

Offered by Rules & Legislation Committee

TITLE: ADOPTION OF LOCAL LAW INTRO. NO. 2-82, PRINT NO. 1, IN RELATION TO THE FILLING OF VACANCIES IN ELECTIVE COUNTY OFFICES IN THE COUNTY OF ALLEGANY

RESOLVED:

- 1. That proposed Local Law, Intro. No. 2-82, Print No. 1, is hereby adopted without any change in language, to wit:

A LOCAL LAW IN RELATION TO THE FILLING OF VACANCIES IN ELECTIVE COUNTY OFFICES IN THE COUNTY OF ALLEGANY

BE IT ENACTED by the Board of Legislators of the County of Allegany as follows:

Section 1. Legislative Intent. The intent of this local law is to provide for the filling of vacancies in elective county offices except the office of county legislator, in the county of Allegany and to authorize the board of legislators of the county of Allegany to establish the compensation for any person appointed to fill such vacancy. It is not the intent of this local law to supersede any of the provisions of local law number one of nineteen hundred sixty-nine providing for a permanent plan of apportionment for the Allegany county board of legislators on a district basis.

Section 2. Filling of Vacancies. If a vacancy occurs in an elective county office, otherwise than by expiration of the term therefor, the board of legislators may fill such office by appointing to such office any person qualified under law to hold such office.

Section 3. Duration of Appointment. A person appointed by the board of legislators pursuant to this local law, shall enter upon and faithfully discharge the duties of the office to which he shall have been appointed, until such time as the office is filled as a result of a general or special election as provided by law.

Section 4. Elections. A vacancy in an elective county office shall be filled at the general election held next thereafter, except for a vacancy which occurs between September twentieth of any year and the general election in that year, unless previously filled at a special election as provided herein. A vacancy occurring between September twentieth of any year and the general

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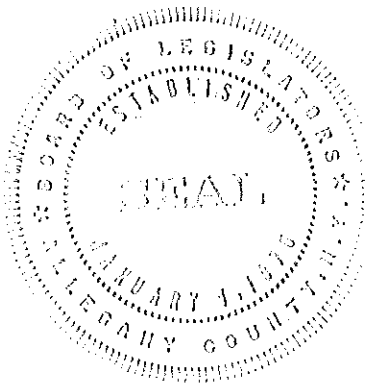
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election in that year shall be filled at the general election held in the next succeeding year, unless previously filled at a special election as provided herein. The board of legislators may, in its discretion, proclaim a special election to fill any vacancy in an elective county office.

Section 5. Compensation. A person appointed by the board of legislators pursuant to this local law, shall receive the compensation which the board of legislators may establish for the term of the vacancy in the office so filled. In the event the board of legislators fails to establish the compensation, the appointee shall receive the same compensation which was fixed for the office for the most recent elective term or by the most recent local law which established the compensation for the office, whichever was later.

Section 6. Severability. If any part 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 part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7. Effective Date. This local law shall take effect immediately.



Local Law No. 4 of 1982
Adopted by Resolution No. 204-82
October 4, 1982

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said Board on the 11th day of January 1982.

Brenda Rigby Riehle
Clerk, Board of Legislators, Allegany County

Dated at Belmont, New York, this 19th day of August 2019.

Moved by: Mrs. Barnes Seconded by: Mrs. Cross VOTE: Ayes 14 Noes 0 Absent: 1 Voice:

Absent: Shaner