. Applicant disclosure: generally.

- A. Where an officer or employee requests that the Town or any other officer or employee take, or refrain from taking, any action (other than a ministerial act) that

may result in a financial benefit to both the requestor and to such official or one of the persons listed in § 17-3A of this chapter, the requestor shall disclose the names of any such persons to the extent known to the requestor at the time of the request.

- B. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in a writing filed with the Town Clerk.

§ 17-11. Applicant disclosure: land use applications.

- A. Disclosure. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of the Town, shall state the information required, to the extent required, by § 809 of the General Municipal Law of the State of New York.
- B. Violations. Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor to the extent provided by § 809 of the General Municipal Law.

§ 17-12. Disclosure of interest in legislation.

To the extent known, any officer or employee who participates in a discussion or gives an official opinion to the Town Board 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 he or she may have in such legislation.

§ 17-13. Contracts void.

Any contract or agreement entered into by or with the Town which results in or from a violation of any provisions of §§ 17-3, 17-4 or 17-9 of this chapter shall be void unless ratified by the Town Board. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this chapter or any other provision of law.

§ 17-14. 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.

§ 17-15. Enforcement; penalties for offenses.

- A. Disciplinary action. Any officer or employee who engages in any action that violates any provision of this chapter may 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.

- B. Civil fine. Any officer or employee who violates any provision of this chapter may be subject to a civil fine of up to \$1,500 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to Subsection D of this section. A civil fine may not be imposed for a violation of § 17-7 of this chapter.
- C. Damages. Any officer or employee who violates any provision of this chapter shall be liable in damages to the Town for any losses, increased costs, or costs of administration of this chapter incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to Subsection D of this section.
- D. Civil forfeiture. Any officer or employee who intentionally or knowingly violates any provision of this chapter may be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit he or she received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil fine pursuant to Subsection B or damages pursuant to Subsection C of this section. Civil forfeiture shall not be available for a violation of § 17-7 of this chapter.

§ 17-16. Debarment.

- A. Any officer or employee who intentionally or knowingly violates any provision of this chapter shall be prohibited from entering into any contract with the Town for a period not to exceed three years, as provided in Subsection G of § 17-25 of this chapter. Debarment may not be imposed for a violation of § 17-7 of this chapter. The terms of this § 17-16 shall also apply to any outside business of any officer or employee.
- B. Nothing in this section shall be construed to prohibit any person from receiving a service or benefit or from using a facility which is generally available to the public.
- C. Under this section, a corporation, partnership, or other entity shall not be held vicariously liable for the actions of an employee. A corporation, partnership, or other entity shall not be debarred because of the actions of an employee unless the employee acted in the execution of a company policy or custom or at the direction of a principal, officer or director of said company or the employee holds a controlling interest in such corporation, partnership, or other entity. A store, region, division, or other unit of an entity shall not be debarred because of the actions of an employee of that unit unless the employee acted at the direction, or with the actual knowledge or approval, of the manager of the unit.

§ 17-17. Maintenance of disclosure statement.

- A. The Town Clerk shall transmit promptly to the Ethics Board each transactional and applicant disclosure statement filed pursuant to §§ 17-4, 17-7, 17-10 and 17-11 of

this chapter.

- B. The Ethics Board shall index and maintain on file for at least seven years all disclosure statements filed with the Ethics Board pursuant to §§ 17-4, 17-7, 17-10 and 17-11.

§ 17-18. Ethics Board establishment; qualifications of members; appointment; term of office.

