

COUNTY OF HERKIMER, NEW YORK

A LOCAL LAW TO PROVIDE FOR THE CONTINUITY OF GOVERNMENT OF THE COUNTY OF HERKIMER, NEW YORK, IN THE EVENT OF AN ATTACK OR PUBLIC DISASTER

BE IT ENACTED by the Legislature of the County of Herkimer, New York, as follows:

Section 1. Intent. The New York State Defense Emergency Act, in Section 29-a thereof, authorizes political subdivisions of the State to provide for the continuity of their governments in the event of an actual or imminent attack upon the United States by an enemy or foreign nation. The General Municipal Law, in Section 60 thereof, authorizes political subdivisions to provide for the continuity of their governments in the event of other public disasters, catastrophes or emergencies. Based on the authority contained in such laws, this local law is adopted so that on such occasions the government of the County of Herkimer, New York, may continue to function properly and efficiently under emergency circumstances.

Section 2. Definitions. As used in this local law the following terms shall mean and include:

- a. "Attack." Any attack, actual or imminent, or series of attacks by an enemy or foreign nation upon the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, shell fire, or nuclear, radiological, chemical, bacteriological, or biological means or other weapons or processes.
- b. "Public disaster." A disaster, catastrophe or emergency, actual or imminent, of such unusual proportions or extent that (1) a substantial number of the residents of the County of Herkimer either sustain injury, become ill, are infected with disease, have their lives imperiled, are killed or die as the result of injury, disease or exposure, or the property of a substantial number of such residents is imperiled, damaged, or destroyed, and (2) it is necessary and essential in the interest of public safety, health and welfare that the continuity of the government of the County of Herkimer be assured in order that it be enabled to function properly and efficiently and to exercise its essential powers in meeting emergency conditions. Such disasters, catastrophes and emergencies may include, but shall not be limited to, conflagrations, explosions, earthquakes or other convulsions of nature, floods, pestilence, riots, insurrections, storms, prolonged failure of electric power or essential transportation services, or any incident or occurrence which causes or threatens to cause danger to life, health or property from exposure to noxious materials or radiation.
- c. "Duly authorized deputy." A person authorized to perform all the powers and duties of a public office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer, where such authorization is provided pursuant to the provisions of any general, special or local law other than this local law.
- d. "Emergency interim successor." A person designated pursuant to this local law for the possible temporary succession to the powers and duties, but not the office, of a county officer in the event that neither such officer nor any duly authorized deputy is able, due to death, absence from the county or other physical, mental, or legal reasons, to perform the powers and duties of the office.

Section 3. Designation, status, qualifications and terms of designation of emergency interim successors.

- a. Elective officers. Within thirty days following the effective date of this local law, and thereafter within thirty days after first entering upon the duties of his office, each elective officer who, by Executive Order, has been assigned specific emergency duties and responsibilities, shall in addition to any duly authorized deputy, designate each number of emergency interim successors to the powers and duties of his office and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors, or combination thereof, to perform the powers and duties of the office.

- b. Appointive officers. Each officer who, by Executive Order, has been assigned specific emergency duties and responsibilities, or body of officers empowered by law to appoint such officer, shall within the time specified in Subdivision (a) of this section, in addition to any duly authorized deputy, designate for each such appointive officer such number of emergency interim successors to such officers and specify their rank in order of succession after any duly authorized deputies or emergency interim successors, or combination thereof, for each such officer. Where such a body of officers consists of members having overlapping terms, such body of officers shall review, and, as necessary, revise the previous designations of emergency interim successors by such board within thirty days after a new member elected or appointed to such body of officers first enters upon the duties of his office as a member of such body of officers.
- c. Review of designations. The incumbent in the case of those elective officers specified in Subdivision (a) of this section, and the appointing officer or body of officers specified in Subdivision (b) of this section shall from time to time review and, as necessary, promptly revise the designations of emergency interim successors to insure that at all times there are at least three duly authorized deputies or emergency interim successors, or combination thereof, for each elective and appointive officer of the County who, by Executive Order, has been assigned specific emergency duties and responsibilities.
- d. Qualifications. No person shall be designated to, nor serve as, an emergency interim successor unless he is legally qualified to hold the office of the person to whose powers and duties he is designated to succeed.
- 3. Status of emergency interim successor. A person designated as an emergency interim successor shall hold that designation at the pleasure of the designator and such a designation shall remain effective until replaced by another by the authorized designator.
- f. Compensation. An emergency interim successor shall serve without salary, unless otherwise provided by local law. He shall, however, be entitled to reimbursement for actual expenses necessarily incurred in the performance of his powers and duties.

