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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
City of Essex
Town
Village

Local Law No. 4 of the year 2023

A local law relating to the creation of the independent office of Essex County Assigned Counsel.
(Insert Title)

Be It enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
City of Essex as follows:
Town
Village

"ESSEX COUNTY PROPOSED LOCAL LAW NO. 4 OF 2023

A local law relating to the creation of the independent office of Essex County Assigned Counsel.

BE IT ENACTED by the Essex County Board of Supervisors as follows:

A local law relating to the creation of the Independent Office of Essex County Assigned Counsel.

Section 1. Establishment, Purpose

There shall be an Essex County Office of Assigned Counsel, which shall operate as an independent office of the County, the purpose of which is to maintain an Assigned Counsel Program in the County by establishing protocols and policies for assigning attorneys to indigent public defense clients and other indigent clients to ensure the provision of professional, skilled, ethical and client centered legal representation of such indigent clients, in addition to the provisions of the existing or future Essex County Assigned Counsel Plan and as further modified by the Essex County Board of Supervisors. The Assigned Counsel Office shall operate in compliance with the Standards for Establishing and Administering Assigned Counsel Programs, promulgated by the New York State Office of Indigent Legal Services pursuant to New York State Executive Law Section 832 ("Standards").

Section 2. Definitions

- a. **Administrator.** The person who administers the Assigned Counsel Program in Essex County and ensures that the Standards are met.
- b. **ACP Supervising Attorney/ACP Quality Enhancement Attorney.** An experienced attorney responsible for ensuring that the Assigned Counsel Program provides case representation to eligible clients in a manner that conforms to national and state-wide professional standards. The attorney shall provide training, consultation, and guidance to all attorneys involved in the assigned counsel process. He/she shall establish and maintain a working relationship with the judiciary of the County; develop and monitor program policies, standards, and operation procedures; develop and coordinate resources for participating attorneys; coordinate training opportunities for panel attorneys; coordinate second chair opportunities; manage support services; provide mentoring opportunities; provide CLE and other training opportunities for the panel, and if established, maintain a brief and form bank for attorney use.
- c. **Assigned Counsel Program.** Rules and guidelines as set forth by the Essex County Board of Supervisors and the Essex County Bar Association for assigning attorneys for public defense clients and other eligible clients to ensure those attorneys provide quality representation.
- d. **Clients.** Persons entitled to representation in criminal defense, family law matters, Surrogates Court matters and Mental Health Matters under New York State County Law Article 18-B.
- e. **County.** The County of Essex.
- f. **Independent.** Freedom from improper influence and control by an outside entity, to ensure that the Assigned Counsel Program and assigned counsel make decisions based solely on the interest of clients.
- g. **Judge.** Judges, magistrates, and any other persons with adjudicative powers over clients eligible for mandated representation.
- h. **Mandated Representation.** Government-funded legal representation that is constitutionally or statutorily required including, but not limited to, representation in criminal matters pursuant to New York State County Law Article 18-B, family court proceedings, and appellate representation, regardless of the client's party status.
- i. **Panel.** The Assigned Counsel Panel's list of attorneys eligible to receive assignments in the County, which should be limited to those in good standing and with the requisite skills and training.
- j. **Quality Representation.** Representation of clients in a professional, skilled, ethical, and client-centered manner.
- k. **Standards.** Standards for Establishing and Administering Assigned Counsel Program's in New York State promulgated by the New York State Office of Indigent Legal Services pursuant to New York State Executive Law

Section 832.

- I. **Essex County Assigned Counsel Plan.** As used in this local law, the term Essex County Assigned Counsel Plan shall mean the Essex County Assigned Counsel Plan currently in force and effect at the time and as mandated by Article 18-B of the New York State County Law.
- m. **Eligible Indigents.** The term eligible indigents shall mean only those defendants or other litigants who meet the income eligibility standards and who are defendants or other litigants in those matters of cases for which Assigned Counsel is required by Article 18-B of the New York State County Law, to provide legal representation. The eligibility of a particular person shall be determined by the Assigned Counsel Administrator or any other legal entity mandated to do so or is established by resolution by this Board.

Section 3. Creation of Independent Office of Assigned Counsel.

