

Preparing for Transitions in Office

Record date: September 23, 2021

Link to recording: https://us02web.zoom.us/rec/share/bbrXuDsHt2mXS-VQJU0Pzx1YRDLU0b80IPWu_WiKZLE5uRttTYjT0mjr2YI_K5L2.3rMbwTdCjquKx-3B



- Newly Elected Town Officials (NETO) School from the Association of Towns and AOT Manuals – knowledge is power!
- **Town Equipment (computers, phones etc.)**
 - Take inventory of equipment in different departments
 - Get list of passwords (remember: the equipment belongs to the town, not the individual)
 - Taking or destroying town equipment could lead to criminal charges
 - Collaboration is best
- **Staffing / Deputies**
 - Supervisor, clerk, highway superintendent, receiver of taxes / tax collector can all appoint deputies that serve at their pleasure
 - Deputies are public officers and have to comply with requirements set forth in Public Officers Law § 3 (resident, 18 years of age, U.S. citizen)
 - Generally speaking, other staff is appointed by the town board and serves at the pleasure of the town board (note: civil service protections may come into play for some offices)
- **Records**

What if the outgoing officer destroys or does not hand over records?

 - Public Officers Law § 80 – an officer can demand (usually in letter form) that predecessor handover all records / property pertaining to the office.
 - If that request is refused, an officer can file a complaint and obtain an order to show cause from a county or supreme court judge demanding that the material be handed over
 - Judge can also issue a warrant to search property and collect records
 - Other potential consequences
 - Penal Law §175.20 – Tampering with public records in the second degree (Class A misdemeanor)
 - Penal Law §175.25 – Tampering with public records in the first degree (felony)
 - Penal Law §195.05 – Obstructing governmental administration in the second degree (Class A misdemeanor)

For Supervisors

- Town Law § 29(4) – Upon the expiration of their term, the supervisor must file an accounting of all the money that went into or through their office
- **Oaths of Office**
 - Public Officers Law § 10 – a public officer is required to take and file an oath of office within 30 days from taking office
 - Terms generally begin January 1
 - An official CAN take and file an oath prior to January 1, so long as the election has been certified – there is no need to wait until January 1