(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 of Baxter Estates

Village

Local Law 1 of the year 2019

FILED **STATE RECORDS**

MAR 2 6 2019

DEPARTMENT OF STATE

(Insert Title)

A local law to Amend the Code of the Village of Baxter Estates to replace all references therein to "Building Inspector" from "Building Inspector" to "Superintendent of Buildings"

Be it enacted by the **Board of Trustees**

of the

(Name of Legislative Body)

County

City

Town of Baxter Estates

Village

Section 1. Legislative Findings. The Board of Trustees of the Village of Baxter Estates notes that the Nassau County Civil Service Commission, the local Civil Service Agency having jurisdiction over appointments to the Civil Service by the Village (the "NCCS Commission"), has classified the position of "Superintendent of Buildings" as "exempt," for purposes of the New York State Civil Service Law, pursuant to Appendix A, Village Service, to the Civil Service Rules promulgated by the NCCS Commission (the "Nassau Civil Service Rules"). The Board also notes that the NCCS Commission until recently classified the position of "Building Inspectors (Part-Time)," as "noncompetitive," for purposes of the New York State Civil Service Law, pursuant to Appendix A, Village Service, to the Nassau Civil Service Rules.

The Village hires one individual to serve part-time as its Building Inspector under the Village Code, having determined that its small population and corresponding demand for Building Department services warrants only a part-time employee. Filings made by the Village with, and accepted by, the NCCS Commission for the Village's position of 587732.1

Building Inspector have been made pursuant to the Nassau Civil Service Rules applicable to the non-competitive position of "Building Inspectors (Part-Time)."

The NCCS Commission recently advised the Village that it has reclassified, or intends to reclassify, the position of "Building Inspectors (Part-Time)," from "non-competitive," to "competitive" for purposes of the New York State Civil Service Law and the Nassau Civil Service Rules.

The Village Attorney has advised the Board that, based upon his conversations with representatives of the NCCS Commission, the functions of the Building Inspector under the Village Code are consistent with the functions of the exempt position of "Superintendent of Buildings" under the Nassau Civil Service Rules. The Board of Trustees agrees that appointments to the position of Superintendent of Buildings, equivalent to the Village position now identified as "Building Inspector," should not be competitive, and instead should be "exempt," in light of elements of professionalism, discretion, confidentiality and input on rule-making, policy development and hiring associated with such position. Such an exempt position should be filled by the hiring agency in its discretion, subject to any requirements of the NCCS Commission applicable to appointments to exempt positions.

The NCCS Commission has advised the Village that it will not extend the "exempt" status of the position of Superintendent of Buildings to the position of Building Inspector under the Village Code, regardless of the fact that the functions of the two positions are substantially identical. Therefore, in order to maintain autonomy in selecting the person to fill this important position in the Village administration, the Board has determined to amend its Code to change all references therein from "Building Inspector" to "Superintendent of Buildings," an action the NCCS Commission has advised the Village will enable the Village to make appointments to such title in accordance with Nassau Civil Service Rules applicable to exempt positions.

- Section 2. <u>Authority</u>. This local law is adopted pursuant to authority granted to the Board of Trustees under the New York State Constitution and the laws of the State of New York, including, without limitation, New York State Municipal Home Rule Law §10.1., sub-clauses (i) and (ii).a..
- Section 3. Amendment of Village Code. The Code of the Village of Baxter Estates, and each Chapter therein and section and provision thereof, is hereby amended as follows: Each reference contained in the Code of the Village of Baxter Estates, and in each Chapter therein and in each section and provision thereof, to "Building Inspector" shall be deleted, and the following shall be substituted in lieu thereof: "Superintendent of Buildings."

Section 4. <u>Effective Date</u>. 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. 1 of 2019 of the Village of Baxter Estates was duly passed by the Board of Trustees on March 7, 2019 in accordance with the applicable provisions of law.

by the Elective Chief Executive Officer.)
I hereby certify that the local law annexed hereto, designated as local law No of of the
(County)(City)(Town)(Village) of was duly passed by the
(Name of Legislative body)
on20, and was (approved)(not approved) (re-passed after disapproval) by the
and was deemed duly
(Elective Chief Executive Officer)
adopted on20, 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 20o
the (County)(City)(Town)(Village)ofwas duly passed by the
(Name of Legislative Body) on
20 and was (approved)(not approved) (re-passed after disapproval) by the
-(Elective Chief Executive Officer*)
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 on20, 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 o
the (County)(City)(Town)(Village) of
was duly passed by the
(Name of Legislative Body)
on 20, and was (approved)(not approved) (re-passed after disapproval) by the
on 20 Such local law was subject to permissive referendum and no
valid petition requesting such referendum was filed as of
applicable provisions of law.
1 Elective Chief Executive Officer means or includes the chief executive officer of a county elected on
ounty-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	1 proposed by petition.)	
I hereby certify that the local law annexed heret	to, designated as local law No of 20 of	
	submitted to referendum pursuant to the provisions of	
section (36)(37) of the Municipal Home Rule Lav	w, and having received the affirmative vote of a majority	
of the qualified electors of such city voting there	eon at the (special)(general) election held on	
20, became operativ	re.	
6. (County local law concerning adoption of		
I hereby certify that the local law annexed hereto, designated as local law Noof 20of the County ofof State of New York, having been submitted to the electors at the General Election of		
November 20 pursuant to subdivisions 5 having received the affirmative vote of a majority of the	Deen submitted to the electors at the General Election of and 7 of section 33 of the Municipal Home Rule Law, and equalified electors of the citios of said county as a unit and a county considered as a unit voting at said general election,	
(If any other authorized form of final adoption has bee	on followed, please provide an appropriate certification.)	
	ding local law with the original on file in this office and and of the whole of such original local law, and was graph 1, above.	
	Clerk of the Incorporated Village of Baxter Estates	
	Date: 3/12/19	
(Seal)		