Pursuant to the provisions of Section 10 of the Municipal Home Rule Law, the Essex County Office of Assigned Counsel is hereby created. The office will be under the supervision and direction of the Essex County Assigned Counsel Administrator and Essex County Assigned Counsel Supervising Attorney.

Section 4. Primary Coverage for Legal Services to be provided by the Essex County Public Defender or Essex County Conflict Defender.

- A. The Essex County Public Defender and Essex County Conflict Defender have primary responsibility for providing legal services to eligible persons as hereinafter defined, or other persons unable to afford legal services for those matters in which such attorney services are required to be provided.
- B. If the Essex County Public Defender's Office and the Essex County Conflict Defender's Office has a conflict, they will refer any such matters to the Essex County Assigned Counsel Administrator/Office and those matters shall be handled by the Essex County Assigned Counsel Plan/Panel pursuant to the terms and conditions of this local law and New York County Law Article 18-B.

Section 5. Assigned Counsel Administrator.

I. Appointment.

- A. Upon the passage of this Local Law there shall be an Essex County Assigned Counsel Administrator who shall be appointed by the Board of Supervisors for an initial term commencing on a date determined by the County Legislature and ending on December 31, 2023. Thereafter, the Assigned Counsel Administrator shall be appointed for additional four (4) year terms as herein below set forth.
- B. The appointment by the Board of Supervisors of the Assigned Counsel Administrator shall be subsequent to a selection process created and implemented by the Essex County Board of Supervisors.

- C. The Assigned Counsel Administrator shall be responsible to and serve at the pleasure of the Essex County Board of Supervisors.
- D. The Essex County Assigned Counsel Administrator position shall be a full-time position.
- E. The total compensation of the Assigned Counsel Administrator shall be fixed by the Essex County Board of Supervisors.
- F. This position shall be placed in the unclassified civil service.

II. Term.

- A. On or after January 1, 2024, there shall be an Assigned Counsel Administrator who shall be appointed by the Board of Supervisors on or after January 1, 2024, for a four (4) year term from and including January 1, 2024 and ending December 31, 2027. And similarly thereafter, there shall be an Assigned Counsel Administrator who shall be appointed by the Board of Supervisors on or after January 1 of an even numbered calendar year for a four (4) year term from and including January 1 of said even numbered calendar year and ending on December 31 of the following odd numbered calendar year.
- B. Any vacancies occurring otherwise than by expiration of the term, shall be filled by appointment by the Essex County Board of Supervisors for the unexpired portion of the term.

III. Qualifications.

- A. The Assigned Counsel Administrator shall have the qualifications set forth in Section 3 of the New York State Public Officer's Law, and shall be a resident of Essex County.

Minimum Qualifications

- (a) Possession of an Associates Degree; or
- (b) Graduation from High School And two (2) years of full-time experience in clerical, administrative or business operations.

IV. Powers and Duties.

- A. The Administrator shall be the administrative head of the office, and shall have the duty to ensure that all indigent persons are provided with quality legal representation as soon as feasible after arrest, detention or request for counsel in a criminal case and at the earliest possible stage of a state intervention case in Family Court or other matter.
- B. Develop and monitor program policies, standards and operational procedures in conjunction with the Assigned Counsel Supervising Attorney regarding qualifications for appointment to the panel, recruitment or attorneys to serve on the panel, limitations on attorney caseloads, guidelines for the administrative responsibilities of panel attorneys and supervision and review of attorney caseloads and quality of legal representation.

