

(Please Use this Form for Filing your Local Law with the Secretary of State)

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 Montgomery  
~~Town~~  
~~Village~~

Local Law No. 2 of the year 19 84

A local law to Provide for the Legal Defense and Indemnification for Liability  
(Insert title)  
for any Act or Omission of Montgomery County Employees while Acting  
within the Scope of their Duties.

Be it enacted by the Montgomery County Board of Supervisors of the  
(Name of Legislative Body)

County  
~~City~~ of Montgomery as follows:  
~~Town~~  
~~Village~~

Section 1. As used in the Local Law, unless the context otherwise requires:

- a. The term employee shall mean: any commissioner, member of a public board or commission, trustee, director, officer, employee, volunteer expressly authorized to participate in a publicly sponsored volunteer program, or any other person holding a position by election, appointment or employment in the service of a public entity, whether or not compensated, but shall not include an independent contractor.
- b. The term employee shall include a former employee, his estate or judicially appointed representative.
- c. The term County shall mean the County of Montgomery.
- d. The term Board shall mean the Montgomery County Board of Supervisors.

Section 2. The County will:

- a. Provide for the cost of the defense of an employee by providing an attorney selected by the County Attorney whenever the County Attorney determines that a conflict of interest exists, or, if a court on appropriate motion, determines such to be the case, and that the employee is entitled to be represented by an attorney of his choice.
- b. The County Attorney shall determine as a condition to the payment of legal fees and expenses, that appropriate groups of employees be represented by the same counsel. Reasonable attorney's fees and litigation expenses shall be paid by the County to such private counsel, from time to time, during the legal proceedings, with the approval of the Board.
- c. The County will indemnify and save harmless any employee for the amount of any judgment or settlement provided the act or omission of the employee occurred while he was acting within the scope of his public employment as provided by Section 18 of the New York State Public Officers Law.

- d. The County Board must approve the settlement of any and all claims against any and all employees.
- e. The Board may purchase insurance against any liability imposed under this legislation or it may elect to act as self-insurer.
- f. The County shall not defend - indemnify or save harmless any employee for any intentional wrongdoing, recklessness or with respect to punitive or exemplary damages, fines, penalties or money recovered from any employee pursuant to Section 51 of the General Municipal Law.

Section 3. The employee is required:

- a. To make a formal request for his defense to his department head and/or to the County Administrator.
- b. To deliver to the County Attorney and to the County Administrator the original of any summons, complaint, process, notice, demand or pleading within five days after he is served with such document.
- c. To cooperate in the defense of any action or proceeding and defense of any action or proceeding against the County based upon the same act or omission, and in the prosecution of any appeal.
- d. To deliver any summons, complaint, process, notice, demand or pleading shall be deemed a request by the employee that the County provide for his defense pursuant to this local law, unless the employee shall state in writing that a defense is not requested.

Section 4. The benefits provided by this local law are exclusive unless the Board provides otherwise.

Section 5. The benefits of this local law will inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party nor shall any provision of this local law be construed to affect, alter or repeal any provisions of the Workers' Compensation Law.

Section 6. The benefits of this local law shall be extended to an employee of a negotiating unit for which an agreement has been negotiated pursuant to Civil Service Law, Article 14 only if such agreement expressly so provides.

Section 7. The provisions of this local law shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

Section 8. As otherwise specifically provided in this local law, the provisions of this local law shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the County or any right to defense provided for any governmental officer or employee by, in accordance with, or by reason, any other provision of state or federal statutory or common law.

Section 9. The provisions of this local law shall apply to all actions and proceedings specified herein which have been commenced, instituted or brought on or after the effective date of this local law.

Section 10. This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Section 7. NO DIVESTITURE OF POWERS OR DUTIES OF BOARD. Nothing contained in this Local Law shall operate or be construed to divest the Board of Supervisors of the County of Montgomery of any of its functions, powers and duties.

Section 8. SEPARABILITY OF PROVISIONS. If any of the provisions of this Local Law or the application thereof to any person or circumstances is held invalid, the remainder of this Local Law and the application thereof to either persons and circumstances shall not be affected thereby. If any term of office created thereunder is deemed invalid by the length of such term of this law shall be construed to provide for the maximum term permitted by law for such office.

Section 9. WHEN TO TAKE EFFECT. This Local Law shall take effect when all applicable statutory requirements for its passage and adoption have been complied with fully and it has been filed in the Offices of the Secretary of State.

A motion was made to remove Introductory Local Law No. 3 of 1984 from the table. Motion passed with Aye (1363). Supervisor Alter was absent.

Motion to Table by Supervisor Healy/seconded by Supervisor Brown failed with Aye (651) Nay (712). Supervisor Alter was absent.

Introductory Local Law No. 3 of 1984 was passed with Aye (1363). Supervisor Alter was absent.

COUNTY OF MONTGOMERY  
LOCAL LAW NO. 2 OF THE YEAR 1984

(Introductory Local Law No. 3 For The Year 1984)

A LOCAL LAW TO PROVIDE FOR THE LEGAL DEFENSE AND INDEMNIFICATION FOR LIABILITY FOR ANY ACT OR OMISSION OF MONTGOMERY COUNTY EMPLOYEES WHILE ACTING WITHIN THE SCOPE OF THEIR DUTIES.