Section 4. Assumption of powers and duties of officers by emergency interim successor. If in the event of an attack or a public disaster, an officer described in Subdivision (a) or Subdivision (b) of section three of this local law, or his duly authorized deputy, if any, is unable, due to death, absence from the county or other physical, mental, or legal reasons, to perform the powers and duties of the office, the emergency interim successor of such officer highest in rank in order of succession who is able to perform the powers and duties of the office shall, except for the power and duty to discharge or replace duly authorized deputies and emergency interim successors of such officer, perform the powers and duties of such officer. An emergency interim successor shall perform such powers and duties only until such time as the lawful incumbent officer or his duly authorized deputy, if any, or an emergency interim successor higher in rank in order of succession resumes the office or undertakes the performance of the powers and duties of the office, as the case may be, or until, where an actual vacancy exists, a successor is duly elected or appointed to fill such vacancy and qualified by law.

Section 5. Recording and publication of designations. The name, address and rank in order of succession of each duly authorized deputy and emergency interim successor shall be filed with the County Clerk and each designation, replacement, or change in order of succession of any emergency interim successor shall become effective when the designator files with such clerk the successor's name, address, and rank in order of succession. Such clerk shall keep an up-to-date file of all such data regarding duly authorized deputies and emergency interim successors and the same shall be open to public inspection. The clerk shall notify in writing each designated person of the filing of his name as an interim successor and his rank in order of succession and also shall notify in writing any person previously designated who is replaced or whose place in order of succession is changed.

Section 6. Qualifications for taking office. At the time of their designation, or as soon thereafter as possible, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to perform the powers and duties of the office to which they may succeed.

Section 7. Quorum and vote requirements. In the event of an attack or a public disaster, the Chairman of the Legislature or his duly authorized deputy or emergency interim successor performing his powers and duties, may suspend quorum requirements for the Legislature. If quorum requirements are suspended, any local law, ordinance, resolution or other action requiring enactment, adoption or approval by an affirmative vote of a specified proportion of members may be enacted, adopted or approved by the affirmative vote of the specified proportion of those voting thereon.

Section 8. Separability clause. If any section, subdivision, sentence, clause, phrase or portion of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the section, subdivision, sentence, clause, phrase or portion thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Effective date. This local law shall take effect upon its adoption and the filing of one certified copy thereof with the County Clerk, one certified copy in the office of the State Comptroller and three certified copies in the Office of the Secretary of State.

COUNTY OF HERKIMER, NEW YORK

A LOCAL LAW VALIDATING AND LEGALIZING CERTAIN OBLIGATIONS OF THE TOWN OF SCHUYLER
PURSUANT TO SECTION 227 OF THE COUNTY LAW

BE IT ENACTED by the County Legislature of the County of Herkimer as follows:

FIRST: That pursuant to Section 227 of the County Law of the State of New York, and pursuant to the report and recommendation of the Finance Committee, relative to their findings resulting from a public hearing in the Town of Schuyler to validate and legalize certain obligations of the Town of Schuyler, authority and consent of the Herkimer County Legislature is hereby granted to approve, validate and legalize certain obligations of the said Town of Schuyler, to wit:

A General Fund deficiency in the amount of \$4,333.62, and a Highway Fund deficiency in the amount of \$12,003.65; and said Herkimer County Legislature hereby authorizes and approves the issuance of bonds or capital notes, the maturity of which shall not exceed six (6) years from the date of issuance of such bonds or from the date of issuance of the earliest bond anticipation note issued in anticipation thereof, whichever date is earlier, in the amount of \$16,337.27.

