

## INTRODUCTORY LOCAL LAW NO. 2 - 1999

## LOCAL LAW NO. 1 - 2000

## 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 Fifty Seven Thousand Two Hundred Twenty-Two Dollars (\$57,222).

Section 2. The base annual salary of the Real Property Tax Director shall be the sum of Thirty Six Thousand, Eight Hundred Eight Dollars (\$36,808).

Section 3. The base annual salary of the Commissioner of Social Services shall be the sum of Fifty Three Thousand, Three Hundred Five Dollars (\$53,305).

Section 4. The base annual salary of the County Highway Superintendent shall be the sum of Fifty Seven Thousand, Eight Hundred Thirty Six dollars (\$57,836).

Section 5. The base annual salary of the County Clerk shall be the sum of Thirty Nine Thousand, Five Hundred Fifty-Six Dollars (\$39,556).

Section 6. The base annual salary of the Commissioners of Election shall be the sum of Twenty Seven Thousand, Six Hundred Fifty Seven Dollars (\$27,657).

Section 7. The base annual salary of the County Treasurer shall be the sum of Thirty Nine Thousand, Six Hundred Sixty Three Dollars (\$39,663).

Section 8. The salary of the county coroners shall be ninety dollars (\$90.00) per call.

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

Dated: November 29, 1999.  
Effective: January 14, 2000.

## INTRODUCTORY LOCAL LAW NO. 1 - 2000

## LOCAL LAW NO. 2 - 2000

## A LOCAL LAW SUPERSEDING COUNTY LAW SECTION 214(2) REGARDING PUBLICATION OF LOCAL LAWS.

Section 1. The County Legislature of the County of Herkimer intends by this Local Law to supersede the provisions of County Law Section 214(2), which requires that a true copy of each Local Law be published in the official newspaper at least once a week for two successive weeks. In order to reduce costs, this Legislature desires that the publication of the full text of each Local Law be discontinued, and instead that only those details necessary to insure that the public remains fully informed be published. This Local Law is adopted pursuant to Article IX of the Constitution of the State of New York.

Section 2. Upon adoption of each Local Law of the County of Herkimer, the Clerk of the Legislature shall cause the publication once in the official newspapers of the County of the notice of the adoption of said Local Law and an abstract of the provisions thereof. Said notice shall include the location and availability of a copy of the actual text of each Local Law. This publication shall be in lieu of that required by County Law Section 214(2), which is hereby expressly superseded by this Local Law.

Section 3. This Local Law shall take effect immediately.

Dated: March 6, 2000.

Effective: March 6, 2000.

## INTRODUCTORY LOCAL LAW NO. 2 - 2000

## LOCAL LAW NO. 3 - 2000

## A LOCAL LAW IN RELATION TO SELF-SERVICE SALE OF TOBACCO PRODUCTS

The Herkimer County Legislature does enact as follows:

Section 1. Legislative finding. Cigarette smoking has been proven to be harmful to the public health. It is further found that the great majority of all smokers begin smoking by their teenage years, and the most frequent ages for beginning smoking are under the age of eighteen.

Section 2. Purpose. It is the purpose of this local to aid enforcement of laws prohibiting the sale of tobacco to minors, and to reduce minors' access to tobacco by requiring tobacco sales to be made by personal transaction.

Section 3. Definitions. For the purpose of this local law, the following terms shall have the following meanings:

a. "Person" shall mean any individual, partnership, corporation, association or any combination of individuals and corporations, by whatever means organized;

b. "Retailer" shall mean any person who operates a store, shop, booth, stand, concession, or any other place where tobacco is sold to purchasers for consumption or use;

c. "Tobacco" means any cigarette, cigar, pipe tobacco, loose tobacco, chewing tobacco, smokeless tobacco, snuff, or any other form of tobacco which may be smoked, inhaled, chewed, or in any other manner ingested.

Section 4. Self-service sales are prohibited. No retailer shall display or store tobacco in any manner which permits direct customer access or customer self service, whether by shelf display, counter display, kiosk, vending machine, or other means of open display of tobacco. This provision shall not apply to the sale of tobacco products in vending machines located in a bar as defined in subdivision two of section 1399-n of the public health law; in the bar area of a food service establishment with a valid on-premises full liquor license; or in a tobacco business as defined in subdivision thirteen of section 1399-n of the public health law.

Section 5. Penalties and enforcement. A violation of section four of this local law shall be subject to a civil penalty not to exceed five hundred dollars. An action may be brought in any court of competent jurisdiction for enforcement of this local law.

Section 6. This local law shall take effect immediately.

