

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a 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.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
DEC 24 2003

MISCELLANEOUS  
& STATE RECORDS

County  
~~City~~<sup>x</sup> of Savannah  
Town  
~~Village~~<sup>x</sup>

Local Law No. 2 of the year 2003

A local law Defense and Indemnification  
(Insert Title)

Be it enacted by the Town of Savannah Board of the  
(Name of Legislative Body)

~~County~~  
~~City~~<sup>x</sup> of Savannah as follows:  
Town  
~~Village~~<sup>x</sup>

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**DEFENSE AND INDEMNIFICATION  
LOCAL LAW # 2, 2003**

After publication of the consideration of the above local law and a public hearing being held to discuss it; and

After finding that it is in the best interests of the residents of the Town for the Town to enact a local law providing for a Defense and Indemnification of its employees;

It is now enacted that:

1. This Local Law shall be known as Defense and Indemnification of Town of Savannah Employees.

2. This Local Law hereby confers any and all benefits of Public Officers Law Section 18, of the State of New York upon any and all employees of the Town whether full-time or part-time and whether elected or appointed.

3. The municipality, Town of Savannah, shall incur the costs of providing the benefits of Public Officers Law Section 18, State of New York, to any and all of its employees whether full-time or part-time and whether appointed or elected according to the terms of this local law.

4. The Town of Savannah is obligated to defend and indemnify an employee as recited herein only if the employee:

a. Requests in writing that the Town of Savannah provide for his or her defense within ten days of being served with a Summons, Complaint, Process, Notice, Demand, or Pleading; and

b. Delivers the original or a copy of any Summons, Complaint, Process, Notice, Demand, or Pleading to Town of Savannah at the Town Clerk's office during normal office hours along with the request for defense; and

c. Fully cooperates in defending the action or proceeding, in defending any action or proceeding against the municipality based upon the same act or omission and in prosecuting any appeal.

5. This local law also shall apply for punitive and/or exemplary damages imposed on any of the above civilian employees for negligent acts and torts committed

while properly discharging their duties and within the scope of their employment.

6. If any portion of this local law is declared invalid by a court for any reason, then the remaining sections shall remain in full force and effect and the offending provision hereof is hereby severed from the remaining effective part.

7. This local law is enacted in conformity with Section 10 (1)(a)(5) of the Municipal Home Rule Law of State of New York and Public Officer's Law Section 18 of the State of New York.

8. This local law shall take effect upon filing with the Secretary of State's office in conformity with Section 27 of the Municipal Home Rule Law.

9. To the extent that Prior Local Laws cover the same subject matter as this local law, those local laws shall remain in full force and effect to the extent that they do not conflict with the present local law. To the extent that any prior local laws conflict with this present law, then the present law shall prevail. Prior laws on this subject matter include but are not limited to Local Law #1, 1986.

(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. \_\_\_\_\_<sup>2</sup>\_\_\_\_\_ of 20\_\_03 of the (County)(City)(Town)(Village) of Savannah\_\_\_\_\_ was duly passed by the Town of Savannah Board on December 8 20\_\_03, 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 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 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_ , and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_ . Such local law was subject to  
*(Elective Chief Executive Officer\*)*  
permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_ , 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 county-wide 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 \_\_\_\_\_, above.

John Camp  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: 12/15/03

(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 Wayne

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.

Ch. B. Bantick  
Signature  
Town Attorney  
Title

Savannah  
County  
City of  
Town  
Village

Date: 12/18/03