LOCAL LAW NO. 1 OF 1963  
COUNTY OF OTSEGO, NEW YORK  

A LOCAL LAW TO PROVIDE FOR THE CONTINUITY OF  
GOVERNMENT OF THE COUNTY OF OTSEGO, NEW YORK,  
IN THE EVENT OF AN ATTACK OR PUBLIC DISASTER  

BE IT ENACTED by the Board of Supervisors of the County of Otsego, New York,  
as follows:  

Section 1. Intent. Based upon the authority contained in Section 29-a of the New  
York State Defense Emergency Act and Section 60 of the General Municipal Law, this local  
law is adopted to permit and provide for the proper and efficient functioning of the County  
Government under emergency circumstances in the event of an actual or imminent attack  
by an enemy or foreign nation, public disasters, catastrophes or emergencies.  

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 bombs, shell fire, or nuclear, radiological, chemical, bacteriological, or biological  
means or other weapons or processes.  

b. "Public Disaster." A disaster, catastrophe or emergency, actual or imminent, of  
such unusual proportions or extent that (1) a substantial number of the residents of the  
County of Otsego either sustain injury, become ill, are infected with disease, have their  
lives imperiled, are killed or die as the 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 Otsego 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, insurrection, storms, prolonged failure of  
electric power or essential transportation services, or any incident or occurrence which  
cause 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  
adadministration 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. 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 his 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 his office and specify their rank in order of succession after any duly authorized deputy so that there will be not less than two 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 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 elected or appointed to such body of officers first enters upon the duties of his 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 or 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 two 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 shall, however, be entitled to reimbursement for actual expenses necessarily incurred in the performance of his powers and duties.

Section 4. Assumption of powers and duties of officer by emergency interim successor. If, in the event of an attack or a public disaster, an officer described in subdivision a. or subdivision b. of Section 3 of this local law or his 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 5. Recording and publication of designations. The name, address 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 on 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 persons of the filing of his name as an emergency interim successor and his 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 is changed.

Section 6. 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 7. Quorum and vote requirements. In the event of an attack or public disaster the Chairman of the Board of Supervisors, or his duly authorized deputy or emergency interim successor performing his powers and duties, may suspend quorum requirements for the Board of Supervisors. 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 8. 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 effect, 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 9. Effective date. This local law shall take effect upon its adoption and the filing of one certified copy thereof with the County Clerk, one certified copy in the office of the State Comptroller and three certified copies in the office of the Secretary of State.

Adopted: 4/3/63 by motion; Effective: 4/3/63
Mr. House seconded the resolution.
The resolution was duly adopted.

Mr. Trask moved that a vote be taken on the adoption of Local Law No. 1 of the year 1963 of the County of Otsego, New York, introduced March 6, 1963, and part of the record of that day's proceedings.
Mr. Strong seconded the motion of Mr. Trask.
Motion carried.
The roll was called on the adoption of Local Law No. 1 of 1963 and resulted as follows:
Total: 25; Ayes: 25; Noes: None; Absent: Messrs. Dunn and Rathbun.
The Chairman declared Local Law No. 1 of 1963 unanimously adopted.

Mr. Ranieri spoke briefly on the subject of Mental Health.
Mr. Musson replied that he had had some correspondence with some of the persons interested in Mental Health.
Mr. House reported that the Special Committee on Mental Health were working on a report and it was expected that such report would be made in the near future.

All the general business of the Board having been transacted, the Chairman declared the Board adjourned until Wednesday, May 1, 1963, at ten o'clock in the forenoon.

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