LOCAL LAW NO. 3 - 2000

INTRODUCTORY LOCAL LAW NO. 3-2000

LOCAL LAW NO. 4 - 2000

A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 1983, SUBSTITUTING THE  
NATURAL RESOURCES COMMITTEE FOR THE FORMER COMMITTEE ON AGRICULTURE

The Herkimer County Legislature does enact as follows:

Section 1. Local Law No. 4 of 1983, duly adopted by this Legislature on November 3, 1983, is hereby amended to provide that all of the functions, powers and duties assigned to the Committee on Agriculture by said Local Law No. 4 of 1983 shall hereby and hereafter be performed by the Natural Resources Committee of the Herkimer County Legislature, or any successor committee to whom the present responsibilities of the Natural Resources Committee may hereafter be assigned by further amendment of the Rules of the County Legislature of the County of Herkimer:

Section 2. In all other respects, said Local Law No. 4 of 1983 shall remain in full force and effect, except as modified herein.

Section 3. This Local Law shall take effect immediately.

Dated: May 15, 2000.

Adopted: May 15, 2000.

## INTRODUCTORY LOCAL LAW NO. 4 - 2000

## LOCAL LAW NO. 5 - 2000

**A LOCAL LAW IN RELATION TO THE SALE BY HERKIMER COUNTY OF ITS RIGHTS TO RECEIVE PAYMENTS EXPECTED TO BECOME DUE UNDER THE MASTER SETTLEMENT AGREEMENT AND THE RELATED CONSENT DECREE AND FINAL JUDGMENT WITH VARIOUS TOBACCO COMPANIES**

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

Section 1. Legislative Intent.

A. The County of Herkimer is entitled to receive payments under the Master Settlement Agreement (hereinafter, the "MSA") and the Consent Decree and Final Judgement of the Supreme Court of the State of New York, County of New York, dated December 23, 1998 (hereinafter, as the same may be amended or modified, the "Decree") in the class action entitled State of New York et.al. v. Phillip Morris Incorporated, et. al. (Index No. 400361/97); and

B. In order to secure to present generations a portion of the benefits intended to be conferred by the MSA and the Decree it is necessary or desirable for the County to sell all or a portion of its rights, title and interest in, to and under the Decree and in and to the moneys payable to the County under the MSA and the Decree (all such rights, title and interest hereinafter collectively referred to as the "Tobacco Settlement Revenues") to a local development corporation to be created by the County pursuant to the Not-For-Profit Corporation Law of the State of New York.

Section 2. Authorization to take all actions necessary to effect sales and to benefit from the consideration to be received from such sales.

The County is hereby authorized to sell to the said local development corporation, and to take any and all actions necessary or desirable to effect one or more sales to the said local development corporation of, the County's rights, title and interest in and to all or a portion of the Tobacco Settlement Revenues and to take any and all actions necessary or desirable to enable the County to benefit from the consideration to be received from any such sale. The Chairman of the County Legislature or his designee(s) may approve the terms and conditions of any such transaction and the form and substance of any agreement of sale or other document necessary or desirable to effect any such transaction including the power to execute and deliver any such agreement or other document as may be approved by the person executing the same and to take any and all other actions necessary or desirable to enter into, facilitate or consummate such transaction, including agreeing to pay certain fees and expenses which will be payable regardless of whether or not such transaction is consummated. The County shall use approximately \$6,500,000 of the initial proceeds to be received from said corporation from such sale to finance the defeasance of County obligations and the remaining proceeds to finance certain capital projects identified in the County's capital program. It is the intent of this local law that a sale by the County of Tobacco settlement Revenues to the said local development corporation is, and it is hereby deemed to be, a true sale and not a borrowing.

Section 3. Local Development Corporation.

The Chairman of the County Legislature or his designee(s) is hereby authorized to take all actions necessary to create a corporation pursuant to the New York Not-For-Profit Corporation Law Section 1411 (hereinafter, the "Corporation"). The Corporation shall be granted all powers as may be deemed necessary by the Chairman of the County Legislature or his designee(s); which powers shall include, but not be limited to, the power to purchase from the County its right, title and interest in and to all or a portion of the Tobacco Settlement Revenues, to issue bonds, notes or other evidence of indebtedness and other securities and to incur other obligations, to create and transfer assets of the Corporation to a trust or other entity, and to take all other actions as may be necessary in connection therewith.

It is the specific intention of the Legislature that the purpose and scope of the Corporation be limited to the transactions contemplated by this local law including the purchase of Tobacco Settlement Revenues from the County, the financing of any such purchase and related transactions.

## Section 4. Covenant and Agreement

The County is hereby authorized to covenant and agree with the Corporation in a transaction contemplated by this local law for the benefit of the Corporation and the holders from time to time of any bonds, notes or other obligations or other securities (hereinafter collectively the "Securities") issued by the Corporation that the County will not limit or alter the rights of the Corporation to fulfill the terms of its agreements with the holders of the Securities or in any way impair the rights and remedies of such holders or the security for the Securities until the Securities, together with the interest due thereon or payable in respect thereof and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The Chairman of the County Legislature or his designee(s) is granted the power to make such a covenant to and agreement with the Corporation and to take any and all actions necessary or desirable to cause such covenant and agreement to be made or enforced. The Corporation is hereby authorized to assign to or for the benefit of the holders of its Securities any covenant or agreement made by the County pursuant to this Section.

Section 5. This local law takes effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Dated: September 5, 2000.

Adopted: September 5, 2000.