

LOCAL LAW NO. 1 OF 2000

A LOCAL LAW ADOPTING RULES AND REGULATIONS AND A SCHEDULE OF FEES FOR THE ORANGE COUNTY VETERANS MEMORIAL CEMETERY.

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

Section 1. DEFINITIONS

As used herein:

“Cemetery” means the Orange County Veterans Memorial Cemetery.

“County” means the County of Orange, State of New York.

“Body” or “bodies” mean the remains of deceased persons eligible to be interred in the Cemetery and may be used interchangeably as the sense may require.

“Eligible” or “eligible person(s)” mean a person who is qualified to be buried in the Cemetery as defined in the laws, rules and regulations of the County and the Cemetery.

“Monument” means marker, headstone, slab, stone, ledger, memorial or other structure on a grave or plot.

“Perpetual Care and Maintenance” means cutting grass, filling depressions, replacing sod and soil, landscaping, leveling, maintaining paths, roads and curbs, maintaining plantings and natural growth, and doing all things necessary and appropriate to keep plots and other Cemetery facilities in good and proper condition as required by law and by the County.

“Owner,” “plot owner” or “plot owners” means any person(s) having lawful title to the use of a plot or plots or part thereof in the Cemetery and may be used interchangeably as the sense may require.

“Superintendent” means the person responsible for the day-to-day operation of the Cemetery as selected and designated as such by the County Executive of Orange County.

“Permanent resident” shall mean a person who resides in the County of Orange for at least 183 out of the immediately past 365 days.

“VA” means the Veterans Administration.

“CFR” means the Code of Federal Rules.

Section 2. SUPERINTENDENT

The Superintendent shall be a person qualified and fully licensed as may be required by law to perform the duties and responsibilities of office as required by the County and shall be selected on the basis of education, qualifications and experience. The Superintendent shall be directly answerable to and shall serve at the pleasure of the County Executive.

Section 3. PURCHASE OF PLOTS

Plots may be purchased in the Cemetery for the interment of the bodies of eligible persons. Plots purchased in the Cemetery will be conveyed by Warranty Deed or by transfer of title upon the books and records of the County. Title will be transferred upon receipt of the purchase price and is secured to the purchasers, their families and heirs as a burial place in perpetuity, subject to all applicable laws, rules and regulations including those enacted from time to time by the County of Orange. Transfers made upon the

books and records of the County shall be accompanied by the issuance of a certificate of ownership to the owner(s) thereof. Duplicates of such certificate may be issued upon the payment of the required fee. No plot in the Cemetery shall be sold until the County shall have determined the availability and suitability of same and the sale thereof approved by the Superintendent. The condition and grade of plots to be sold shall be established when said plots are prepared and approved for sale. Sales may be at need or pre-need. At need sales shall be of the next available plot or plots as determined by the Superintendent. Pre-need sales shall reserve a plot or plots at such location as may be subsequently assigned. In the case of a pre-need sale of multiple plots, the location of all such adjacent plots within the cemetery shall be determined at the time of the first use of any such plot by the Superintendent.

Section 4. TRANSFER OF PLOTS

All transfers of plots shall be made in accordance with the laws of the State of New York and the laws, rules and regulations of the County of Orange. No transfer or assignment of any plot or interest therein shall be valid unless same shall be approved in advance in writing by the Superintendent. Before any burial shall have been made in any such plot or part thereof, or if all the bodies therein have been lawfully removed, the plot owner(s) may sell or convey such plot or interest therein or part thereof only to a veteran or such other eligible person as the Superintendent shall determine, and subject to the advance written approval of the Superintendent. The County shall have the option of reacquiring said plot or interest prior to approving its conveyance to any third party. In the event the County exercises its right to reacquire said plot or interest, the price which the County shall tender for same shall be the purchase price paid to the County plus interest thereupon at the prevailing legal rate from the date paid. The County will not recognize as owners persons not identified as such by name and current residence on its records.

Section 5. POWERS OF OWNERS

Any lot owner otherwise qualified by law may appoint a representative with power to act in all matters pertaining to plots. Such appointment must be in writing legally sufficient in form and duly filed with the Superintendent. Such appointment shall terminate automatically upon the death of the person making such appointment unless otherwise specified in writing therein as such may be permitted by law. Simple physical possession of a deed and/or a certificate of ownership shall not be considered solely legally sufficient evidence of transfer of ownership in the absence of additional filings with the Superintendent, the County Clerk or Commissioner of Deeds, a court of law or other legal authority. In the event of the owner's death the County will recognize the rights of survivors upon proper notification of such death including filing of a certified death certificate with the Superintendent with legally sufficient evidence showing such rights of survivors. Rights to interment after the death of the owner shall be in accordance with the legally sufficient bequest of said owner, specifically in addition to all other eligibility requirements including those defined herein. In the absence of same, said rights shall pass in the following order of priority of eligible persons:

- a. the surviving spouse;
- b. direct lineal descendants of the purchaser;
- c. nearest of kin to the purchaser outside the direct line of descent.