Be it Enacted by the Montgomery County Board of Supervisors as follows:

Section 1. As used in the Local Law, unless the context otherwise requires:

a. The term employee shall mean: any commissioner, member of a public board or commission, trustee, director, officer, employee, volunteer expressly authorized to participate in a publicly sponsored volunteer program, or any other person holding a position by election, appointment or employment in the service of a public entity, whether or not compensated, but shall not include an independent contractor.

b. The term employee shall include a former employee, his estate or judicially appointed representative.

c. The term County shall mean the County of Montgomery.

d. The term Board shall mean the Montgomery County Board of Supervisors.

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Montgomery County Board of

Section 2. The County will:

- a. Provide for the cost of the defense of an employee who may select any attorney of his choice to defend him whenever the County Attorney determines that a conflict of interest exists, or, if a court on appropriate motion, determines such to be the case, and that the employee is entitled to be represented by an attorney of his choice.
- b. The County Attorney shall determine as a condition to the payment of legal fees and expenses, that appropriate groups of employees be represented by the same counsel. Reasonable attorney's fees and litigation expenses shall be paid by the County to such private counsel, from time to time, during the legal proceedings, with the approval of the Board.
- c. The County will indemnify and save harmless any employee for the amount of any judgment or settlement provided the act or omission of the employee occurred while he was acting within the scope of his public employment as provided by Section 18 of the New York State Public Officers law.
- d. The County Board must approve the settlement of any and all claims against any and all employees.
- e. The Board may purchase insurance against any liability imposed under this legislation or it may elect to act as self-insurer.
- f. The County shall not defend - indemnify or save harmless any employee for any intentional wrongdoing, recklessness or with respect to punitive or exemplary damages, fines, penalties or money recovered from any employee pursuant to Section 51 of the General Municipal Law.

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- c. To cooperate in the defense of any action or proceeding and defense of any action or proceeding against the County based upon the same act or omission, and in the prosecution of any appeal.
- d. To deliver any summons, complaint, process, notice, demand or pleading shall be deemed a request by the employee that the County provide for his defense pursuant to this local law, unless the employee shall state in writing that a defense is not requested.

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Section 8. As otherwise specifically provided in this local law, the provisions of this local law shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the County or any right to defense provided for any governmental officer or employee by, in accordance with, or by reason, any other provision of state or federal statutory or common law.

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Section 10. This local law shall take effect immediately upon filing in the Office of the Secretary of State.

RESOLUTIONS

RESOLUTION NO. 123

RESOLUTION COMMEMORATING THE ACHIEVEMENTS OF ROBERT J. ROBINSON, 1926 - 1984

Resolution by Supervisor Barone  
Seconded by Supervisor Frasier

WHEREAS, Robert J. Robinson capably served as Executive Director of the Fulmont Development Facility, Inc. from 1973 until his untimely death on March 17, and

WHEREAS, Mr. Robinson established many worthwhile and needed programs, including the Amsterdam Day Care Center, and area Negro Action Committee, and the Community Action Organization, and

WHEREAS, He was a member of the Executive Boards of the Mohawk Valley Economic Development Organization and the Fulton and Montgomery Counties Economic Development Organization, and

WHEREAS, Mr. Robinson was also a member of the BOCES Advisory Committee, the Friends of Lexington Center and an area Chapter of the American Red Cross,

RESOLVED, that the Montgomery County Board of Supervisors does hereby express its deep sense of loss at the death of Mr. Robinson, and

FURTHER RESOLVED, the Board wishes to formally recognize and commemorate his numerous accomplishments.

RESOLUTION ADOPTED Supervisor Alter was absent.  
Duly adopted upon roll call, all members present (1363) voting aye.

MICHAEL RAPHAEL G. C. DODD  
County Attorney Clerk, Board of Supervisors

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cc: County Treasurer  
County Administrator  
Mrs. Robert J. Robinson

RESOLUTION

RESOLUTION APPOINTING PATIENT SERVICES

Resolution by Supervisor Papa  
Seconded by Supervisor Waner

RESOLVED, that  
Patient Services at an annual salary is hereby

MOTION TO AMEND by Supervisor Brown to make the RESOLVED clause that Mary A. Murphy of Amsterdam Director of Patient Services at an annual salary of \$13,630. Motion passed with Aye (1363).

RESOLUTION ADOPTED Supervisor Alter was absent.  
Duly adopted upon roll call, all members present (1363) voting aye.

MICHAEL RAPHAEL G. C. DODD  
County Attorney Clerk, Board of Supervisors

cc: County Treasurer  
County Administrator  
Nursing Service

RESOLUTION

RESOLUTION APPOINTING DIRECTOR/PLANNER

Resolution by Supervisor Papa  
Seconded by Supervisor Waner

RESOLVED, that  
Director/Planner trainee at an annual salary of \$13,630 is hereby

MOTION TO TABLE by Supervisor Brown. Motion passed with Aye (1363).

Duly adopted upon roll call, all members present (1363) voting aye.

MICHAEL RAPHAEL G. C. DODD  
County Attorney Clerk, Board of Supervisors

cc: County Treasurer  
County Administrator  
Youth Bureau/Planning Office