

**TOWN of FREMONT, NEW York**

**LOCAL LAW # 1 – 2011**

**Anti-Nepotism**

**Section I: Intent**

The Town Board of the Town of Fremont, hereby finds that the enactment of this article, which is designed to address the employment, supervision, transfers or recommendation of immediate family members, regardless of time worked, of elected and appointed officials as defined under this article, shall promote the public interest, avoid the possibility of personal bias, and strengthen public confidence in the integrity of the Town government. This article will ensure public confidence in the integrity of municipal personnel practices by requiring Town Board approval of hiring, transfer or promotion of municipal officials' relatives who are assigned positions not subject to competitive examination pursuant to New York Civil Service Law.

**Section II: Applicability**

The provisions of this article shall apply to all appointments (including transfers) made on or after the effective date of this article. This article shall not apply to employment and supervisory arrangements which existed and which were in effect in accordance with applicable Town policy prior to the effective date of this article. However, any future changes in employment or relationship status shall be governed under this article.

**Section III: Definitions**

As used in this article, the following terms shall have the meanings indicated:

**APPOINTED OFFICIAL**

All members of Zoning Board of Appeals, Planning Board, Board of Assessment Review, Board of Ethics, Code-Enforcement Officer, Assessor, Dog Control Officer, Deputy Dog Control Officer, Historian, Deputy Town Clerk/TaxCollector, Deputy Supervisor, Registrar, Deputy Registrar, Health Officer , Attorney for the Town.

**ELECTED OFFICIAL**

The Supervisor , Highway Superintendent, Town Clerk, Tax Collector, and all Members of the Town Board.

**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 and the spouses of any members of the employee's immediate family. Immediate family also includes a person who is in a spouse-like relationship to the employee.

**Section IV: Prohibited Employment**

- A. The employment of any individual to a position not being filled pursuant to Civil Service Law competitive examinations shall be prohibited when that individual is an immediate family relative of an elected or appointed official.
- B. Any individual holding an elected or appointing position as defined under this article, for which payment is made from funds administered by the Town of Fremont, shall be prohibited from supervising, employing, appointment, or voting for the appointment of members of his or her

Immediate family, in or to any position or employment when the salary, wages, pay or compensation of such appointee is to be paid out of such funds administered by Fremont Town.

**Section V: Affidavit**

Any individual hired or promoted to a position not being filled pursuant to Civil Service Law competitive examinations shall sign a sworn affidavit at least five business day prior to the commencement of employment with the Town of Fremont stating whether or not such individual is a relative of any Town Official, Elected or Appointed, as defined under this article. This affidavit shall be filed with the Town of Fremont Personnel Division at least one business day prior to the commencement of employment with the Town of Fremont.

**Section VI Exceptions**

The Town Board may authorize an exception to the prohibitions under this article in cases where it is determined to be in accordance with applicable law and in the best interest of the Town to grant an exception. Requests for exceptions shall be submitted as a resolution by a member of the Town Board in accordance with this article. The Town Board shall hold a public hearing at a regularly advertised and scheduled meeting; the Town Board may have the opportunity to question the proposed employee at said hearing. A majority vote of the Town Board present at the Meeting shall be required to approve such an exception for the employment .

**Section VII Sanctions**

Any individuals who fails to file an affidavit required by Section V of this article shall be guilty of an unclassified misdemeanor punishable by fine of \$1000.00 and/or a term of imprisonment not to exceed six months and immediately terminated from employment at the Town of Fremont. Additionally, any false statement submitted on the affidavit or any other violation not covered by this section may be punishable in accordance with New York State Penal Law.

**Section VIII: Severability**

If any clause, sentence, paragraph , subdivision, section or part of this article or the application thereof to any person, individual, corporation, firm partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

(Use this form to file a local law with the Secretary of State.)

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

County

~~City~~

Town

~~Village~~

of ..... Fremont .....

Local Law No. .... 1 ..... of the year 20..11

A local law ..... Anti-Nepotism .....

(Insert Title)

.....  
.....  
.....

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

County

~~City~~

Town

~~Village~~

of ..... Fremont ..... as follows:

See Copy of Local Law Annexed Hereto

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 1 of 2011 of the ~~(County)~~(City)(Town)(Village) of Fremont was duly passed by the Town Board on August 9, 2011, 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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\*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 chairman 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 the 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.

Norma J. Kelbury  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

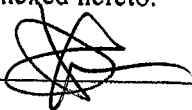
(Seal)

Date: August 10, 2011

(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 Steuben

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.

Signature 

Attorney for the Town Brian Schu  
Title

~~County~~  
~~City~~ of Steuben  
Town  
~~Village~~

Date: August 10, 2011



STATE OF NEW YORK  
DEPARTMENT OF STATE

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ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

August 17, 2011

Norma J Kilbury  
Town Clerk  
8223 Cream Hill Road  
Arkport NY 14807

**RE: Town of Fremont, Local Law 1 2011, filed on August 16, 2011**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.state.ny.us](http://www.dos.state.ny.us).

Sincerely,  
State Records and Law Bureau  
(518) 474-2755