- A. Pursuant to the provisions of § 808 of the General Municipal Law of the State of New York, there is hereby established an Ethics Board, consisting of five members appointed by the Town Board.
- B. Of the total membership of the Board, no more than two shall be registered in the same political party.
- C. All Ethics Board members shall reside within the Town.
- D. No Ethics Board member shall be an officer in a political party. No Ethics Board member shall be employed or act as a lobbyist in the Town of Rhinebeck. An Ethics Board member may make campaign contributions but may not participate in any election campaign.
- E. Within 60 days after the effective date of this chapter, and no later than December 31 each year thereafter, the Town Board shall appoint the members of the Ethics Board.
- F. The term of office of Ethics Board members shall be three years and shall run from January 1 through December 31, except that of the members first appointed, one member shall serve until December 31 of the year in which the Board is established, two shall serve until the second December 31, and two shall serve until the third December 31.
- G. Consecutive service on the Board shall not exceed two full terms.
- H. The members of the Ethics Board shall not receive compensation.
- I. The Attorney to the Town shall serve as counsel to the Ethics Board except in any matter where the Attorney determines he or she is not able to serve the Ethics Board due to a conflict of interest. In such event, the Ethics Board may retain separate counsel of its choosing, or if a conflict attorney has been appointed by the Town Board, the Ethics Board shall retain such conflict attorney if the advice of counsel is sought.
- J. The Town Board may appropriate monies for the maintenance and personal services connected with the Ethics Board.

§ 17-19. Ethics Board vacancies.

When a vacancy occurs in the membership of the Ethics Board, 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 Ethics Board shall meet the qualifications set forth in § 17-18 of this chapter.

§ 17-20. Removal of Ethics Board members.

Pursuant to General Municipal Law § 808, members of the Ethics Board shall serve at the pleasure of the Town Board. An Ethics Board 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 § 17-18 of this chapter, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this chapter.

§ 17-21. Ethics Board meetings.

At its first meeting each year, the Ethics Board shall elect a Chair, and may elect a Deputy 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.

§ 17-22. Ethics Board jurisdiction, powers and duties.

- A. The Ethics Board may only act with respect to officers and employees of the Town.
- B. The termination of an officer's or employee's term of office or employment with the Town shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed on him or her by this chapter.
- C. The Ethics Board shall have the following powers and duties:
 - (1) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in the manner consistent with this chapter;
 - (2) To review, index, and maintain on file a list of officers and employees and disclosure statements filed with the Ethics Board pursuant to §§ 17-4, 17-7, 17-10, 17-11, and 17-17 of this chapter;
 - (3) To review, index, maintain on file, and dispose of sworn complaints and to make notifications and conduct investigations pursuant to §§ 17-23 and 17-24;
 - (4) To conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to § 17-25;
 - (5) To render, index, and maintain on file advisory opinions pursuant to § 17-26;
 - (6) To provide training and education to Town of Rhinebeck officers and employees pursuant to § 17-27;
 - (7) To provide for public inspection of certain records pursuant to § 17-28; and
 - (8) The Ethics Board shall prepare and submit an annual report to the Town Board, summarizing the activities of the Board. The report may also recommend changes to the text or administration of this chapter.

§ 17-23. Review of lists and disclosure statements.

The Ethics Board shall review all transactional disclosure statements. If the Board

determines that a disclosure statement is deficient or reveals a possible or potential violation of this chapter, the Board shall notify the person in writing of the deficiency and possible or potential violation and of the penalties for failure to comply with this chapter.

§ 17-24. Investigations.

- A. Upon receipt of a sworn 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 Ethics Board 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 Ethics Board may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records which it may deem relevant and material.
- B. The Ethics Board shall state, in writing, the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all sworn complaints shall be indexed and maintained on file by the Board.
- C. Any person filing a sworn complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.
- D. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Board or any of its members or staff has violated any provision of this chapter or any other law, the Board shall promptly transmit a copy of such complaint to the Town Clerk and Town Board.

§ 17-25. Hearings; assessment of penalties; injunctive relief.