Plot owners may not sell or otherwise allow interments in their plots for their private remuneration or otherwise except as may be approved in advance by the Superintendent and in accordance with applicable law, rules and regulations. When plots are held jointly by two or more owners, the County shall permit the interment of eligible members of the family of any joint owner upon written application therefor subject to the advance written approval of the Superintendent, unless the majority ownership interest therein objects to same.

Section 6. PLOTS IN TRUST

A plot owner or heirs and assigns may re-convey or devise such plot to the County in trust for the purpose of burial of certain named eligible persons, subject to the approval thereof by the Superintendent. The County may impose a fee as part of such conveyance.

Section 7. PERPETUAL CARE AND MAINTENANCE

Perpetual care and maintenance of such plots shall be provided to the owners thereof; and the price thereof shall be included in the purchase price.

Section 8. POWERS OF THE COUNTY

The County shall have the right to assign plots and gravesites to purchasers and/or owners thereof. The County shall have the right to reassign plots and gravesites and/or amend or correct assignments; and shall have the right to determine sites for plots, graves or other dispositions of remains regarding interments, reinterments, disinterments or removals. The County may adopt such rules and regulations and/or such practices and procedures as it may deem appropriate and necessary to accommodate the disposition of cremated remains. The County shall have the right to accommodate on Cemetery ground such memorials as it deems appropriate to honor the memory of eligible persons; including but not limited to those which honor persons: (a) who are missing in action; (b) whose remains have not been recovered or identified; (c) whose remains have been scattered or buried at sea, whether by choice or otherwise; (d) whose remains have been donated to science. The County may adopt a plan or plans designating different sections and areas of the Cemetery for various kinds of burials, monuments, gravesites and other particular functions and uses. The County and/or the Superintendent may adopt, publish and amend rules and regulations governing the use of flags on Cemetery property. All such rules and regulations shall comply with existing laws and rules, and shall at all times comply with standards of proper etiquette and good order and appearance in maintaining respect for the flags of the United States and other municipalities and patriotic and service organizations. The County shall have the right to adopt and amend laws, rules, regulations and schedules for the operation and maintenance of the Cemetery, its facilities and properties. The County shall have the right to establish and amend charges and fees for all properties and services relating to the Cemetery. The County shall have the right to allow, determine and amend the description, transfer and/or conveyance of any plot, gravesite, property or interest therein and may deny, reverse or cancel any such transfer or conveyance either by substitution of other property or interest therein in lieu thereof of equal value and similar location as far as may be possible; or by refunding the amount paid to the County therefor plus the legal rate of interest thereupon from the date of payment to the County; or either or a combination of both, in the sole discretion of the County. Such right shall include the right of the County to remove or transfer remains to such other property or location upon written notice to the affected family or authorized representatives thereof.

The County shall cooperate with veterans, their families and lawful representatives to coordinate the receipt and use of all benefits including burial benefits to which they may be entitled from the United States and other governments. The County is not responsible for ensuring the receipt of such benefits nor for any changes in entitlements thereto.

The County is not responsible for arranging military ceremonies or honors. These must be arranged by veterans, their families and representatives and approved by the Superintendent in advance of any such ceremony.

Section 9. GRAVESITES

Flowers, ribbons, decorations, flags, papers, glass, grave blankets, religious items, insignia and other items left on plots and gravesites will be removed and disposed of by Cemetery staff. The advance written permission of the Superintendent shall be required before any item is placed, attached or affixed to or on a grave or plot. Planting of any plants, trees, shrubs, annuals, perennials, ground cover or other matter on any ground or gravesite by any person is not permitted. The use of pins, wires or other devices to affix artificial flowers, plants, emblems, signs or other items to monuments or grass is not permitted. The Superintendent shall establish, post and publish such standards, rules and regulations as shall specify the placement, size, shape, materials, dimensions and color of all monuments and foundations. The advance approval of the Superintendent shall be required prior to the installation or placement of any monument and/or foundation on any plot, gravesite or other property within the Cemetery. Temporary grave markers may be allowed, in the discretion of the Superintendent, provided that such markers remain in suitable condition and appearance.

Allowance may be made for the placement of certain markers and/or decorations by the Grand Army of the Republic, the American Legion, the Veterans of Foreign Wars or such other patriotic, veterans or service organization subject to the supervision and control of the Superintendent.

