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REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF  
PLATTSBURGH, N.Y., HELD DECEMBER 20, 1962.

PRESENT: MAYOR TYRELL, ALDERMEN BOOTH, BEAUVAIS, QUINN, SABOURI  
BRANDN AND FLYNN.

ABSENT: NONE

BY ALDERMAN BOOTH; SECONDED BY ALDERMAN BEAUVAIS.  
Local Law No. 1 OF 1963.

A LOCAL LAW to provide for the continuity of government of  
the City of Plattsburgh, New York, in the event of an attack or  
public disaster.

BE IT ENACTED by the Common Council of the City of Plattsburgh,  
New York as follows:

Section 1. Intent. The New York State defense emergency act,  
in section twenty-nine- a thereof, authorizes political subdivis-  
ions of the state to provide for the continuity of their govern-  
ments in the event of an actual or imminent attack upon the United  
States by an enemy or foreign nation. The general municipal Law,  
in section sixty thereof, authorizes political subdivisions to  
provide for the continuity of their governments in the event of  
other public disasters, catastrophes or emergencies. Based on the  
authority contained in such laws this Local Law is adopted so that  
on such occasions the government of the City of Plattsburgh, New  
York, may continue to function properly and efficiently under  
emergency circumstances.

Section 2. Definitions. As used in this Local Law the follow-  
ing terms shall mean and include:

A. "Attack." Any attack, actual or imminent, or series  
of attacks by an enemy or foreign nation upon the United States  
causing, or which may cause, substantial damage or injury to  
civilian property or persons in the United States in any manner  
by sabotage or by the use of bombs, shell fire, or nuclear, radiol-  
ogical, chemical, bacteriological, or biological means or other  
weapons or processes.

B. "Public disaster." A disaster, catastrophe or  
emergency, actual or imminent, of such unusual proportions or extent  
that (1) a substantial number of the residents of the City of  
Plattsburgh either sustain injury, become ill, are infected with  
disease, have their lives imperiled, are killed or die as the  
result of injury, disease or exposure, or the property of a sub-  
stantial number of such residents is imperiled, damaged, or destroy-  
ed, and (2) it is necessary and essential in the interest of public  
safety, health and welfare that the continuity of the government  
of the City of Plattsburgh be assured in order that it be enabled  
to function properly and efficiently and to exercise its essential  
powers in meeting emergency conditions. Such disasters, catast-  
rophes and emergencies may include, but shall not be limited to,  
conflagrations, explosions, earthquakes or other convulsions of  
nature, floods, tidal waves, pestilence, riots, insurrections,  
storms, prolonged failure of electric power or essential transport-  
ation services, or any incident or occurrence which causes or  
threatens to cause danger to life, health or property from exposure  
to noxious materials or radiation.

C. "Duly authorized deputy." A person authorized to  
perform all the powers and duties of a public office in the event  
the office is vacant or at such times as it lacks administration  
due to the death, absence or disability of the incumbent officer,

where such authorization is provided pursuant to the provisions of any general, special, or local Law other than this Local Law.

D. "Emergency interim successor." A person designated pursuant to this Local Law for possible temporary succession to the powers and duties, but not the office, of a City officer in the event that neither such officer nor any duly authorized deputy is able, due to death, absence from the City, or other physical, mental, or legal reasons, to perform the powers and duties of the office.

Section 3. Designation, status, qualifications and terms of designation of emergency interim successors. A. Elective officers. Within thirty days following the effective date of this Local Law, and thereafter within thirty days after first entering upon the duties of his office, each elective officer shall, in addition to any duly authorized deputy, designate such number of emergency interim successors to the powers and duties of his office and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors, or combination thereof, to perform the powers and duties of the office.

B. Appointive officers. Each officer or body of officers empowered by Law to appoint officers within the time specified in subdivision A of this section, in addition to any duly authorized deputy, designate for each such appointive officer such number of emergency interim successors to such officers and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors, or combination thereof, for each such officer. Where such a body of officers consists of members having overlapping terms, such body of officers shall review and, as necessary, revise the previous designations of emergency interim successors by such board within thirty days after a new member elected or appointed to such body of officers first enters upon the duties of his office as a member of such body of officers.

