

**County of Tioga**

**Local Law No. 2 of the Year 2009.**

**A LOCAL LAW AUTHORIZING THE COUNTY OF TIOGA AND THE DISTRICT ATTORNEY TO APPOINT NON-TIOGA RESIDENTS TO THE POSITIONS OF ASSISTANT DISTRICT ATTORNEY**

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

**SECTION 1. PURPOSE.**

The District Attorney and the Assistant District Attorney[s] are public officers under the Public Officers Law, Section 3, which section requires that such public officers be residents of the County of Tioga in order to hold such office. The purpose of this local law is to authorize non-residents of the County of Tioga to be Assistant County Attorneys due to the limited number of qualified attorneys residing within the County.

**SECTION 2. AUTHORITY.**

Under the Municipal Home Rule Law, Section 10, the County of Tioga has the authority to authorize a non-resident to hold the position of Assistant District Attorney.

**SECTION 3. DEFINITIONS:**

**District Attorney – The person holding such office as appointed under Section 700 of the County Law.**

**Assistant District Attorney – The person or persons appointed by the District Attorney under Section 702 of the County Law.**

**SECTION 4. AUTHORIZATION.**

The District Attorney is hereby authorized to appoint non-residents of the County of Tioga to the position of Assistant District Attorney.

**SECTION 5: EFFECTIVE DATE.**

This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

(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. 2 of 2009 of the (County) of Tioga was duly passed by the Tioga County Legislature on March 10, 2009 , 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.

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\*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: March 10, 2009

(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  
Mark A. Dixon  
Title County Attorney  
County of Tioga  
City  
Town  
Village

Date: March 10, 2009