- A. Conduct of hearings. Except in the case of a conflict of interest, the Chair of the Ethics Board shall preside over any hearing as Hearing Officer. If the Chair has a conflict of interest that may impair his or her ability to fairly conduct the hearing, the Chair shall recuse himself or herself and the Deputy Chair, if there be one, shall preside for that matter. In the event a Deputy Chair has not been appointed, an alternate member of the Ethics Board shall be chosen, by majority vote of the remaining members of the Ethics Board, to preside for that matter. The Hearing Officer shall have the power and authority of presiding officers or hearing officers as defined by the State Administrative Procedure Act (SAPA) and any other pertinent statute, local law, ordinance or resolution and regulations promulgated therefrom.
- B. Findings of fact. Within 30 days following the close of a hearing, the Ethics Board shall issue findings of fact, and a determination based on same, recommending an appropriate penalty or civil fine to be assessed or any other action the Ethics Board deems appropriate pursuant to this chapter.
- C. Disciplinary action. In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend that the Town

Board take appropriate disciplinary action pursuant to Subsection A of § 17-15 of this chapter. The Ethics Board shall conduct and complete the hearing with reasonable promptness unless, in its discretion, the Ethics Board refers the matter to the Town Board or to the appropriate prosecutor if it determines that criminal charges may be appropriate. If such a referral is made, the Ethics Board may adjourn the matter pending determination by the Town Board or prosecutor.

- D. Civil fine. In its discretion and after a hearing providing for due process procedural mechanisms, the Ethics Board may assess a civil fine, not to exceed \$1,500 for each violation, upon any officer or employee found by the Ethics Board to have violated this chapter. The Ethics Board shall conduct and complete the hearing with reasonable promptness. The civil fine shall be payable to the Town of Rhinebeck.
- E. Damages. The Town Board may initiate an action in the court of appropriate jurisdiction to obtain damages, as provided in Subsection C of § 17-15 of this chapter.
- F. Civil forfeiture. Upon the recommendation of the Ethics Board, the Town Board may initiate an action or special proceeding, as appropriate, in a court of appropriate jurisdiction, to obtain civil forfeiture, as provided in Subsection D of § 17-15 of this chapter.
- G. Debarment. Upon the recommendation of the Ethics Board, the Town Board may initiate an action or special proceeding, as appropriate, in a court of appropriate jurisdiction, for an order of debarment, as provided in § 17-16 of this chapter.
- H. Prosecutions. The Ethics Board may refer possible criminal violations under this chapter to the appropriate prosecutor. 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.
- I. Judicial review. Any person aggrieved by any action of the Ethics Board or Town Board under this chapter may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 17-26. Advisory opinions.

- A. The Ethics Board may render written advisory opinions with respect to the interpretation or application of this chapter or of Article 18 of the General Municipal Law of the State of New York upon the written request of any member of the Town Board or of the Town Supervisor. Any other person may similarly request an advisory opinion, but only with respect to whether his or her own action might violate a provision of this chapter or Article 18.
- B. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board.
- C. The Ethics Board shall diligently resolve any request that is appropriately filed pursuant to this section.

§ 17-27. Education.

The Ethics Board shall make information concerning this chapter and Article 18 of the General Municipal Law available to the officers and employees of the Town, to the public, and to persons interested in doing business with the Town.

§ 17-28. Public inspection of records; public access to meetings.

- A. The only records of the Ethics Board which shall be available for public inspection are those whose disclosure is required by Article 6 of the Public officers Law of the State of New York or by some other law or regulation.
- B. No meeting or proceeding of the Ethics Board concerning misconduct, nonfeasance, or neglect in office by an officer or employee shall be open to the public except upon the request of the accused 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.

§ 17-29. Loss of right or remedy; when effective; word usage.

- A. No existing right or remedy shall be lost, impaired, or affected by reason of this chapter.
- B. 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 its remaining provisions.
- C. This chapter shall take effect immediately upon filing in the office of the Secretary of State and in compliance with all applicable provisions of law.
- D. All gender references herein are for convenience only and shall in every instance be read as including individuals of both genders.
- E. All references to the singular or plural contained herein shall be read to include the other.

§ 17-30. Severability.

If any part of this chapter is declared to be invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of said chapter as a whole or any other part of said chapter. The Town Board hereby declares that it would have adopted this chapter and each part thereof irrespective of the fact that any one or more of the parts may be declared invalid.

§ 17-31. Repealer.

This chapter is intended to supersede, repeal and annul the provisions of Chapter 17 of the Town of Rhinebeck Code, adopted 12-9-1970 and amended thereafter.