

**TOWN OF OTISCO
LOCAL LAW NO. #1 OF 2021**

**A LOCAL LAW PROVIDING FOR THE
EMPLOYMENT OF TOWN OFFICIALS
BY THE TOWN UNDER DISTRESSED CONDITIONS**

Be it enacted by the Town Board of the Town of Otisco as follows:

1. **TITLE.** This Local Law shall be known and may be cited as the “Town Employment of Town Officials Law” (hereinafter referred to as the “Local Law”).

2. **LEGISLATIVE INTENT.** The Town Board of Otisco of the Town of Otisco (the “Town Board”) recognizes that from time-to-time circumstances may arise making it necessary or desirable for the Town to employ Town Officials, including Town Board Members, to effectively provide Town services under exigent or emergency situations. One such example is with regard to the Town Highway Department providing snow plow and road maintenance services during unanticipated circumstances such as have arisen during the current COVID-19 pandemic. However, other foreseeable and unforeseeable events and circumstances may occur that call for a response by the Town Board to address such events and circumstances in the best interests of the Town. This Local Law is intended to enable the Town to address such matters in a timely and effective manner.

It is hereby declared to be the policy of the Town Board to allow for Otisco Town Officials, including Town Board Members, to become employed by the Town of Otisco (the “Town”) under distressed conditions to prevent or to deal with emergency situations or unusual conditions within the Town so as to preserve, protect and promote the public health, safety and welfare within the Town.

3. **AUTHORITY.** This Local Law is enacted pursuant to the NY Attorney General Opinion designated as Informal Opinion No. 84-9 (1984 N.Y. Op. Atty. Gen. (Inf.) 84, 1984 WL 186560 (N.Y.A.G.)) (the “Opinion”), which provides, as a general rule of common law, that a person should not serve simultaneously as a member of the Town Board and as an employee of the Town. However, such Opinion also provides that a Town Board may establish an exception to the common law by the Town Board’s enactment of a local law that supersedes the common law, in furtherance of the Town’s best interests.

In order to protect and promote the public health, safety and welfare within the Town, the Town Board has determined that it desires to allow for the employment of Otisco Town Officials by the Town, pursuant to the Opinion, by the Town Board’s enactment of a local law superseding the common law doctrine of compatibility of office, which provides that a person should not serve simultaneously as a Town Official and as an employee of the same Town.

4. EMPLOYMENT OF TOWN OFFICIALS UNDER DISTRESSED CONDITIONS.

The Town Board, in furtherance of the best interest's of the Town, hereby adopts this Local Law to establish an exception to, and to supersede the common law doctrine of compatibility of office, and thereby allow the Town Board to employ Town Officials, including Town Board Members, under distressed, exigent, or emergency conditions, as the Town Board deems appropriate and sees fit, for the performance of services to, and for the Town, and to preserve, protect and promote the public health, safety and welfare within the Town.

5. CONFLICT WITH OTHER LAWS. This Local Law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law of the State of New York. During the duration of times that this Local Law is in effect, to the extent permitted by law, it shall take precedence over and shall be considered controlling over contrary laws, rules, ordinances, and common law.

6. SEVERABILITY. If any clause, sentence, paragraph, section, article, subdivision, provision, or part of this Local Law shall be adjudged by any Court of competent jurisdiction in the State of New York to be void, unconstitutional, invalid, ineffectual, or unenforceable, such adjudication or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations and only apply to the clause, sentence, paragraph, section, article, subdivision, provision, or part thereof directly involved in the controversy in which such adjudication or judgment shall have been rendered or so adjudged, and not deemed to affect, impair, or invalidate the remainder of this Local Law shall remain valid and in full force and effect.

7. PRIOR LAW. Upon the effective date of this Local Law, this Local Law shall repeal any prior provision of law, rule, regulation, ordinance, or resolution of the Town of Otisco which is inconsistent with the provisions of this Local Law.

8. EFFECTIVE DATE. This Local Law #1 of 2021 shall become effective 20 days after its filing in the Office of the Secretary of State in New York State, in accordance with the provisions of New York State Municipal Home Rule Law §27.

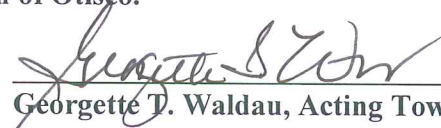
Town Board of the Town of Otisco

June 14, 2021

Be it so Ordered by the Town Board of the Town of Otisco.



Glenn R. Hall, Town Supervisor



Georgette T. Waldau, Acting Town Clerk

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.:

On the 14th day of June in the year 2021 before me, the undersigned, personally appeared **Georgette T. Waldau**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

CRAIG J. BILLINSON
Notary Public in the State of New York
Qualified in Onondaga County
No. 4758216
My Commission Expires June 30, 2022

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.:

On the 14th day of June in the year 2021 before me, the undersigned, personally appeared **Glenn R. Hall**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

CRAIG J. BILLINSON
Notary Public in the State of New York
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TOWN CLERK CERTIFICATION

STATE OF NEW YORK, COUNTY OF ONONDAGA
TOWN OF OTISCO

I, the undersigned, Georgette T. Waldau, Acting Town Clerk of the Town of Otisco, do hereby certify that the above Town of Otisco Town Board Local Law No. 1 of 2021 is a true and accurate copy of the original Town of Otisco Town Board Local Law No. 1 of 2021 dated June 14, 2021, as set forth above.

Georgette T. Waldau
Georgette T. Waldau, Acting Town Clerk

June 14, 2021.