

RESOLUTION NO. 23-____

RESOLUTION ADOPTING LOCAL LAW INTRODUCTORY NO. 3 FOR THE YEAR 2023 IN RELATION TO THE AMENDMENT OF LOCAL LAW NO. 4 OF THE YEAR 1973 ENTITLED "A LOCAL LAW TO PROVIDE FOR THE ESTABLISHMENT OF A COUNTY CHARTER FOR THE COUNTY OF CHEMUNG, STATE OF NEW YORK" RELATING TO THE PROVISIONS OF ARTICLE 4 OF THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK (FILED WITH THE DEPARTMENT OF STATE OF THE STATE OF NEW YORK AS LOCAL LAW NO. 3 OF THE YEAR 1973) (Term Limits for County Executive)

By: _____

Seconded by: _____

WHEREAS, the Chemung County Executive has proposed an amendment to the Charter of Chemung County, to impose a limit of three (3) 4-year terms for the elected County Executive; and

WHEREAS, the Chemung County Legislature formed a temporary committee to review term limits, which Committee has concluded its activities and resolved that an amendment to the Charter of Chemung County, to impose a limit of three (3) 4-year terms for County Executive should move out of that temporary committee; and

WHEREAS, Introductory Local Law No. ____ for the Year 2023 has been introduced and filed with the County Legislature seven (7) calendar days prior to consideration, exclusive of Sunday, upon the desks of the members of the Chemung County Legislature as required by Section 20 of the Municipal Home Rule Law; and the Clerk of the County Legislature has made her affidavit of service of filing the same; and

WHEREAS, Municipal Home Rule Law, Section 20 requires the Chief Executive Officer of the County to hold a Public Hearing thereon within the time limits as stated therein; and

WHEREAS, the Chemung County Charter, Article II, provides for adoption of Local Laws by the Chemung County Legislature; now, therefore, be it

RESOLVED, that the following Introductory Local Law No. ____ for the Year 2023, be and the same is hereby enacted and promulgated by the Chemung County Legislature as follows:

COUNTY OF CHEMUNG INTRODUCTORY
LOCAL LAW NO. 3 FOR THE YEAR 2023

A Local Law in relation to the amendment of Local Law No. 4 of the Year 1973 entitled “A Local Law to provide for the establishment of a County Charter for the County of Chemung, State of New York” relating to the provisions of Article 4 of the Municipal Home Rule Law of the State of New York (filed with the Department of State of the State of New York as Local Law No. 3 of the Year 1973) (Term Limits for County Executive).

BE IT ENACTED by the Chemung County Legislature of the County of Chemung, State of New York, as follows:¹

Section 1. Article III of the Chemung County Charter enacted by Local Law No. 4 of the year 1973 and filed with the Department of State of the State of New York as Local Law No. 3 of the year 1973 be and hereby is amended as follows:

By deleting the entirety of Section 301 within “Article III EXECUTIVE BRANCH”, and replacing with a new Section 301 as follows:

Section 301. County Executive Term of Office; Term Limits. The Executive Branch of the County Government shall be administered by the County Executive.

No elective or appointive official of any town, village, city, county or any other municipality shall be eligible to hold the office of County Executive.

An elective County Executive shall be elected at large in the general election in November 1974, and every fourth year thereafter.

The Term of the County Executive shall be for four (4) years, and shall begin on the first day of January immediately succeeding his or her election. The County Executive is limited to three (3) consecutive four-year terms. No person shall be eligible for service to this office by appointment or election for the four-year period immediately following service of three consecutive four-year terms. Partial terms less than four full years do not count as full terms. The first year for any County Executive for the purpose of calculating terms shall commence on or after January 1, 2023.

Section 2. This Local Law is subject to referendum on petition as provided by law.

Section 3. This Local Law shall take effect immediately upon appropriate filing with the Department of State pursuant to the provision of the Municipal Home Rule Law.

and, be it further

¹ Deletions of existing text are denoted by ~~strike through~~; additions are denoted by underline

RESOLVED, that the Clerk of the Chemung County Legislature be and hereby is authorized to transmit the same to the County Executive for a public hearing and said County Executive shall hold said public hearing within twenty (20) days after the presentation of said Local Law Introductory No. __ for the Year 2023 to him.