

Local Law Filing

New York State Department of State  
Division of Corporations  
State Records and Uniform Commercial Code  
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Albany, NY 12231-0001  
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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

FILED  
STATE RECORDS

NOV 13 2014

of Village of Washingtonville

Local Law No. 5 of the year 2014

DEPARTMENT OF STATE

A local law Anti-Nepotism  
(insert title)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Washingtonville as follows:

Section 1. Legislative Intent. The Village Board finds that the enactment of this local law, which is intended to address the employment, appointment and supervision of immediate family members of Village officers and employees, shall promote the public interest, avoid the possibility of personal bias, and strengthen public confidence in the integrity of government.

Section 2. Section 14-3 titled, "Standards of Conduct," of Chapter 14, titled "Code of Ethics," of the Code of the VILLAGE OF WASHINGTONVILLE is amended by adding a subsection 14-3H to read as follows:

14-3 H. Anti-nepotism.

(1) Applicability.

The provisions of this subsection shall apply to all appointments, including but not limited to initial appointments, promotions and transfers, made on or after the effective date of this local law, except such provisions shall not apply (i) to appointments to positions that are subject to competitive examination pursuant to the state Civil Service Law and/or the Orange County Rules for the Administration of Civil Service Law or (ii) to employment and supervisory arrangements which existed and were in effect in accordance with applicable Village policy prior to the effective date of this local law. However, any changes in the employment or position of an individual or in immediate family relationship, as defined herein, shall be governed by the provisions of this subsection 14-3 H.

(2) Definitions.

As used in this subsection, the following terms shall have the meanings as set forth:

OFFICER OR EMPLOYEE - As defined in §14-2.

IMMEDIATE FAMILY - Spouse, grandfathers, grandmothers, grandsons, granddaughters, fathers, mothers, stepfathers, stepmothers, sons, daughters, stepsons, stepdaughters, brothers, sisters, uncles, aunts, nieces, nephews, first cousins, fathers-in-law, mothers-in-law, brothers-in-law, sisters-in-law, daughters-in-law or sons-in-law; or the spouse of any member of the immediate family; or a person with whom an officer or employee shares a residence within the context of

a committed relationship.

(3) Prohibited employment.

(a) The appointment or employment of any individual to a position not being filled pursuant to a Civil Service Law competitive examination shall be prohibited if that individual would supervise, or would be supervised by, a member of that individual's immediate family.

(b) An elected or appointed officer shall be prohibited from appointing, directly supervising or voting for the appointment of a member of his or her immediate family in or to any position or employment with the VILLAGE OF WASHINGTONVILLE.

(4) Exception.

The Village Board may, by resolution, authorize an exception to the prohibitions set forth in this subsection when it is determined to be otherwise in accordance with applicable law and in the best interest of the Village to grant an exception.

(5) Prohibited appointment deemed null and void.

Any appointment or employment of an individual made contrary to the prohibitions set forth in this subsection is and shall be null and void. Such individual shall not be considered an officer or employee of the Village for any purpose.

Section 3. Severability. If any part of this local law or the application thereof shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not

affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the part, or in its application to the person or circumstance, directly involved in the controversy in which such judgment or order is rendered.

Section 4. To the extent that this local law may be adjudged in conflict or inconsistent with any provision of the state Village Law pertaining to the appointment of officers and employees, this local law expressly supercedes any such provision of the Village Law.

Section 5. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2014 of the ~~(County)~~(City)~~(Town)~~(Village) of Washingtonville was duly passed by the Board of Trustees on October 21, 2014, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after \_\_\_\_\_  
*(Name of Legislative Body)* disapproval by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_,  
*(Elective Chief Executive Officer\*)* in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after \_\_\_\_\_  
*(Name of Legislative Body)* disapproval by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was submitted  
*(Elective Chief Executive Officer\*)* to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_ in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after \_\_\_\_\_  
*(Name of Legislative Body)* disapproval by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was subject  
*(Elective Chief Executive Officer\*)* to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_ in accordance with the applicable provisions of law.

**\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

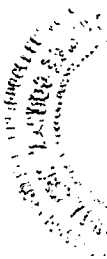
(If any other authorized form of final adoption has been followed, please provide an appropriate certification)

I further certify that I have compared the preceding local law with the original on file in this office and that same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

*Christine Shenkman*  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

Christine Shenkman, Village Clerk

Date: 11-05-14



(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Howard Protter*  
JACOBOWITZ AND GUBITS, LLP  
By: \_\_\_\_\_  
Signature Howard Protter

Attorneys for the Village \_\_\_\_\_  
Title

County \_\_\_\_\_  
City \_\_\_\_\_ of Washingtonville  
~~Town~~  
Village

Date: 10/27/14