

At a Regular Meeting of the Common of the City of Plattsburgh,
New York, held March May 13th, 1949.

PRESENT: MAYOR Davies, Aldermen Holland, LeClair, Villoni, Croteau, Ryan and Cardi.

ABSENT: None.

By Alderman Cardi; Seconded by Alderman LeClair:

LOCAL LAW NO. 21 OF 1949

ENTITLED AN ACT amending Section 27 of Chapter 269 of the Laws of 1902 respecting the duties of the Corporation Counsel and in this instance providing for the employment of an Assistant Corporation Counsel.

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

SECTION 1. Section 27 of Chapter 269 of the Laws of 1902 is hereby amended to read as follows:

Section 27. Corporation Counsel. The Corporation Counsel shall be the sole official legal adviser of the Common Council and other officers and boards of the city. He shall, when directed, by the Mayor or by the Common Council, prosecute and defend all actions and proceedings by and against the city and every department thereof, including criminal prosecutions for violations of ordinances and violations of any provisions of this act; and shall perform such other professional services as the Mayor and Common Council may direct. He shall when required, prepare all legal papers, contracts, deeds and other instruments for the city and different departments thereof, except as otherwise provided by the Local Finance Law. At the expiration of his tenure of office he shall deliver to his successor in office, as soon as qualified, the record or register of all suits or proceedings in which the city or any of its departments may be a party.

and also papers on the part of the City. He shall also, in the event of the expiration of his tenure of office sign stipulations substituting said successor as attorney for the city in such suits or proceedings to the end that an order may be entered making substitution. All costs in litigated cases wherein the city is a party and the city is successful shall belong to the city, and when collected shall be paid to the city treasurer and credited to and form a part of the general fund of the city. He may, with the written consent of the Mayor, employ counsel to assist him in the argument and conduct of important cases or proceedings in which the city or any officer, board or department thereof is interested or a party and may also with the consent of the Mayor and Common Council appoint an Assistant Corporation Counsel to act in his place and stead, in case of his absence or disability and said Assistant Corporation Counsel while so acting shall receive the same pay as the Corporation Counsel. No written contract providing for the payment of two hundred dollars or more entered into by the city or any of its officers, boards or departments shall become effected or be acted upon until there shall be endorsed thereon by the Corporation Counsel, a certificate to the effect that the said officer, board or department has executed the same on behalf of the city, had authority and power to make such contract and that such contract is in proper form and properly executed. He shall approve all deeds, conveyances, leases and titles, affecting property acquired, conveyances to or leased by the city; he shall attend to all law business of the city and shall discharge such other duties as shall be prescribed by law or by the ordinances of the Common Council. It shall be the duty of the

Corporation Counsel to cause all claims for personal injuries to be fully investigated and to that end he may take proof, examine witnesses and require the claimant with the privilege of counsel, to appear and to be sworn by the Judge of the City Court or the Mayor or a member of the Common Council, and answer orally any question relative to or that may assist him in ascertaining the city's liability or to the extent thereof in order that he may advise the proper officer or board of the city in respect thereto. The claimant may designate another time and place for the examination if he shall be physically unable to so appear. Such examination shall be held within forty days after the presentation of such claim, but the time therefor may be extended further by any judge of a court of record or the City Judge, on notice to both parties. No action shall be commenced on any such claim where such an examination has been required until the same is held. He shall annually transmit to the Common Council at its last session of each year a report of the business done by him during the year. The Corporation Counsel shall, whenever he considers that the interests of the city will be subserved thereby, enter into any agreement in writing, subject, however, to the approval of the Common Council, to compromise and settle any claim against the city, which agreement shall constitute a valid obligation against the city, and the amount therein appropriated to be paid shall with interest thereon from its date, be included in the next city tax budget and be collected and paid the same in as all judgments against the city. If, however, before the adoption of the city tax budget there shall be received by the City Chamberlain, from any source any money not otherwise appropriated, the amount in the agreement provided, may be paid out of such moneys so received so far as they will satisfy the same. The amount of any judgment recovered against the city and ~~not~~ ~~being~~ ~~unpaid~~, with the

interest due thereon, in case the time to appeal therefrom has expired and no appeal has been taken or a certificate of no appeal therefrom has been given by the Corporation Counsel, or in case such judgment is finally affirmed, or an appeal taken and the execution thereon shall not be stayed, shall be reported to the Common Council immediately after the same shall have become payable as aforesaid; and the amount thereof shall be included in the next city tax budget. Such judgments shall be paid in the order of their recovery, out of moneys first paid into the City Chamberlain on account of the annual taxes, or prior thereto. If, however, there be any moneys in the treasury to the credit of any fund derived from the city revenues, other than taxation, in excess of the estimated revenues from such source and not otherwise appropriated, sufficient to satisfy judgments against the city, warrants may be issued by direction of the Common Council for the payment of such judgments out of said funds in the order of their recovery. Until the moneys applicable to the payment of a judgment have been raised and paid into the City Chamberlain and payment of the judgment has been refused, no execution shall issue against the city unless the amount of such judgment shall not have been included in the tax budget. All costs in litigated cases, exclusive of disbursements as may be awarded, the city when defendant and when collected, shall belong to the Corporation Counsel and may be retained by him.

SECTION 2.- Laws Repealed. Local Law No. 10 of 1948, known as Section 11-C of the Charter of City of Plattsburgh is hereby repealed.

SECTION 3.- Time of Taking Effect. This act shall take effect after public hearing and approval by the Mayor.

On roll call, Aldermen Holland, LeClair, Villoni, Croteau, Ryan and Cardi voted in the affirmative; no one in the negative, CARRIED.

The foregoing Local Law certified to the Mayor this 16th day of May, 1949.


ACTING CITY CLERK

The foregoing Local Law is hereby approved after Public Hearing held this 24th day of May, 1949.


MAYOR

(SEAL)

PUBLISHED: MAY 17, 1949.