

LOCAL LAW #2 OF 2018

A LOCAL LAW TO RESTRUCTURE THE OFFICE OF CORPORATION COUNSEL OF THE CITY OF MIDDLETOWN

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, NEW YORK, AS FOLLOWS:

Section 1. Purpose of this Enactment

The office of the Corporation Counsel has traditionally consisted of one Corporation Counsel and one Assistant Corporation Counsel. In 2016, the Common Council approved Local Law No. 1 of 2016 to make the Corporation Counsel a full-time position but did not make any changes to the position of Assistant Corporation Counsel. The Mayor and Common Council would like the ability to hire someone as Corporation Counsel for less than full time and to have up to two Assistant Corporation Counsels in order to provide appropriate and flexible legal representation for the City and to avoid, when possible, the need to hire private, temporary outside legal counsel. The purpose of this Local Law, then, is to change the Charter to allow the position of Corporation Counsel to be up to full time and to allow the City to hire up to two Assistant Corporation Counsels.

Section 2. Amendment of existing Section 3 of the Charter of the City of Middletown

Section 3 of the Charter of the City of Middletown is amended to change “one Corporation Counsel, one Assistant Corporation” to read “one Corporation Counsel, up to two Assistant Corporation Counsels.”

Section 3. Amendment of existing Section 20 of the Charter of the City of Middletown

Section 20 of the Charter of the City of Middletown is amended to change “the Corporation Counsel, the Assistant Corporation Counsel” to read “the Corporation Counsel, up to two Assistant Corporation Counsels.”

Section 4. Amendment of existing Section 65 of the Charter of the City of Middletown

Section 65 of the Charter of the City of Middletown is hereby repealed and replaced in its entirety by the following:

§ 65. The Corporation Counsel and any Assistant Corporation Counsel of said City shall be attorneys and counselors of the Supreme Court of the State of New York. The Corporation Counsel’s office shall be the legal advisor of the Common Council, Mayor and of all other City officials and boards. The said Corporation Counsel shall be up to a full-time employee of said City and shall serve three (3) year terms, commencing January 1, 2017, and until the successors the Corporation Counsel shall qualify. Assistant Corporation Counsels shall serve one (1) year terms as set forth in Section 11 of the Charter (if an Assistant Corporation Counsel is appointed and approved during the calendar year, his or her appointment shall expire as of December 31 of

that year). It shall be the duty of the Corporation Counsel, or his or her designee, when required so to do, to prosecute all suits, actions and proceedings brought in the name of or to be defended behalf of the City of Middletown, or any of its boards, and also to appeal on behalf of the people and prosecute in the City Court of said City all applicable criminal actions and proceedings, including violations of the Charter or Code of the City of Middletown; provided, however, that it shall not be the duty of the Corporation Counsel's office to undertake collections of taxes or and sewer rents or to conduct tax sales, unless directed so to do by resolution of the Common Council; and provided further, however, that nothing herein contained shall prevent the Common Council from employing on behalf of the City an attorney, other than the Corporation Counsel or Assistant Corporation Counsel, for any purpose nor prevent the payment to such attorney of reasonable compensation, as authorized by Section 26 of this Charter.

The Corporation Counsel and any Assistant Corporation Counsel of the City shall receive such compensation as may be fixed by the Board of Estimate and Apportionment and confirmed by the Common Council.

Section 5. Severability

Should any word, phrase, sentence, paragraph, section or provision of this Local Law be declared, ordered or adjudged null, void, voidable or invalid by a court of competent jurisdiction, such finding of invalidity shall not affect the validity of the remaining portions of this Local Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.