

LOCAL LAW NO. 15-1979
CHAUTAUQUA COUNTY

A Local Law to Provide for Local Disaster Preparedness and Continuity of Local Government in
the Event of Natural or Man-Made Disaster

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

SECTION I *INTENT*

Article 2-B of the Executive Law authorizes counties outside of the City of New York to prepare disaster preparedness plans and to provide for the continuity of local government in the event of a disaster and the emergency conditions created thereby. Said Article further grants to the chief executive officer of a county a broad range of emergency powers and duties to declare local states of emergency and to promulgate local emergency orders to protect life and property or to bring emergency situations under control.

It is the intent of this Local Law to authorize the preparation of local disaster preparedness plans through the creation of a local disaster preparedness commission under the executive branch of county government to assist and advise the County Executive in meeting disaster or emergency conditions, and to provide for the continuation of county government in the event of natural or man-made disasters.

SECTION II *DEFINITIONS*

As used in this Local Law, the following terms shall have the following meanings:

- A. "Disaster" – as defined in Section 20 (2) (a) of the Executive Law.
- B. "Commission" – means the Chautauqua County Disaster Preparedness Commission, unless otherwise indicated.
- C. "Duly authorized deputy" means a person authorized under the Chautauqua County Charter or Administrative Code or other statute or local enactment to perform all the powers and duties of a public office in the event such office is vacant or lacks administration because of the death, absence or disability of the incumbent officer.
- D. "Emergency interim successor" means a person designated pursuant to this Local Law for potential temporary succession to the powers and duties, but not the office itself, of a county officer in the event that neither such officer nor his or her duly authorized deputy is able, because of death, absence, or disability, to perform the powers and duties of the office.

SECTION III *CHAUTAUQUA COUNTY DISASTER PREPAREDNESS COMMISSION*

There is hereby created under the office of the County Executive the Chautauqua County Disaster Preparedness Commission consisting of the County Executive, the Sheriff, the County Fire Coordinator, the Director of the Division of Environmental Health Services, the Director of

Public Works, the director of Civil Defense, the Director of Planning and Development and at least eighteen (18) but not more than twenty-five (25) other qualified electors of the County of Chautauqua who shall be appointed by the County Executive, subject to the confirmation of the County Legislature.

The County Executive shall designate the chairperson and prescribe the internal organization of the commission and may, to the extent permitted by law, delegate his emergency powers and duties to the chairperson of the commission. The members of the commission, except for those who serve ex-official, shall be allowed, within budgetary appropriations provided therefore, their actual and necessary expenses incurred in the performance of their duties pursuant to this Local Law but shall receive no compensation for services rendered as members of the commission.

SECTION IV *COUNTY DISASTER PREPAREDNESS PLANS*

The commission shall, in accordance with the requirements set forth in Section 23 of the Executive Law, prepare and submit a county disaster preparedness plan to the County Executive for approval no later than one (1) year from the effective date of this Local Law. The County Executive shall approve or disapprove such plan within ninety (90) days of the date of its submission to the County Executive.

The commission shall review the plan on at least an annual basis and submit its recommendations concerning changes, if any, to the County Executive within sixty (60) days of the date on which the commission first meets for each annual review. The County Executive shall act upon such recommendations with forty-five (45) days of the date of submission.

SECTION V *CONTINUITY OF COUNTY GOVERNMENT*

A. Designation, States, Qualifications and Terms of Designation of Emergency Interim Successors.

1. Elective Officers. Within thirty (30) days following the effective date of this Local Law, and thereafter within thirty (30) days after first entering upon the duties of his or her office, each elective officer shall, in addition to any duly authorized deputy serving under such officer, designate such number of emergency interim successors to the power and duties of his or her office and specify their rank in order of succession after any duly authorized deputy so that there will not be less than one (1) or more duly authorized deputies or emergency interim successors, or combination thereof, to perform the powers and duties of such office.

2. Appointive Officers. Each officers or body of officers empowered by statute or local enactment to appoint officers shall, within the time prescribed by subdivision 1 of this subsection, in addition to any duly authorized deputy, designate for each such appointive officers such number of emergency interim successors to the powers and duties of such officers and specify their rank in order to succession after any duly authorized deputy so that there will not be less than one (1) or more duly authorized deputies or emergency interim successors, or combination thereof, to perform the powers and duties of such office.