- C. Maintain a panel of attorneys eligible to receive assignments for indigent representation based upon sufficient knowledge and experience.
- D. Ensure adequate attorney participation on the panel and that training for assigned counsel is provided.
- E. Oversee the rotation and coordination of panel attorneys, implement a fair and prompt process for assignments, ensure that the ability, training and experience of panel attorneys are matched to the complexity of the cases to which they are assigned and provide for timely assignments of counsel to indigent clients as soon as feasible after arrest, detention or request for counsel in a criminal case and at the earliest possible stage of a state intervention case in Family Court.
- F. Review all vouchers for services provided through the Assigned Counsel program including attorney vouchers to ensure they are in proper order and that only proper costs, disbursements and fees have been requested.
- G. Prepare an annual budget proposal for the Office of Assigned Counsel for review by the Board of Supervisors for submission to the County Budget Department pursuant to County law and policy.
- H. Maintain records of accounts and expenditures of the Office of Assigned Counsel in compliance with all applicable law and County policy.
- I. Serve as an information resource.
- J. Attend meetings of the Essex County Board of Supervisors and provide monthly reports as requested by the Board of Supervisors on the Assigned Counsel Program which shall include numbers of cases assigned, attorneys assigned, services provided to the Panel and Office of Assigned Counsel expenditures.
- K. Ensure compliance with County laws, policies and procedures related to Assigned Counsel.
- L. Provide a method of registration of assigning counsel for eligible persons by distributing to every court in Essex County the list of counsel available for assignment in particular courts of the county, with the requirement that assignment be made in rotation, from such lists, to the end that assignments are distributed fairly and equitably and in compliance with the statutes of the State of New York applicable thereto. The justice, judge or magistrate shall not be compelled to assign in rotation where the interests of justice would require a different method of assignment.
- M. Establish rules for the operation of the 18-B Plan and develop the forms necessary for operation of the Plan.
- N. Furnish both the county and the attorneys participating in the plan with the forms and information necessary for the operation of the plan.
- O. Approve all vouchers submitted by assigned counsel for payment for services rendered under the Plan, assuring that all necessary documentation has been submitted and complied with Plan requirements.

- P. Maintain all records and information required by New York State Office of Indigent Legal Services, and provide Essex County Data Officer with requisite information for completion of reports.
- Q. Consult with the Essex County Public Defender's Office and Essex County Conflict Defender's Office relative to the existence of any conflicts which would preclude the Public Defender or Conflict Defender from representing an indigent.
- R. Consult and correspond with Justice Courts and County Court relative to conflicts and making all Assigned Counsel assignments and notify the Public Defender's Office, County Conflict Defender's Office, courts and indigents of all assignments.
- S. In proper cases, coordinate the availability of investigators, experts, interpreters, Second-Chair, or other necessary professionals for specific cases upon request of the Assigned Counsel Attorney or any court if required.
- T. Oversee the Counsel at First Appearance Program and assign Counsel at First Appearance attorneys, review vouchers and bills.

V. Supervision and Implementation of the Program.

- A. Liaison between the Program and others, including various agencies, the Courts, the State and other municipalities and entities and may oversee the implementation of the arraignment programs in various courts.
- B. Overseeing Counsel at First Appearance in various courts.
- C. Attending various meetings.
- D. Working with the County and the New York State Office of Indigent Legal Services to implement programs under the expansion of the Hurrell-Harring settlement pursuant to Executive Law Section 832(4) including any reporting requirements and all other ILS standards.
- E. Meeting with magistrates and the courts to discuss the program.
- F. Coordinating grant applications and seeking additional funding for the program.

VI. Resources.

- A. Within the appropriations therefor, the Assigned Counsel Administrator may assign professional, technical and clerical personnel in the investigation, preparation, conduct and appeal in any court proceedings involving indigent defendants or respondents.
- B. Identifies and applies for distributions, grants and other funding available from New York State and any other possible funding sources; assures compliance with requirements of said funding.
- C. Ensures the office maintains a client-centered ethos of quality representation.

- D. Responds to and assists in public inquiries regarding representation, and makes referrals as necessary.
- E. Keeps records, collects data and makes reports as required by the County, State of New York and NYS ILS and causes proper accounts and records of the office to be kept and ensure that all accounts and records are correctly made.
- F. Operates within all state or federal mandated caseload caps.
- G. Comply with all laws, rules and regulations pertaining to the operation of the office and perform all the functions, powers and duties imposed by law or the Essex County Board of Supervisors governing its operations.

