

**LOCAL LAW NO. "C" FOR 2017**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING THE ALBANY COUNTY CHARTER TO PROHIBIT THE HIRING OF FORMER ELECTED OFFICIALS OR THEIR FAMILY MEMBERS**

Introduced: 3/13/17

By Mr. Mayo and Ms. McLean Lane

BE IT ENACTED by the Albany County Legislature as follows:

**Section 1. Title**

This local law shall be known as the "Anti-Nepotism Act of 2017"

**Section 2. Legislative Intent**

The Albany County Legislature hereby finds that the integrity of, and public confidence in, Albany County Government is of paramount importance, and our county government should avoid any appearance of impropriety.

The legislature further finds that the hiring of an elected official as an employee of Albany County after the conclusion of his or her term of office, either by defeat in a contested election or by reason of not seeking another term of office, or the hiring of a family member during or after such term of office, exhibits the appearance of impropriety, favoritism, and undermines public trust.

The legislature further finds that nepotism can include many of the basic government ethics issues, including, but not limited to, conflict of interest, misuse of office, preferential treatment and patronage. Moreover, nepotism undermines the public trust by making government look like a family business run not for the community, but instead for the families in power. Moreover, nepotism is bad for morale within the government organization.

**Section 3.** The Albany County Charter is hereby amended by amending Articles one and three as follows:

Article I, Section 106, entitled "Definitions" is amended to add a new definition as follows:

"Family Member" shall mean a spouse, child, stepchild, parent, or stepparent, sibling, or stepsibling, grandparent, or grandchild of a duly elected official in and for Albany County.

**Section 4.** The Albany County Charter is hereby amended by amending Article 3, Section 308 to add a new subsection (e) as follows:

(e) The hiring of an elected official in and for Albany County or his or her family member as an employee of the County of Albany for any position exempt from civil service during or after that elected official's term of office is prohibited for the period of the current term of office should he or she resign said office and for a period of four (4) years from the date of conclusion of the term of office.

**Section 5.** Reverse Preemption.

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Albany. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

**Section 6.** Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

**Section 7.** Effective Date and Applicability

This local law shall become effective thirty days following enactment.

*Referred to Law and Personnel Committees – 3/13/17*

*Without Recommendation – Law Committee. 4/24/17*

*Without Recommendation – Personnel Committee 5/24/17*