

## INTRODUCTORY LOCAL LAW NO. 7 - 1993

## LOCAL LAW NO. 1 - 1994

A LOCAL LAW INCREASING THE SALARIES OF SOME ELECTED COUNTY OFFICERS AND COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE

BE IT ENACTED by the Herkimer County Legislature of the County of Herkimer as follows:

Section 1. The base annual salary of the County Administrator shall be the sum of forty three thousand, six hundred sixty-six dollars (\$43,666.00)

Section 2. The base annual salary of the Real Property Tax Director shall be the sum of thirty-one thousand, six hundred sixty-two dollars (\$31,662.00).

Section 3. The base annual salary of the Commissioner of Social Services shall be the sum of forty eight thousand, six hundred ninety-four dollars (\$48,694.00).

Section 4. The base annual salary of the County Highway Superintendent shall be the sum of fifty-one thousand, thirty dollars (\$51,030.00).

Section 5. The base annual salary of the County Sheriff shall be the sum of thirty nine thousand, three hundred five dollars (\$39,305.00).

Section 6. The base annual salary of the Director of Data Processing shall be the sum of thirty six thousand, eight hundred eighty-nine dollars (\$36,889.00).

Section 7. The base annual salary of the Board of Elections Commissioners shall be the sum of seventeen thousand, two hundred fifteen dollars (\$17,215.00).

Section 8. The Salary Schedule for 1994 shall include annual increments and longevity as they apply to each officer and employee listed in the foregoing sections.

Section 9. This Local Law shall take effect forty-five (45) days after its adoption.

Dated: November 22, 1993

Effective: January 6, 1994.

INTRODUCTORY LOCAL LAW NO. 1 - 1994

LOCAL LAW NO. 2 - 1994

A LOCAL LAW FURTHER AMENDING LOCAL LAW NO. 4 FOR THE YEAR 1956, INCREASING THE AMOUNT OF RESERVE UNDER THE HERKIMER COUNTY SELF-INSURANCE PLAN

Be it enacted by the County Legislature of the County of Herkimer as follows:

Section 1. Local Law No. 4 for the year 1956, entitled, "A Local Law Enumerating Rules and Regulations for the Administration of the Herkimer County Self-Insurance Plan", last amended by Local Law No. 3 for 1981, is further amended to read as follows:

E. RESERVE.

1). A reserve of \$300,000 is hereby established for the plan. Such amount shall be accumulated by including in each annual estimate a sum not to exceed \$30,000. When the amount of the reserve is the maximum amount, any amount expended therefrom shall be restored by including in subsequent annual estimates a sum not to exceed \$30,000.

2). When, in the opinion of the Administrator of said plan, a larger amount is necessary in any one year to maintain the reserve, the Administrator may apply to the Herkimer County Legislature for payment in any one year greater than \$30,000, but in no even greater than \$50,000.

Section 2. This Local Law shall take effect forty-five days after its adoption.

Adopted: August 29, 1994.

Effective: October 14, 1994.

## INTRODUCTORY LOCAL LAW NO. 1 - 1994

## LOCAL LAW NO. 3- 1994

A LOCAL LAW IMPOSING A SURCHARGE ON TELEPHONE ACCESS LINES TO RAISE REVENUES FOR SYSTEM COSTS ASSOCIATED WITH THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF AN ENHANCED 911 EMERGENCY TELEPHONE SYSTEM IN HERKIMER COUNTY

BE IT ENACTED by the County Legislature of the County of Herkimer as follows:

Section I. Declaration of Legislative Intent

The County Legislature of the County of Herkimer hereby determines that it is in the best interest of the citizens of the County of Herkimer to implement an Enhanced 911 Emergency Telephone System serving the County of Herkimer.

Section II. Establishment of E911 System

The County of Herkimer hereby establishes an Enhanced 911 Emergency Telephone System serving the County of Herkimer, and declares its intention that E911 service shall begin operations within the County of Herkimer within three years from the date of commencement of collection of the surcharge as provided herein.

Section III. Definitions

1. "E911 System" means an Enhanced Emergency Telephone Service which automatically connects a person dialing the digits 9-1-1 to an established public service answering point and which shall include, but not be limited to, selective routing, automatic number identification and automatic location identification.
2. "911 Service Area" means the area within the geographic boundaries of the County of Herkimer.
3. "Service Supplier" means a telephone corporation which provides local exchange access service within the County of Herkimer.
4. "Public Service Answering Point" means a communications facility which first receives 911 calls from persons within a 911 service area and which may, as appropriate, directly dispatch the services of a public safety agency or extend, transfer, relay or otherwise route 911 calls to the appropriate public safety agency.

"System Costs" means the costs associated with obtaining and maintaining the telecommunication equipment and telephone services costs necessary to establish and provide an E911 system; and also as may be defined and allowed in any amendment enacted by the State of New York to the definition of "System Costs" in Section 301(8) of Article 6 of the County Law of the State of New York.

Section IV. Establishment of a Surcharge for System Costs

For the purpose of paying for the costs associated with obtaining and maintaining the telecommunication equipment and telephone services needed to provide an Enhanced 911 Emergency Telephone System to serve the County of Herkimer, the County of Herkimer hereby imposes a surcharge in the amount of thirty-five cents (\$.35) per access line per month on the customers of every service supplier. This surcharge shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the County of Herkimer, with the following exceptions:

1. The surcharge shall not be imposed upon more than seventy-five (75) exchange access lines per customer per location;
2. The surcharge shall not be imposed upon lifeline customers;
3. The surcharge shall not be imposed upon access lines of the County of Herkimer.

