

## LOCAL LAW “F” FOR 2018

### A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 8 FOR 2011 AS SUBSEQUENTLY AMENDED TO IMPLEMENT AN ANTI-NEPOTISM POLICY

Introduced: 3/12/18

By: Mr. Drake

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

Local Law No. 8 for 2011 is amended as follows:

**Section 1. Section 5 of Local Law No. 8 for 2011, entitled “Code of Ethics for County Officers and Employees” is amended to read as follows:**

#### **10. Nepotism.**

(a) Notwithstanding the exceptions in article (b) of this subsection, Relatives of elected County officials are prohibited from being hired or appointed for any paid position that qualifies as a Policy Making Official or High-Ranking County Position, or for any position indicated in Appendix A. Nothing in this section shall be construed to prevent the appointment of Relatives of elected County officials who voluntarily serve on County boards, commissions, and advisory councils with no compensation.

(b) Should a supervisory official seek to hire an individual who is barred from County employment per article (a) of this subsection, the following criteria must be met first:

(i) The supervisory official, in conjunction with the County Executive, shall request an advisory opinion per this local law regarding employment of said individual from the Ethics Commission.] send a written request for appointment to the Personnel Committee of the Legislature which shall include any potential conflicts of interest, any appearances of impropriety, the explanations for any conflicts of interest and/or appearances of impropriety, and will demonstrate said candidate’s qualifications for the position.

~~[(ii) The Ethics Commission shall issue an opinion and recommended course of action and forward it to the personnel committee of the Legislature. The opinion should include, but not be limited to, potential conflicts of interest and appearances of impropriety. The Ethics Commission may inquire about the other candidates for the position in question and require that said candidates’ resumes be provided.]~~

~~(ii)~~[(iii) Only after the Ethics Commission has issued its opinion shall said individual] The candidate shall appear before the Personnel Committee

of the County Legislature to be questioned regarding background, education, experience, work history, or any other inquiry deemed relevant by a member of the Legislature. The Personnel Committee may inquire about other candidates for the position in question and require said candidates' resumes to be provided.

(iii)~~(iv)~~ The personnel committee of the County Legislature may at their discretion then choose to refer said appointment to the whole Legislature for a vote ~~[if, and only if, the Ethics Commission has rendered a positive opinion of said appointment]~~. The final vote by the full Legislature shall be taken by long roll call with a simple majority of legislators in the body necessary for passage.

The former subsection "10" in Section 5 shall be re-designated as subsection "11", and all subsequent subsections shall be re-numbered accordingly.

## **Section 2. Applicability and Effective Date**

This local law shall take effect immediately and shall not apply retroactively. Individuals who were hired by the County of Albany on or before the effective date of this local law shall not be impacted.

~~[Pursuant to Sections 23 and 33 of the Municipal Home Rule Law, this local law, which curtails the powers of Albany County elective officers, shall be subject to a mandatory referendum. This local law shall not become operative unless and until this local law is approved by the duly qualified voters of Albany County in the manner prescribed by law at a general or special election occurring not less than sixty days after the adoption of this local law.]~~

*Referred to Law and Personnel Committees - 3/12/18*

*Without Recommendation Personnel Committee - 9/26/18*

*Without Recommendation Law Committee – 10/9/18*

*Referred to Law Committee – 10/9/18*

*Without Recommendation Law Committee – 7/22/19*

*Referred to Law Committee – 8/12/19*

*Negative Recommendation Law Committee – 11/26/19*

*On long roll call vote the following members voted in favor: Messrs. Burgdorf, Drake, Grimm, Mauriello, Mayo, Ms. McKnight, Messrs. Mendick, O'Brien, Ms. Plotsky, Reinhardt, Smith, Stevens and Tunny –13*

*Those opposed – Messrs. Beston, Bullock, Cahill, Ms. Chapman, Messrs. Clay, Commisso, Crouse, Dawson, Domalewicz, Ethier, Feeney, Fein, Frainier, Hogan, A. Joyce, R. Joyce, Mss. Lockart, McLean Lane, Messrs. Peter, Touchette, Ward and Ms. Willingham – 22*

*Local Law failed – 12/5/19*