3. Review of Designations. Each incumbent officer specified in subdivision 1 and 2 of this subsection shall periodically review and, as may be necessary, revise the designation of emergency interim successors to provide and insure that at all times there is at least one (1) or more duly authorized deputies or emergency interim successors, or combination thereof, to assume the powers and duties of each elective or appointive office.

4. Qualifications and Tenure. No person shall be designated or shall serve as an emergency interim successor unless such person is legally qualified to hold the office of the elective or appointive officer to whose powers and duties such person may succeed. A person designated as an emergency interim successor shall hold such designation at the pleasure of the officer or body of officers appointing such person, and such designation shall remain effective until such officer or body of officers designate a replacement.

5. Compensation. As emergency interim successor shall receive no additional compensation for performing the powers and duties to which such person succeeds but shall be entitled to actual expenses necessarily incurred in the performance of such powers and duties.

B. Assumption of Powers and Duties of Offices by Emergency Interim Successor.

If, in the event of a natural or man-made disaster, an elective or appointive officer described in subsection B of this section or such officer's duly authorized deputy, if any, is unable, because of death, absence or disability, to perform the powers and duties of his or her office, the highest ranking emergency interim successor of such officer who is able to perform the powers and duties of such office shall perform such powers and duties, except for the power and duty to discharge or replace duly authorized deputies or emergency interim successors. An emergency interim successor shall perform such powers and duties only until such time as they elective or appointive officer of her or her duly authorized deputy, if any, or an emergency interim successor higher in rank in the order of succession resumes the office or undertakes the performance of the powers and duties of the office or until, where an actual emergency exists, a successor is duly elected or appointed to fill such vacancy and qualifies as provided by statute or local enactment.

C. Recording and Publication of Designations.

The name, public office address and rank in order of succession of each duly authorized deputy and emergency interim successor shall be filed in the office of the County Clerk, and each designation, replacement or change in order of succession of any emergency interim successor shall become effective when the officer making such designation, replacement or change files in the office of the County Clerk the successor's name, public office address and rank in order of succession. The County Clerk shall keep a current file of all such data regarding duly authorized deputies and emergency interim successors, and such file shall be available for public inspection. The County Clerk shall notify in writing each designated person of the filing of such person's name as an emergency interim successor and his or her rank in order of succession and shall also notify in writing any person serving as an emergency interim successor who is replaced or whose place in order of succession is changed.

D. Qualifications for Taking Office.

At the time of his or her designation, or as soon thereafter as possible, each emergency interim successor shall take such oath and perform such acts and undertaking as may be required to qualify such person to perform the powers and duties of the office to which such person succeeds.

SECTION VI *SUSPENSION OF QUORUM AND VOTING REQUIREMENTS*

Notwithstanding any statute, local enactment or rule or regulation of procedure to the contrary, in the event of a disaster or local state of emergency the Chairman of the Chautauqua County Legislature or his or her duly authorized deputy or emergency interim successor performing said Chairman's powers and duties, may suspend, during the period of such disaster or local state of emergency, quorum requirements for the Legislature. If quorum requirements are suspended, any resolution or local law may be passed by the affirmative vote of the majority of those members of the Legislature actually present and voting.

SECTION VII *SEPARABILITY CLAUSE*

If any provision of this Local Law shall be adjudged, in whole or in part, by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remaining provisions of this Local Law but shall be confined in its operation to the provision, or part thereof, directly involved in the controversy in which such judgement shall have been rendered.

SECTION VIII *REPEAL OF PRIOR LOCAL ENACTMENTS*

Any prior local law or enactment whose provisions are inconsistent, in whole or in part, with the provisions of this Local Law is hereby repealed and rescinded to the extent of such inconsistency.

SECTION IX *EFFECTIVE DATE*

This Local Law shall become effective upon the date of the completion of the filing of one (1) certified copy in the office of the County Clerk, one (1) certified copy in the office of the state Comptroller and three (3) certified copies in the office of the Secretary of State.

Adopted by Legislature: 12/6/1979 R/C Vote: 22 Yes; 2 Absent
Adopted as Local Law: 15-79