

LOCAL LAW “F” FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING THE ALBANY COUNTY CHARTER TO IMPLMENT AN ANTI-NEPOTISM POLICY

Introduced: 3/12/18

By: Mr. Drake

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL RULE LAW AND SECTION 2702 OF THE ALBANY COUNTY CHARTER:

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

Section 1. Legislative Intent

The Albany County Legislature hereby finds that maintenance of an ethical and transparent government is of critical importance. Therefore, our county government should do everything in its power to avoid any appearance of impropriety with the respect to the appointment of individuals to positions in County government.

The Legislature further finds that the public perception of nepotism in our county’s government erodes public trust and undermines the credibility of Albany County.

The Legislature further finds that there are ample opportunities for well-qualified relatives of elected officials to partake in the merit-based civil service process and acquire County positions accordingly.

Section 2. The Albany County Charter Article 1, Section 106, entitled “Definitions” is amended by adding the underlined language to the following:

q. “Elected Officer” shall mean a position which is elected by popular vote in a bona fide public election. This shall include County Legislators, the County Executive, the Comptroller, the County Clerk, the Sheriff, the District Attorney, and the Coroners.

The former definition of “q” in Article 1, Section 106, shall be re-designated as definition “r”, and all subsequent definitions shall be re-lettered accordingly.

t. “Family Member” shall mean a spouse, domestic partner, child, step-child, sibling, parent, step-parent, grandchild, niece, nephew, uncle, aunt, or the spouse or domestic partner of any of the aforementioned relatives.

The former definition of “s” in Article 1, Section 106, shall be re-designated as definition “u”, and all subsequent definitions shall be re-lettered accordingly.

Section 3. The Albany County Charter Article 26 is amended by adding a new Section 2604 as follows:

Section 2604 Prohibition on Hiring Elected Official’s Relatives for Civil Service Exempt Positions

(a) Notwithstanding the exceptions in subsection (b) of this section, Family Members of an Elected Officer, or the Family Members of the spouse or domestic partner of an Elected Officer of Albany County are prohibited from being hired or appointed for any Albany County position classified as “exempt” under the Civil Service Law of the State of New York or for any position described in Section 2602 (Classified Service; exemptions) of the Albany County Charter.

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

(i) The Elected Officer or Department Head shall request an opinion regarding employment of said individual from the Albany County Ethics Commission.

(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.

(iii) Only after the Ethics Commission has issued its opinion shall said individual 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.

(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. This vote shall be taken by long roll call with a simple majority of legislators in the body necessary for passage.

Section 4. Effective Date

Pursuant to Sections 23 and 33 of the Municipal Home Rule Law, this local law, which curtails the powers of Albany County elective officers and amends the Albany County Charter, 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

On a motion by Ms. McKnight, duly seconded, the meeting was adjourned.

A true copy

PAUL T. DEVANE

Clerk