

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 2019

A local law REPEALING LOCAL LAW NO. ONE OF 1967 AND LOCAL LAW NO. SIX OF 1999, AS
(Insert Title)
AMENDED BY LOCAL LAW NO. NINE OF 2007, PROVIDING FOR THE CONTINUITY
OF STEUBEN COUNTY GOVERNMENT IN THE EVENT OF DISASTER OR
EMERGENCY.

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

County City Town Village

(Select one:)

of STEUBEN

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 Executive Law, in section 27 thereof, authorizes political subdivisions to provide for the continuity of the county and its Chief Executive in the event of absence, disability or vacancy in office in the event of a natural or man-made disaster causing an emergency. Based on the authority contained in such laws this local law is adopted so that on such occasions the government of the County of Steuben, 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 explosives, bombs, shell fire, or nuclear, radiological, chemical, bacteriological or biological means or other weapons or processes.

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

- b. "Public disaster." A disaster, catastrophe or emergency, actual or imminent, whether natural or man-made, of such unusual proportions or extent that (1) a substantial number of the residents of the County either sustain injury, become ill, are infected with disease, have their lives imperiled, are killed or die as a 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 Steuben 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, tidal waves, 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 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. ORDER OF SUCCESSION. In the event of the absence, disability, or vacancy in the office of the County Manager, the order of succession as Chief Executive Officer of the County of Steuben for purposes of public disaster or attack causing emergencies is as follows:

- a. The County Manager.
- b. The Deputy County Manager.
- c. The Chairman, or the immediate former Chairman of the Legislature following midnight of December 31 in an election year until such time as a Chairman is elected, if said former Chairman is elected to office as a County Legislator.
- d. The Vice Chairman in the event of an absence or disability of the Chairman, or the immediate former Vice Chairman who is elected to office, if no former Chairman is in office.
- e. The Director of Emergency Management.
- f. The Deputy Director of Emergency Management.

SECTION 4. 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 office, each elective officer shall, in addition to any duly authorized deputy, designate such number of emergency interim successors to the powers and duties of the 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 or body of officers empowered by law to appoint officers 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 deputy so that there will be not less than three 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 is elected or appointed to such body of officers and first enters upon the duties of the 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 of 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.
- 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.
- e. 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/she shall, however, be entitled to reimbursement for actual expenses necessarily incurred in the performance of his/her powers and duties.

SECTION 5. ASSUMPTION OF POWERS AND DUTIES OF OFFICE BY EMERGENCY INTERIM SUCCESSOR. If, in the event of an attack or public disaster, an officer described in subdivision a or subdivision b of section four of this local law or the 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, 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 qualifies as provided by law.

SECTION 6. SURVIVAL OF SUBORDINATE OFFICER'S SERVICE. The removal of a disability, absence or vacancy of an officer higher on the list or order of succession as provided to an office shall not terminate the service in such office of an individual lower on such list or order of succession who is temporarily filling such office.

SECTION 7. RECORDING AND PUBLICATION OF DESIGNATIONS.

- a. The name, address, phone number and rank in order of succession of each duly authorized deputy and emergency interim successor shall be provided to the Clerk of the Legislature and the Director of Emergency Management for use upon declaration of an emergency.
- b. The name 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/her name as an emergency interim successor and his/her 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 has changed.

SECTION 8. QUALIFICATION 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 9. QUORUM AND VOTE REQUIREMENTS. In the event of an attack or public disaster, the Chairman of the Legislature, or the duly authorized Vice Chairman or emergency interim successor performing the powers and duties of the Chairman, may suspend quorum requirements for the Steuben County 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 10. 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 11. EFFECTIVE DATE. This local law shall be effective immediately.

(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 2019 of the (County)(City)(Town)(Village) of STEUBEN was duly passed by the LEGISLATURE on March 25 2019, in accordance with the applicable provisions of law.

~~**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) (repassed after disapproval) by the _____ and was deemed duly adopted 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) (repassed after disapproval) by the _____ on _____ 20____.

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) (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.

Brenda K. Mori

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

Date: March 29, 2019

(Seal)