

County of Tioga

Local Law No. 3 of the Year 2003.

A LOCAL LAW ENTITLED: "A LOCAL LAW PROVIDING FOR ANNUAL SALARY INCREASES OF CERTAIN APPOINTED OFFICIALS AND FIXING A SALARY FOR THE TERM OF OFFICE OF THE ELECTED OFFICES OF COUNTY CLERK, COUNTY TREASURER AND COUNTY SHERIFF" AMENDING LOCAL LAW NO. 4 OF THE YEAR 1991 ENTITLED: "A LOCAL LAW PROVIDING FOR YEARLY SALARY INCREASES OF CERTAIN ELECTED/APPOINTED OFFICIALS."

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: PURPOSE

It is the intent of the Legislature that those officials appointed to a fixed term of office should not be prohibited from having their salary adjusted on an annual basis. It is further the intent of this Legislature that the annual salary for the elected public offices of County Clerk, County Treasurer and County Sheriff shall not be increased during a term of office.

SECTION 2: ANNUAL SALARY

- A) Notwithstanding Section 201 of the County Law, the salary of an officer appointed for a fixed term may be increased on an annual basis during his or her term of office.**
- B) For all officers appointed for a fixed term, any such increase in salary shall not be automatic, but shall be determined on a case-by-case basis by the Legislature based on an annual performance review.**
- C) For the elected offices of County Clerk, County Treasurer and County Sheriff, a base line annual salary for each such position shall be fixed by the Tioga County Legislature by June 1st of the year in which a general election for each office is scheduled to be held.**
- D) The base-line annual salary for the following public offices for the term of office beginning January 1, 2004 and continuing through and including, December 31, 2007, is hereby established as follows:**

1. County Clerk: \$45,000.00
2. County Sheriff: \$58,000.00

E) The base-line annual salary for the public office of County Treasurer for the term of office beginning January 1, 2006 and continuing through and including December 31, 2009 shall be established by the Tioga County Legislature no later than June 1, 2005.

F) The provisions of Local Law No. 4 of the year 1991 shall continue through December 31, 2004 ONLY as they apply to the office of Tioga County Treasurer during the present incumbent's current term of office scheduled to expire on December 31, 2005. In no event, however, shall any appointed officer of the County be responsible for evaluating the performance of the County Treasurer. In all other respects this Local Law supercedes and replaces Local Law No. 4 of the year 1991.

SECTION 3: SEVERABILITY

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any Court or Agency 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 clause, sentence, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect on January 1, 2004.

(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. 3 of 2003 of the (County) of Tioga was duly passed by the Tioga County Legislature on June 19, 2003 , 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 disapproved)(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 disapproved)(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 disapproved)(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.

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 , become operative.

*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.

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 of 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

(Seal)

Date: June 19, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

State of New York

County of Tioga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
David M. Dutko
Title County Attorney
County of Tioga
City
Town
Village

Date: June 19, 2003