

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.

County City Town Village
(Select one.)

of Cortland

Local Law No. 7 of the year 2013

A local law Establishing Certain Fees for Probation Department Services
(Insert Title)

Be it enacted by the Legislature of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Cortland as follows:

See Attached

(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. 7 of 2013 of the (County)(City)(Town)(Village) of Cortland was duly passed by the Legislatuere on September 26 2013, 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 1 above.

Joseph D. Bode

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 10-1-13

(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 Cortland

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.

D. Huestett

Signature
Assistant County Attorney
Title

County _____
City of Cortland
Town _____
Village _____

Date: 10-1-13

**Adopt Local Law No. "G" of 2013 A Local Law Establishing Certain Fees for Probation
Department Services**

WHEREAS, the New York State Probation State Aid Block Grant Award to Cortland County for the 2013-2014 state fiscal year in the amount of \$196,746 was not increased from the 2012-2013 state fiscal year, and represents only 12% reimbursement of the total 2014 Probation Department budget expenses; and

WHEREAS, unfunded mandates to Probation Departments have increased; and

WHEREAS, Executive Law §257-c and Family Court Act §252-a permit Counties to adopt local laws authorizing Probation Departments to impose fees for certain Probation Department services, NOW, THEREFORE,

BE IT ENACTED, by the County Legislature of the County of Cortland, as follows:

SECTION I.

Legislative Intent

Pursuant to Executive Law §257-c and Family Court Act §252-a, Cortland County has the authority to adopt a local law authorizing the Cortland County Probation Department to impose fees for certain Probation Department services. The Cortland County Legislature finds it to be in the best interest of the County of Cortland to collect such fees from the individuals utilizing those services to offset unfunded mandates.

SECTION II.

**Fees for Probationers convicted under Vehicle and Traffic Law Article 31
(Alcohol and Drug Related Offenses)**

- A. An individual currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law shall pay to the Cortland County Probation Department, as the local probation department with the responsibility of supervising the probationer, an administrative fee of \$30.00 per month.
- B. The Probation Department, with the express approval of the Probation Director, shall waive all or part of such fee where, because of the indigence of the offender, the payment of said fee would work an unreasonable hardship on the person convicted, his/her

immediate family, or any other person who is dependent on such person for financial support. Within 30 days of adoption of this local law, the Probation Director is to establish specific criteria (including what documentation to be provided by the probationer) for determining what constitutes "indigence" or "unreasonable hardship" for a probationer seeking a waiver of all or part of said fee pursuant to this section.

- C. The probation administrative fee authorized by this local law shall not constitute nor be imposed as a condition of probation.
- D. Monies collected pursuant to this local law shall be utilized for probation services by the Cortland County Probation Department. Such monies shall not be considered by the division when determining state aid pursuant to Executive Law §246, and shall not be used to replace federal funds otherwise utilized for probation services.
- E. The provisions of Criminal Procedure Law §420.10 subdivision 6 shall govern for purposes of collection of the administrative fee.
- F. In the event of non-payment of any fees which have not been waived by the Cortland County Probation Department, the County may seek to enforce payment in any manner permitted for enforcement of a debt.

SECTION III.

Fees for Investigations ordered pursuant to Family Court Act §653 (Custody Investigation)

- A. The Cortland County Probation Department, when ordered by the Court to conduct an investigation pursuant to Family Court Act §653, is entitled to a fee of not less than \$50.00 and not more than \$500.00 from the parties in such proceeding for performing such investigation.
- B. Such fee shall be based on the party's ability to pay the fee and the schedule for payment shall be fixed by the Court issuing the order for investigation, pursuant to the guidelines issued by the Office of Probation and Correctional Alternatives, and may in the discretion of the Court be waived when the parties lack sufficient means to pay the fee.
- C. The Court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.
- D. Fees shall be paid directly to the Cortland County Probation Department to be retained and utilized for local probation services. Such fees shall not be considered by the Office of Probation and Correctional Alternatives when determining state aid pursuant to Executive Law §246.

SECTION IV.

Accounting

- A. The Cortland County Probation Department shall collect and maintain data on a monthly basis regarding the number and amount of fees imposed, the number of fees satisfied, and the total amount of fees collected.

- B. The Cortland County Probation Department shall submit all fees collected to the Cortland County Treasurer within the first 15 Days following the end of the month..

SECTION V.

Severability

If any provision of this local law or the application thereof to any person or circumstance is held to be invalid, the remainder of this local law and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION VI.

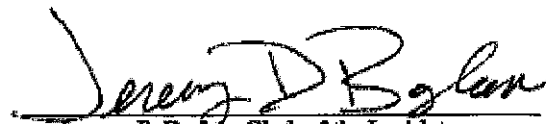
Effective Date

This Local Law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

STATE OF NEW YORK) SS:
COUNTY OF CORTLAND)

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 26th day of September, 2013 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand
and the official seal of the CORTLAND COUNTY
LEGISLATURE, this 26th day of September, 2013.



Jeremy D. Boylan, Clerk of the Legislature
Cortland County