C. Review of designations. The incumbent in the case of those elective officers specified in subdivision A of this section, and the appointing officer or body of officers specified in subdivision B of this section shall from time to time review and, as necessary, promptly revise the designations of emergency interim successors to insure that at all times there are at least three duly authorized deputies or emergency interim successors, or combination thereof, for each elective and appointive officer of the City.

D. Qualifications. No person shall be designated to, nor serve as, an emergency interim successor unless he is legally qualified to hold the office of the person to whose powers and duties he is designated to succeed.

E. Status of emergency interim successor. A person designated as an emergency interim successor shall hold that designation at the pleasure of the designator and such a designation shall remain effective until replaced by another by the authorized designator.

F. Compensation. An emergency interim successor shall serve without salary, unless otherwise provided by Local Law. He shall, however, be entitled to reimbursement for actual expenses necessarily incurred in the performance of his powers and duties.

Section 4. Assumption of powers and duties of officer by emergency interim successor. If, in the event of an attack or a public disaster, an officer described in subdivision A or subdivision B of section three of this Local Law or his duly authorized deputy, if any, is unable, due to death, absence from the City, or other physical, mental, or legal reasons, to perform the powers and duties of the office, the emergency interim successor of such officer highest in rank in order of succession who is able to perform the powers and duties of the office shall, except for the power and duty to discharge or replace duly authorized deputies and emergency interim successors of such officer, perform the powers and duties of such officer. An emergency interim successor shall perform such powers and duties only until such time as the lawful incumbent officer or his duly authorized deputy, if any resumes the office or undertakes the performance of the powers and duties of the office, as the case may be, or until, where an actual vacancy exists, a successor is duly elected or appointed to fill such vacancy and qualifies as provided by Law.

Section 5. Recording and publication of designations. The name, address and rank in order of succession of each duly authorized deputy and emergency interim successor shall be filed with the City Clerk and each designation, replacement, or change in order of succession of any emergency interim successor shall become effective when the designator files with such clerk the successor's name, address and rank in order of succession. Such Clerk shall keep an up-to-date file of all such data regarding duly authorized deputies and emergency interim successors and the same shall be open to public inspection. The clerk shall notify in writing each designated person of the filing of his name as an emergency interim successor and his rank in order of succession and also shall notify in writing any person previously designated who is replaced or whose place in order of succession is changed.

Section 6. Qualification for taking taking office. At the time of their designation, or as soon thereafter as possible, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to perform the powers and duties of the office to which they may succeed.

Section 7. Quorum and vote requirements. In the event of an attack or a public disaster the Mayor, or his duly authorized deputy or emergency interim successor performing his powers and duties, may suspend quorum requirements for the Common Council. If quorum requirements are suspended, any Local Law, ordinance, resolution, or other action requiring enactment, adoption or approval by an affirmative vote of a specified proportion of members may be enacted, adopted or approved by the affirmative vote of the specified proportion of those voting thereon.

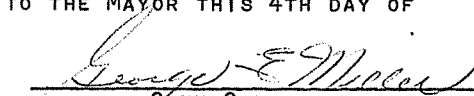
Section 8. Separability clause. If any section, subdivision, sentence, clause, phrase or portion of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the section, subdivision, sentence, clause, phrase or portion thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Effective date. This Local Law shall take effect upon its adoption and the filing of one certified copy thereof with the City Clerk, one certified copy in the office of the State Comptroller and three certified copies in the office of the secretary of State.

ON ROLL CALL, ALDERMEN BOOTH, BEAUVAIS, QUINN, SABOURIN, BRANON AND FLYNN IN THE AFFIRMATIVE; NO ONE IN THE NEGATIVE.

CARRIED.

FOREGOING LOCAL LAW CERTIFIED TO THE MAYOR THIS 4TH DAY OF JANUARY, 1963

  
CITY CLERK

THE FOREGOING LOCAL LAW No. 1 OF 1963 IS HEREBY APPROVED AFTER PUBLIC HEARING HELD THIS 4TH DAY OF JANUARY ,1963.

  
MAYOR