

Local Law Filing

(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 Village
(Select one:)

of STEUBEN

Local Law No. TWO of the year 2015

A local law Establishing County Administration of the Driver Diversion Program.
(Insert Title)

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of STEUBEN as follows:

SECTION 1: LEGISLATIVE INTENT

It is the intent of the this local law to provide driver diversion services for persons referred by the District Attorney to receive such services as a component and condition of a settlement in a traffic infraction matter pending in a local court in Steuben County New York. The costs associated with this program are to be borne by the person so referred in amount set by this law.

SECTION 2. DEFINITIONS

- 1.) "driver diversion services" shall mean instructive materials and/or classes as generally recognized in safe driving of motor vehicles, as defined under the New York State Vehicle and Traffic Law, for the protection of drivers, passengers and the public at-large.
- 2.) "local court" shall mean a "local criminal court" as that term is defined under the New York State Criminal Procedure Law, section 10.10.
- 3.) "District Attorney" shall mean the District Attorney in and for Steuben County New York as defined in the Charter of Steuben County New York.
- 4.) "County Manager" shall mean the County Manager in and for Steuben County New York as defined in the Charter of Steuben County New York.

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

- 5.) "County Official" shall mean any person receiving an appointment of public office from the County Manager as authorized by the Charter of Steuben County New York, whether or not such appointment is subject to confirmation of the Legislature of Steuben County New York or any other official whose public office is designated in the Charter of Steuben County New York.
- 6.) "Administrative Code" shall mean the Administrative Code as defined in the Charter of Steuben County New York.
- 7.) "Public Safety and Corrections Committee" shall mean the Public Safety and Corrections Committee of the Steuben County Legislature, Steuben County New York.
- 8.) "Commissioner of Finance" shall mean the Commissioner of Finance as defined in the Charter of Steuben County New York.
- 9.) "The Clerk of the Legislature" shall mean the Clerk of the Legislature as defined in the Charter of Steuben County New York.

SECTION 3: ESTABLISHMENT OF PROGRAM

In order to effectuate "the government, protection, order, conduct, safety, health and well-being of persons and property" [Home Rule Law §10] within the County, Steuben County establishes a Driver Diversion Program [hereinafter "Program"] for any and all such individuals and persons duly referred to this Program by the District Attorney, as set forth herein:

- a.) Referral to the Program shall be made in accordance with the lawful discretion of the District Attorney by means of an application process promulgated by the District Attorney and where such records shall be maintained in accordance with County Law Section 700(7).
- b.) The County Manager shall designate the County Official who shall have oversight over the administration of the Program. The County Manager shall establish such rules and procedures necessary to meet the ends of the Program as is consistent with the legislative intent as set forth in Section 1 of this local law.
- c.) The County Manager shall submit proposals in response to Requests for Proposals as such term is defined in the Administrative Code to the Public Safety and Corrections Committee for approval to secure a credentialed instructor(s) and materials, where a renewal of a contract thereunder or additional and subsequent Requests for Proposals are governed by and conforming to the rules of the Administrative Code.

SECTION 4. FEE

- a.) The County Manager or County Official designated as set forth in paragraph b.) of Section 3 herein is authorized to impose a fee of \$250.00 to each participant in the Program. The Public Safety and Corrections Committee is authorized to modify, change or otherwise adjust the recited fee as established by the process set forth in paragraph b.) of this section. Such fee shall be made payable to "Steuben County" and deposited by the Commissioner of Finance upon receipt thereof into the General Fund of Steuben County. The Clerk of the Legislature shall provide notice to the County Manager upon such modifying, changing or otherwise adjusting the approved fee.

b.) The County Manager shall periodically review the comprehensive costs of the Program to ensure that the fee imposed under this Section reasonably reflects the costs associated with conducting the Program. The results of the periodic review shall be submitted to the Public Safety and Corrections Committee together with any recommendations thereon from the County Manager.

SECTION 5. SEVERABILITY

In the event any portion hereof shall be declared unenforceable, the balance of the local law remaining shall be in full force and effect.

SECTION 6. EFFECTIVE DATE

This local law shall become effective upon final adoption.

(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. Two of 2015 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Steuben was duly passed by the Legislature on March 23 2015, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(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 on _____ 20____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

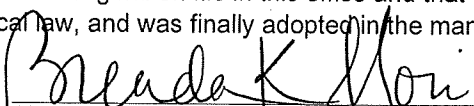
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* 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 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 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.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: April 3, 2015

(Seal)