SECOND: That this said legalizing act is adopted to cure mistakes, errors or omissions of the Town of Schuyler, and was not a result of fraud and that no substantial hardship will result therefrom in the determination of the Herkimer County Legislature, and the particular acts, mistakes, errors or omissions cured by this legalizing act are: The incurring of debts in the General Fund in the amount of \$4,333.62, over and above the budget appropriation; and the incurring of debts in the Highway Fund in the amount of \$12,003.65, over and above the budget appropriation.

THIRD: That the Supervisor of the Town of Schuyler, William St. John Tozer, Jr., filed a verified petition with the Clerk of the Herkimer County Legislature pursuant to said Section 227 of the County Law, April 10, 1970, requesting the relief above set forth and setting forth the fact that the Town Board of the Town of Schuyler conducted a public hearing, after due notice thereof, on the 8th day of April, 1970, and adopted a resolution by which at least two-thirds of the members of the Town Board present, to correct these defects and authorize the filing of a petition to the Herkimer County Legislature; that the Herkimer County Legislature on the 13th day of April, 1970, referred the said petition to the Finance Committee of the Herkimer County Legislature to hold a public hearing; that due notice was published and posted, pursuant to law, of a public hearing to be conducted by the said Committee on the 7th day of May, 1970; and said public hearing was duly conducted on the 7th day of May, 1970, and duly adjourned to June 4, 1970; and the Finance Committee of the Herkimer County Legislature duly filed a report and recommendation to the Herkimer County Legislature on the 22nd day of June, 1970; that all the necessary petitions prescribed under Section 227 of the County Law have been performed by the Herkimer County Legislature in order to legalize and valid/ the above act.

FOURTH: This act shall take effect after consent and authorization has been granted by the Department of Audit and Control of the State of New York.

Dated: June 22, 1970.

HAROLD LUTHER
DONALD GLOO
VICTOR NORMAN
ROBERT VAN DUSEN
Committee on Finance

LOCAL LAW NO. 3 - 1970

COUNTY OF HERKIMER, NEW YORK

A LOCAL LAW INCREASING THE SALARIES OF SOME ELECTIVE OFFICERS DURING THEIR TERM OF OFFICE, AND SOME OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE.

BE IT ENACTED by the Legislature of the County of Herkimer as follows:

Section 1. Commencing January 1, 1971, the annual base salary of the Clerk of the County Legislature shall be the sum of Eight Thousand Five Hundred Dollars (\$8,500) and he shall receive increments as established in the salary schedule.

Section 2. Commencing January 1, 1971, the annual salary of the Family Court Judge shall be the sum of Twenty-seven Thousand Dollars (\$27,000).

Section 3. Commencing January 1, 1971, the annual salary of the County Judge and Surrogate shall be the sum of Twenty-seven Thousand Dollars (\$27,000).

Section 4. Commencing January 1, 1971, the annual salary of the County Clerk shall be the sum of Ten Thousand Dollars (\$10,000).

Section 5. Commencing January 1, 1971, the annual base salary of the Commissioner of Jurors shall be Two Thousand Six Hundred Seventy Dollars (\$2,670), and he shall receive increments as established in the salary schedule.

Section 6. Commencing January 1, 1971, the annual salary of the County Treasurer shall be the sum of Ten Thousand Dollars (\$10,000).

Section 7. Commencing January 1, 1971, the annual salary of the Commissioner of County Lands shall be the base salary of Five Thousand Five Hundred Dollars (\$5,500), and he shall receive increments as established in the salary schedule.

Section 8. Commencing January 1, 1971, the annual salary of the Commissioners of Elections shall be the sum of Forty-three Hundred Dollars (\$4,300).

Dated: November 16, 1970.

DONALD GLOO
MARTIN MANION
DOMINICK ACCATTATO
DONALD MUNN
Committee on County Employees' Compensation