Section V. Collection of Surcharge

1. All service suppliers are hereby authorized and directed to begin billing their customers for the surcharge established herein prior to the date the E911 system service is to begin; all service suppliers shall begin to add the said surcharge to the billings of its customers issued or dated on or after January 1, 1995.
2. The appropriate service supplier or suppliers serving the service area shall act as collection agent for the County of Herkimer and shall remit all funds collected as the surcharge to the Treasurer of the County. Such funds shall be remitted no later than thirty days after the last business day of the month during which said funds were collected.
3. The service supplier shall be entitled to retain as an administrative fee an amount equal to two percent (2%) of its collections of the surcharge.
4. The surcharge required to be collected by the service supplier shall be added to and stated separately in its billings to the customer.
5. The service supplier shall annually provide to the County of Herkimer an accounting of the surcharge amounts billed and collected. Such annual accounting shall be furnished to the Treasurer and to the Legislature of the County of Herkimer no later than sixty (60) days after the last business day of the calendar year for which the accounting is rendered.

Section VI. Liability for Surcharge

1. Each service supplier customer who is subject to the provisions of this local law shall be liable to the County of Herkimer for the surcharge until it has been paid to the County of Herkimer, except that payment to a service supplier is sufficient to relieve the customer from further liability for such surcharge.

2. The service supplier shall have no obligation to take any legal action to enforce the collection of any surcharge. However, whenever the service supplier remits the funds collected as the surcharge to the County of Herkimer, it shall also provide the County with the name and address of any customer refusing or failing to pay the surcharge imposed by this local law and shall state the amount of such surcharge remaining unpaid.

#### Section VII. System Revenues

This local law shall not be interpreted as precluding other means of funding all or part of an E911 system. The County of Herkimer may apply for and accept Federal and State monies and grants and may accept contributions and donations from any source for the purpose of funding an E911 Emergency Telephone System. All surcharge monies remitted to the County of Herkimer by a service supplier and all other monies dedicated to the payment of system costs from whatever source derived or received by the County of Herkimer shall be expended only upon authorization of the County Legislature and only for payment of system costs as permitted by County Law Article 6 and this Local Law. The County of Herkimer shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the amount and object or purpose of all such expenditures thereof. If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary and expended for payment of system costs in such fiscal year, such unencumbered cash surplus shall be carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such unencumbered cash surplus exceeds an amount equal to five percent (5%) of that necessary for the payment of system costs in such fiscal year, the County Legislature shall by local law reduce the surcharge for the following fiscal year to a level which more adequately reflects the system cost requirements of its E911 system. The County Legislature may by local law re-establish or increase such surcharge, subject to the provisions of County Law Section 303 as said Section now provides, or as said Section may be amended in any statute enacted by the State of New York. In making any such change, either decrease or increase, to such surcharge as provided for in County Law Section 303 and this Local Law, the County Legislature shall have the right to dispense with a provision of law requiring a public notice or hearing as a condition precedent to official action.

#### Section VIII. Validity and Severability

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this law.

#### Section IX. Effective Date

This Local Law shall not become effective unless and until it is submitted for approval to the electors of the County of Herkimer at the next general election to be held on the 8th day of November, 1994, as a proposition, pursuant to the provisions of Section 25 of the Municipal

Home Rule Law and any other pertinent statute. The proposition shall be submitted under the title, "A LOCAL LAW IMPOSING A SURCHARGE ON TELEPHONE ACCESS LINES TO RAISE REVENUES FOR SYSTEM COSTS ASSOCIATED WITH THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF AN ENHANCED 911 EMERGENCY TELEPHONE SYSTEM IN HERKIMER COUNTY". The Clerk, with the advice of the County Attorney, shall prepare an abstract of such local law concisely stating the title, purpose and effect thereof, and transmit such proposition and such abstract to the Herkimer County Board of Elections. This local law shall be effective only if it is approved at such general election.

## INTRODUCTORY LOCAL LAW NO. 4 - 1994

## LOCAL LAW NO. 4 - 1994

A LOCAL LAW FURTHER AMENDING LOCAL LAW NO. 2 FOR THE YEAR 1984 BY ADDING A SUBSECTION TO CHANGE THE METHOD OF CHARGING CERTAIN INDUSTRIAL CONCERNS

Section 1. Local Law No. 2 for the year 1984 entitled, "A LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, INSTALLATION AND CONNECTION ON BUILDING LATERALS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE HERKIMER COUNTY SEWER DISTRICT, COUNTY OF HERKIMER, STATE OF NEW YORK; AND REPEALING LOCAL LAW NO. 5 FOR THE YEAR 1982", which was amended by Local Law No. 1 for 1986, is hereby further amended by adding thereto a new subsection to Section 1004A to read as follows:

(e) The provisions of this section (Section 1004A) shall not apply from and after the date any industrial user being charged under said section demonstrates to the Sewer District that its discharge is completely metered.

Section 2. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law or act, the provisions of this Local Law shall be controlling.

Section 3. This Local Law shall take effect after enactment by the Herkimer County Legislature in accordance with the provisions of the Municipal Home Rule of the State of New York.

Dated: December 5, 1994.  
Adopted: December 5, 1994.