

# Local Law Filing

(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.

FILE  
NOV 24 2006

MISCELLANEOUS  
& STATE RECORDS

- County
- City of \_\_\_\_\_ Ilion, Herkimer County, New York
- Town
- Village

Local Law No. \_\_\_\_\_ 2 \_\_\_\_\_ of the year 20 06 \_\_\_\_\_

A local law <sup>(insert title)</sup> to amend the Village Charter as follows: to revoke Local Law No. 2 of 2005 which created the Village's Municipal Utilities Board, and which provided, in part, that members of the Municipal Utilities Board would be officers of the Village of Ilion; to create Village Charter provisions re-establishing the Municipal Utilities Board under a different format, and specifically providing that members of the Municipal Utilities Board are not officers of the Village of Ilion; and limiting the jurisdiction of the Municipal Utilities Board so as to cover only the Village Water and Light Departments, and ~~Be enacted by the~~ not the Village's Department of Public Works. ~~of the~~

- Be it enacted by the Board of Trustees of the \_\_\_\_\_
- County
  - City of \_\_\_\_\_ Ilion, Herkimer County, New York \_\_\_\_\_ as follows:
  - Town
  - Village

~~Deletes this law and enters text of local law here~~

See text set forth on attached Schedule "A"

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

(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. 2 of 20 06 of ~~New York County~~ Ilion (Village) of Ilion was duly passed by the Board of Trustees on Nov. 15, 20 06, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20 \_\_\_\_\_, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ *(Elective Chief Executive Officer\*)*

Such local law was submitted 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to 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.)

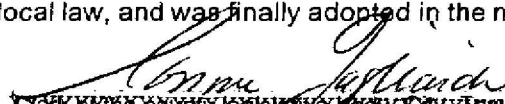
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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.

  
~~Clerk of the County Legislature~~ ~~City~~ ~~Town~~ ~~Village~~ Clerk ~~or~~  
~~Secretary of the County Legislature~~ ~~City~~ ~~Town~~ ~~Village~~ Secretary

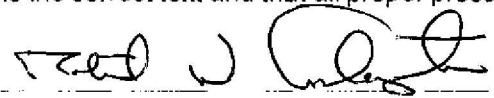
(Seal)

Date: 11/21/2006

(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 HERKIMER

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.

  
\_\_\_\_\_  
Signature  
Village Attorney  
\_\_\_\_\_  
Title

~~XXXXXX~~  
~~City~~ of Ilion  
~~XXXXXX~~  
Village

Date: 11-21-06

Eliminate Article II, Section C-3(d), current Subsections E-F-G-H, shall be relettered D-E-F-G.

Eliminate Article II, Section C-4B, create a new Article XIII, entitled "municipal Utilities Board", create a new Section C-85, under the new Article XIII, which shall read as follows:

Section C-85. There is hereby created in the Village of Ilion a Municipal Utilities Board (MUB).

A. The Municipal Utilities Board (MUB) shall consist of 7 members, who shall be appointed by the Village Board of the Village of Ilion, and shall serve at the pleasure of the Village Board. It is specifically understood that members of the Municipal Utilities Board (MUB) are not officers of the Village of Ilion. Members of the Municipal Utilities Board (MUB) must be residents of the Village of Ilion.

B. The members of the Municipal Utilities Board shall, with the exception of the first MUB Board appointed by the Village Board in accordance with this Charter provision, shall be appointed for a term of five (5) years. In accordance with Section 3-308(5) of the New York Village Law, "the first appointments of members shall be for terms so fixed that at least one (1) will expire at the end of each official year commencing at the end of the current such year and continuing in succeeding years until the entire original appointments run out. No such term shall exceed five (5) years". A MUB Board member's appointment shall continue beyond the term specified at the time of his or her appointment, if a new appointment has not been made, and/or a new MUB Board has not qualified when the existing MUB Board member's term expires.

As is stated in subparagraph "A" above, members of the Municipal Utilities Board (MUB) shall not be officers of the Village of Ilion, and shall not have the legal protections afforded to Public Officers under New York State Law. Instead, they shall be understood to be "at will" appointees who can be removed from office by the Village Board, upon the super majority vote of the Village Board (e.g. if at the time the Village Board seeks to remove a MUB Board member, there are five (5) Village Board members, it shall require the vote of four (4) of such members to remove a MUB Board member). Members of the Municipal Utilities Board (MUB) may be reappointed to additional five (5) year terms, at the discretion of the Village Board.

C. The Municipal Utilities Board (MUB) shall elect one (1) of its members as chairperson, and shall appoint a recorder/clerk, who, among other things, shall be responsible for the preparation and dissemination of the minutes of each MUB Meeting. The Municipal Utilities Board (MUB) shall meet at least monthly.

SCHEDULE "A" CONT.

D. The Municipal Utilities Board (MUB) shall act in an advisory capacity to the Village Board with respect to the operations of the Village's Light and Water Departments. The members of the Municipal Utilities Board (MUB) shall have no unilateral authority with respect to the operations of these departments, or with respect to appropriations or expenditures. The primary role of the Municipal Utilities Board (MUB) shall be to assist the Village Board in making certain that the Village's Light and Water Departments are run effectively, efficiently, and in a manner, which complies with all laws and regulations. Specifically, the members of the Municipal Utilities Board (MUB) shall:

1. Assist the Village Board in formulating department (both Water Department and Electric Department) budgets and rate structures, and shall advise the Village Board on appropriations and expenditures, capital projects, issues relating to Department employees, and any other matters delegated to them by the Village Board.
2. Seek grant opportunities, and other sources of funding, in addition to payments made by the Departments' ratepayers.
3. Assist the Village Board in assessing the fiscal and operational conditions of the Water and Electric Departments, and recommend modifications and/or remedial measures to improve such conditions, in a manner, which its members conclude, is in the best interests of the environment, the Departments themselves, and the rate payers of the Departments.
4. Review and submit to the Village Board any written reports, and make any recommendations its members deem necessary or appropriate, which would serve to assist the Village Board, and the Departments themselves, in maintaining compliance with laws, rules and regulations
5. In consultation and collaboration with the Village Board, take whatever steps will serve to insure that customers of the Village of Ilion Water Department and the Village of Ilion Light Department receive safe, continuous, and affordable utility services in a safe and professional manner.

E. All money derived from the business operations of the Water and Light Departments shall be paid to the Village Treasurer, and shall be maintained in separate funds, for disbursement by the Village Treasurer, under the direction of, and with the final approval of the Village Board.

This Local Law shall take effect immediately upon its filing with the New York State Secretary of State's Office.