VII. Administrative and Supervisory Duties:

Office Operations

- A. The Assigned Counsel Administrator shall be responsible for the management and operation of the Assigned Counsel Administrator's Office in accordance with sound management principles, Board of Supervisor's policies, and Civil Service law, and shall have the powers and duties necessary to carry out the functions of the office as set forth herein and such other responsibilities as may from time to time be imposed by resolution of the Board of Supervisors. She/he shall develop and administer the systems, policies, practices and procedures of the office, and shall coordinate and administer all activities of the office. She/he shall prepare such reports as may be required by the Board of Supervisors and develop and administer the budgets of the office and advise the Board of Supervisors as to such other matters as to the Assigned Counsel Administrator, and in his/her professional judgment, would contribute to enhancing and improving the quality of conflict defense provided by Essex County. Subject to the approval and authorization of the Board of Supervisors, and provided there is sufficient funds appropriated in the budget therefore, the Assigned Counsel Administrator may appoint such assistant attorneys, clerks, investigators, stenographers, confidential secretaries and other employees as he/she may deem necessary. The compensation of such assistants and staff shall be within the amounts appropriated for such purposes.

Section 6 - Powers of Appointment and Removal.

The Assigned Counsel Administrator is vested with the power and authority to appoint, supervise, discipline and remove assistant Assigned Counsel Administrators and employees, and assign and re-assign powers and duties to such employees, consistent with the laws of the State of New York. Pursuant to §716 of Article 18-A of the County Law, the Assigned Counsel Administrator may appoint as many assistant attorneys, clerks, investigators, stenographers and other employees as she/he may deem necessary, subject to the authorization of the Board of Supervisors.

Section 7. Assigned Counsel Supervising Attorney

There shall be a separate position of Essex County Assigned Counsel Supervising Attorney which may be a part-time position or full-time position as designated by the Essex County Board of Supervisors by resolution at a salary to be determined by the Essex

County Board of Supervisors.

The term of the ACP Supervising Attorney term shall be for two (2) years beginning in January of even numbered years.

This position shall be placed in the unclassified service. The Assigned Counsel Program Supervising Attorney shall be an attorney duly licensed to practice law in the State of New York who will work with the Assigned Counsel Administrator in assisting with the entire Essex County Assigned Counsel Process. He/she shall be well-versed in New York State Criminal and Family Court Law, as well as relevant sections of the Corrections Law, County Law and Judiciary Law, as well as state and national professional standards including, but not limited to, ILS standards involving Mandated Representation. He/she shall have at least a minimum of five (5) years of criminal defense representation. As well as, any other requirements or experience determined by the Essex County Board of Supervisors by resolution.

Assigned Counsel Supervising Attorney - Powers, Duties and Responsibilities.

In addition to those duties set forth in the definition at Section 2 (B), the Assigned Counsel Supervising Attorney shall:

- A. Develop and monitor program policies, standards and operational procedures of the Assigned Counsel Program regarding qualifications for appointment to the panel, recruitment of attorneys to serve on the panel, limitations on attorney caseloads, guidelines for the administrative responsibilities of panel attorneys and supervision and review of attorney caseloads and quality of legal representation.
- B. Establish qualifications and standards for certification of attorneys to become members of the panel, pursuant to a certification program managed by the Essex County Bar Association. Upon review of applications for certification and any other relevant information provided, the Essex County Bar Association shall make recommendations to the Assigned Counsel Administrator regarding all applications for certification. All determinations on applications for certification to the panel shall be made by the Assigned Counsel Administrator. Any Attorney aggrieved by the determination of the Assigned Counsel Administrator may seek review of the determination by the Board of Supervisors.
- C. Establish procedures and standards for a re-certification program managed by the Essex County Bar Association whereby every three (3) years attorneys must reapply to remain on the panel. Upon review of the re-certification applications and any other relevant information provided, the Essex County Bar Association shall make recommendations to the Assigned Counsel Administrator regarding all applications. All determinations regarding applications for re-certification to the panel shall be made by the Assigned Counsel Administrator. Any Attorney aggrieved by the determination of the Assigned Counsel Administrator may seek review of the determination by the Essex County Board of Supervisors.
- D. Ensure adequate attorney participation on the panel and that training for assigned counsel is provided.
- E. Implement a fair and proper process for assignments, ensure that the ability, training and experience of panel attorneys are matched to the complexity of the

cases to which they are assigned.

