

Local Law Filing

(Use this form to file a Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

COUNTY OF LEWIS

Local Law No. 4 of the Year 2011

A LOCAL LAW ASSIGNING TO THE LEWIS COUNTY SHERIFF THE DUTIES AND RESPONSIBILITIES FOR OVERSEEING THE E – 911 SYSTEM

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

SECTION 1. TITLE

This local law shall be entitled “A LOCAL LAW ASSIGNING TO THE LEWIS COUNTY SHERIFF THE DUTIES AND RESPONSIBILITIES FOR OVERSEEING THE E – 911 SYSTEM”.

SECTION 2. PURPOSE

The purpose of this Local Law is to assign certain responsibilities and duties pertaining to the management and supervision of the 911 emergency communications system and personnel to the Lewis County Sheriff.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the authority granted by County Law § 650(1) which provides in pertinent part:

“The sheriff shall perform the duties prescribed by law as an officer of the court and conservator of the peace within the county. *He shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors or the county legislature.*” (Emphasis added).

Additionally, Municipal Home Rule Law (“MHL”) § 10 provides that a county may adopt local laws that affect the following areas, provided the local law does not conflict with the constitution or other general law:

“(1) The powers, *duties*, qualifications, number, mode of selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers and employees. . .” (Emphasis added). MHL § 10(1)(ii)(a)(1).

SECTION 4. LEGISLATIVE FINDINGS

The Legislature makes the following legislative findings in support of this Local Law:

1. That pursuant to County Law Articles 6 and 6-A, the County of Lewis adopted Local Laws No. 3 – 1999 and No. 5 – 1999, and established an Enhanced 911 Emergency Telephone System whereby all telephone service providers doing business in Lewis County, whether by line or by wireless, were directed to route all telephone calls dialing “9-1-1” to a single local Public Service Answering Point (“PSAP”).
2. That when the PSAP was created, it was physically located in the Lewis County Communications Center in the Lewis County Public Safety Building.
3. That pursuant to the mandates of County Law § 308, the PSAP is operational on a 24 hour per day basis, and is manned by dispatchers/corrections officers employed by the Lewis County Sheriff’s Department.
4. That neither Local Law No. 3 – 1999 nor Local Law No. 5 – 1999 specifically provided for the management or supervision of the E-911 System.
5. That the Board of Legislators continues to recognize the paramount importance of the health, safety and welfare of the citizens of the County and further recognizes that when the lives or property of its citizens are in imminent danger that timely and appropriate assistance must be rendered. Furthermore, the Board of Legislators ratifies and affirms the findings it made with the 1999 legislation that the PSAP has the most accurate, current and extensive knowledge of Lewis County’s geography, roadways, landmarks, emergency service resources, and similar information of critical importance to the expeditious and efficient delivery of emergency services throughout the County.
6. That in keeping with its intent to provide cost-effective and efficient delivery of emergency telephone service in Lewis County, the Board of Legislators believes that the management and supervision of the E-911 should be performed under the auspices of the Lewis County Sheriff’s Department.
7. That the maintenance of the telephone system, equipment, and related computer hardware and software should continue to be performed by the Information Technology Department, but subject to the oversight of the Sheriff’s Department.
8. That the Board of Legislators previously adopted Local Law No. 5 – 2008, which assigned to the Lewis County Sheriff the duties of overseeing the E-911 System

which local law expired by its own terms on December 31, 2009. Notwithstanding such expiration, the Lewis County Sheriff has continuously exercised the responsibilities set forth therein to date without interruption.

9. The Board of Legislators now wishes to formally assign the duties of overseeing the E-911 System to the Lewis County Sheriff indefinitely.

SECTION 5. ASSIGNMENT OF DUTIES

In addition to any other duty or responsibility delegated to the Lewis County Sheriff by the NYS Constitution, any general or special law, rule or regulation, the following duties are hereby assigned to and shall hereafter be deemed the responsibility of the Lewis County Sheriff:

1. Oversees the operation of E-911 within Lewis County and administers agreements with participating agencies;
2. Coordinates the recommendations made by County agencies, staff and outside consultants in support of the planning and operation of the E-911 center;
3. Develops protocols and operating procedures for receiving and forwarding calls for emergency services to the appropriate agencies;
4. Supervises the implementation of operating procedures for the system;
5. Prepares verbal and written reports as requested by the County Manager and Legislature concerning the program;
6. Coordinates with all first responders within the County to assure that the protocols are consistently followed;
7. Assists in the preparation of the annual operating and capital budget requests for the E-911 Center;
8. Coordinates the implementation of training of dispatchers and emergency personnel in E-911 procedures;
9. Attends meetings with user agencies and represents the interests of the County regarding the operation of the E-911 Center;
10. Coordinates and implements necessary procedures to comply with the directives of the NY State E-911 Commission;
11. Assists in resolution of problems that develop between the public users and E-911 Center operations;
12. Assists in the preparation of information about the program for public dissemination;

13. Promotes and coordinates cooperation among user agencies;
14. Supervises the maintenance of the Center's Databases, including insertions, deletions, corrections and modifications;
15. Prepares service contracts for Legislative review and monitors them for compliance and performance;
16. Interfaces with municipal governing boards, the US Postal System and other agencies, as required, to maintain established residence and business address system;
17. Develops system failure and back-up plans to contemplate and mitigate the effects of total or partial system failure;
18. Coordinates the development of long range plans for improvement of the system; and
19. Such other and further duties and activities necessary to accomplish the foregoing.

SECTION 6. NO CHANGE IN DISPATCHER/CORRECTION OFFICER DUTIES

Nothing herein shall be construed to amend, modify or change the job description or duties of the dispatcher/corrections officers as presently adopted, nor shall anything herein be construed to amend, modify or change their existing chain of command structure.

SECTION 7. COMPENSATION

The Lewis County Sheriff shall receive a single salary (plus applicable benefits) to be established from time to time by the Board of Legislators as total compensation for performing all the duties of the office, including the duties set forth herein. Nothing herein shall be construed as entitling the Sheriff to any payment, stipend, or other compensation for performing the duties herein described except as may be included in such salary; such salary to be established by the Board of Legislators as otherwise provided by law.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

(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. 4 of 2011, of the County of Lewis was duly passed by the Lewis County Board of Legislators on April 26, 2011, 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 a 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 of Lewis was duly passed by the Lewis County Board of Legislators 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__, became 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 chairman 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 the 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.



TERESA K. CLARK, CLERK
LEWIS COUNTY BOARD OF LEGISLATORS

(Seal)

Dated: May 16, 2011.

(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 LEWIS) ss:

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.



RICHARD J. GRAHAM, ESQ.
LEWIS COUNTY ATTORNEY

Dated: May 16, 2011.