

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. FOUR of the year 2017

A local law Providing for the Defense and Indemnification of the Sheriff of the County of Steuben.
(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 within resolution (a) to confer the benefits of Municipal Home Rule Law §10 which authorizes the County to govern its own affairs, to the extent authorized and under the terms and conditions set forth therein, upon the Sheriff of the County of Steuben, as defined in Public Officers Law Section 18(1)(b); and (b) to hold the County of Steuben liable for the costs incurred under the provisions of Municipal Home Rule Law §10.

SECTION 2. DUTY TO DEFEND

(a) Upon compliance by the Sheriff with the provisions of subdivision four of this section, the County of Steuben shall provide for the defense of the Sheriff in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the Sheriff was acting within the scope of his public employment or duties. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or at the behest of the County of Steuben employing such Sheriff.

(b) In the event of a conflict of interest, the County Attorney shall act subject to the terms and conditions set forth in County Law §501 and any other applicable terms and conditions under Public Officers Law §18.

SECTION 3. DUTY TO INDEMNIFY

In accordance with the terms and conditions as set forth in Public Officers Law §18 (4) the County of Steuben shall indemnify and save harmless its Sheriff in the amount of any judgment obtained against such Sheriff in a state or federal court, or in the amount of any settlement of a claim.

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

SECTION 4. RESPONSIBILITIES OF SHERIFF

The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon (i) delivery by the Sheriff to the County of Steuben or to the County Manager of a written request to provide for his defense together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten days after he is served with such document, and (ii) the full cooperation of the Sheriff in the defense of such action or and in defense of any action or proceeding against the County of Steuben based upon the same act or omission, and in the prosecution of any appeal.

SECTION 5. MISCELLANEOUS BENEFITS, OBLIGATIONS & RIGHTS –

The benefits of this section shall inure only to the Sheriff as defined and shall not enlarge or diminish the rights of any other party nor shall any provision of this section be construed to affect, alter or repeal any provision of the workers' compensation law; nor shall the within resolution be construed to be contrary to the provisions contained in Public Officers Law Section 18(7) through (13).

SECTION 6. EFFECTIVE DATE

This local law shall be effective immediately upon filing thereof 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. FOUR of 2017 of the (County)(City)(Town)(Village) of STEUBEN was duly passed by the LEGISLATURE on APRIL 24 2017, 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.)~~

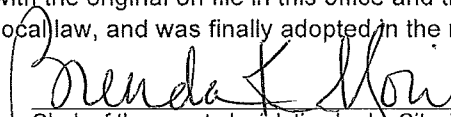
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.


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

Date: 4/27/17

(Seal)