- F. Arrange and schedule training and CLE programs for attorneys including participating attorneys and those not yet qualified. Design and implement an orientation program for newly accepted attorneys. Notify panel and other attorneys of relevant training programs. Establish mentoring programs for attorneys and assist attorneys in meeting panel eligibility requirements. Track training of participating attorneys to ensure compliance with training requirements. Provide instruction, advice, legal counsel and guidance to attorneys and applicants.
- G. Establish procedures for submission, investigation and resolution of complaints from clients, client family, members, co-counsel, opposing counsel and the Judiciary regarding legal representation.
- H. Conduct periodic evaluation and review of the Assigned Counsel Program budget and communicate the fiscal and programmatic needs of the program to New York State Office of Indigent Legal Services to obtain state funding.
- I. Prepare contracts with appropriate legal organizations including but not limited to the Essex County Bar Association and review by the Law Department, to perform certain services required by the Assigned Counsel Program as enumerated in this Chapter in compliance with all legal and budgetary mandates.
- J. Attend meetings of the Essex County Board of Supervisors and provide monthly reports as requested by the Board of Supervisors on the Assigned Counsel Program which shall include numbers of cases assigned, attorneys assigned, services provided to the Panel and Office of Assigned Counsel expenditures.
- K. Ensure compliance with County laws, policies and procedures regarding Assigned Counsel.
- L. Remove, or suspend for a definite period of time, an attorney from the panel for cause, upon notice and after an opportunity to be heard, subject to review by the Essex County Board of Supervisors pursuant to procedures established by the Board of Supervisors.
- M. Make application for other sources of state and federal funding or from any other funding resources to meet the budgetary and programmatic needs of the Assigned Counsel Program.
- N. Keep records, collect data and make reports as required by the County, State of New York and NYS ILS.
- O. Comply with any and all guidelines set forth by the New York State Office of Indigent Legal Services as they relate to the position of Assigned Counsel Supervising Attorney.
- P. Resources: Within the appropriations therefor, the Assigned Counsel Supervising Attorney may assign professional, technical and clerical personnel in the investigation, preparation, conduct and appeal in any court proceedings involving indigent defendants or respondents.

- Q. Identifies and applies for distributions, grants and other funding available from New York State and any other possible funding sources; assures compliance with requirements of said funding.
- R. Ensures the office maintains a client-centered ethos of quality representation.
- S. Responds to and assists in public inquiries regarding representation, and makes referrals as necessary.
- T. Operates within all state or federal mandated caseload caps.
- U. Develop appropriate resources for panel attorneys who may be handling complex litigation including matters requiring forensic expertise.
- V. Ensure that any attorney seeking appointment to the Panel through initial certification or re-certification carry malpractice insurance.
- W. Undertake efforts to ensure provision of adequate facilities for client meetings, equipment and legal research programs for panel attorneys. The Office of Assigned Counsel may work in conjunction with the courts, law enforcement agencies and the Essex County Bar Association to provide these services.
- X. Ensure creation of a "Second-Chair Program" for the panel whereby a less experienced attorney is paired with a more knowledgeable attorney to obtain necessary trial experience.
- Y. All assigned counsel shall have access to appropriate substantive, procedural and practical training programs through the Essex County Bar Association or any other organizations that provide legal training.
- Z. Issue, maintain and periodically revise as necessary all rules, regulations or written handbooks regarding Assigned Counsel. Ensure all participating attorneys comply with the terms of any of the Essex County Bar Association Assigned Counsel Plan.

Section 8 - Removal of the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney.

A. Grounds for Removal: The Assigned Counsel Administrator or Assigned Counsel Supervising Attorney shall be removed by the Board of Supervisors, prior to the expiration of the term of office, upon cause, as follows:

1. Because the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney was at the time of his/her appointment or has since become ineligible to hold such office;
2. For malfeasance, misfeasance, or nonfeasance in office;
3. Upon the conviction of a crime or of any offense involving moral turpitude, or violation of the oath of office;
4. For failure to perform his/her duties as provided by this Local Law in an honorable, competent and reasonably efficient manner;

5. In the event the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney becomes morally, physically or mentally unfit to act on behalf of the County; or
6. For insubordination, immoral character, inefficiency, incompetency or neglect of duty.

B. Procedures for Removal: The Board of Supervisors shall adopt a resolution stating their intention to remove the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney and their reasons therefore. A copy of the resolution shall be served upon the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney. The Assigned Counsel Administrator or Assigned Counsel Supervising Attorney, within ten (10) days, may demand a hearing. If the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney demands a hearing, the Board of Supervisors shall appoint a committee to hold the hearing, in executive session, not less than ten (10) days nor more than thirty (30) days from the date of the demand. After the hearing, the committee shall recommend dismissal or retention of the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney. The Board of Supervisors may accept or reject the recommendation of the committee. The decision of the Board of Supervisors shall be final and binding, subject to the right of appeal in accordance with the existing law. If the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney does not demand a hearing, the Board of Supervisors may dismiss the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney ten (10) days after service of a copy of the resolution upon the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney. Upon the passage of the resolution, the Board of Supervisors may suspend the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney from his/her official duties without pay. If the charges against the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney are not sustained by the Board of Supervisors or are not sustained after any appeal from the decision of the Board of Supervisors, the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney shall be entitled to be paid for the period of suspension. If the charges against the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney are sustained by the Board of Supervisors and are sustained after any appeal, the Assigned Counsel Administrator or Assigned Counsel Supervising Attorney shall be terminated from employment with Essex County.

Section 9. Rules and Regulations

The Assigned Counsel Administrator and/or Assigned Counsel Supervising Attorney, with the approval of the Board of Supervisors, shall establish rules and regulations for the administration of the Assigned Counsel Program.

Section 10 - Classification

Pursuant to Municipal Home Rule Law §10, the Essex County Assigned Counsel Administrator and Essex County Assigned Counsel Supervising Attorney shall both be placed in the unclassified service.

Section 11 - Special Requirements

Incumbents in this position are required to be a legal resident of Essex County and to maintain residency within the County of Essex during their employment and with title and shall possess a valid license to operate a motor vehicle in the State of New York.

Section 12 - Separability

If any clause, sentence, paragraph or section of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but shall be confined to its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall have been rendered.

Section 13 - Effective Date

This Local Law shall take effect upon its being duly filed as provided by the Municipal Home Rule Law.

(If additional space is needed, attach pages the same size as this sheet and number each.)(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 20 23 of the (County)(City)(Town)(Village) of Essex was duly passed by the Board of Supervisors on August 7, 2023 in accordance with the applicable provisions of law. *(Name of legislative Body)*

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 approved)(repassed after *(Name of legislative Body)* disapproval) by the _____ and was deemed duly adopted on _____, 20____, *(Elective Chief / Executive Officer*)* 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 approved)(repassed after *(Name of legislative Body)* disapproval) by the _____ on _____, 20____. Such local law was submitted *(Elective Chief/Executive Officer*)* 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 _____ of the (County)(~~City~~)(Town)(Village) of Essex was duly passed by the Board of Supervisors on _____ and was (approved)(not approved)(repassed after *(Name of legislative Body)* disapproval) by the N/A on N/A, 20____. Such local law was

subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.

5. (City local law concerning Charter revision proposed by petition.)

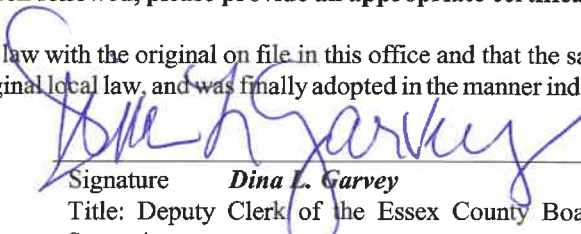
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__ , became operative.

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 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 _____ 4 _____ above.

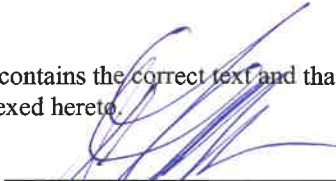

Signature **Dina L. Garvey**
Title: Deputy Clerk of the Essex County Board of Supervisors
Date: August 7, 2023

(Seal)

(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 ESSEX

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 **Daniel T. Manning, Esq.**
Title: Essex County Attorney
County _____
City of Essex
Town _____
Village _____
Date: August 7, 2023