The County shall not be responsible for damage to plots, gravesites, monuments, lawns, grass, shrubbery, or other property belonging to owners resulting from vandalism, force majeure, or other factors beyond the control of the County. The County shall not be responsible for any personal property left on Cemetery property. Missing property should be reported in writing to Cemetery staff. The County shall retain the right at all times to take all appropriate and necessary actions as will maintain all property within the Cemetery in a safe, clean, orderly and presentable condition and appearance. All costs incurred by County in such maintenance may be charged to the owners or other party responsible therefor.

Section 10. FUNERALS AND SERVICES

During any funeral, interment, religious services or other ritual on Cemetery property, any work or other activity which may tend to disturb same by noise or otherwise shall cease. The Superintendent shall supervise and coordinate all such services and shall coordinate, direct and cooperate with funeral directors, honor guards and other persons involved therewith.

Section 11. MONUMENTS AND FOUNDATIONS

Foundations and/or footings composed of concrete shall be required as part of the placement of all monuments. Owners shall be responsible for the provision of all foundations and/or footings as the Superintendent shall require. The Superintendent shall require that all foundations are sufficient as to depth, placement and composition. The minimum depth of all foundations shall be the deepest point of the lowest interment unless amended or waived in writing by the Superintendent. The Superintendent shall have the power to require such additional structures and work as may be deemed appropriate and necessary, including but not limited to forms or other supports. All such additional structures and work shall be at the sole expense of the owner. No foundation shall be exposed above the level of lawn or soil. Any exceptions to these rules shall require the advance written approval of the Superintendent. The following are prohibited at all times: corner markers, posts, hedges, fences, trellises, designs, chairs, benches, settees, copings, enclosures, frames, boxes, urns, lights, candles, memorabilia, and such other items; and if placed will be removed immediately. Such items become the property of the Cemetery and will be disposed of accordingly. The County by prior written approval of the Superintendent may allow the use of bases, monuments or other markers which rise above the surface level of the ground. All such markers shall rise above such ground level to a uniform height, subject to the supervision and approval of the Superintendent.

The County shall establish within the Cemetery a separate section at a suitable location and of appropriate size which shall be used for the placement of monuments, memorials and other markers and permanent commemorations in honor of those who served the United States in the conflicts and wars in which the United States has been involved. No graves, burials or other dispositions of remains shall be placed within such section.

There shall be placed within the Orange County Veterans Memorial Cemetery at a suitable location near its entrance a plaque of appropriate design and size which shall read as follows: "The Orange County Veterans Memorial Cemetery is dedicated to the memory of Thomas C. Agnew, Director of Veterans' Services 1993-1999 for his commitment to all Orange County veterans and his determination to create this place of honor as their final resting place."

Section 12. INTERMENTS

All interments shall be under the direction, control and supervision of the Superintendent. Interments shall be permitted only during the hours provided therefor, which shall be established and posted by the Superintendent. The Superintendent may require reasonable advance notice of interments. The Superintendent may require written authorization from the owner or duly authorized representative prior to opening a grave. The Superintendent may allow multiple interments in plots or graves at the sole discretion of

the County and as same may be reasonably accommodated as allowed by law, rule or regulation. A grave liner or vault satisfactory to the Superintendent shall be provided at the owner's expense prior to any interment unless waived in writing by the Superintendent. All charges and fees due for services and materials related to interments must be paid in advance. No interment will be permitted in the absence of the filing with the Superintendent of a certificate of death, burial certificate and other written documentation as the Superintendent may reasonably require under applicable laws, rules and regulations. Such documentation shall include the name and prior primary residence of the deceased; time, place and cause of death; rank, serial and social security numbers; branch(es) and years of service; theatre of service, if any; date and place of entry into and separation from service; evidence and status of discharge and terms thereof; honors; and other information as appropriate and necessary. All caskets used for burials must be appropriately closed, sealed and/or secured to the satisfaction of the Superintendent and as required by law and regulation. No reinterments of remains removed from other cemeteries shall be permitted unless the Superintendent shall have received the proper documentation including such removal and transport permits as are required by law, and only in such casket and/or other container as the Superintendent shall require. No removal of remains from the Cemetery shall be allowed unless the Superintendent shall have received the proper documentation including such removal and transport permits as are required by law and the written authorization of the appropriate family member or representative. The Superintendent shall determine the hours and days when interments, reinterments and removals may be allowed.

Section 13. LANDSCAPING

All landscaping and landscape planning with respect to sections; location and variety of trees, shrubs, grass, other plantings and design of same are the sole responsibility of the County. No plantings of any kind may be made by owners or families, friends or representatives of eligible persons. Fences, curbing, ditches, excavations, holes or other ground markings of any kind are prohibited except as may be provided by County.

Section 14. ELIGIBILITY

The following persons are eligible to be interred in the Cemetery: deceased individuals who, at the time of their death, satisfied at least one of the following:

- i. an active member in good standing of the Armed Forces of the United States as defined herein, who was during or immediately prior to their service, a permanent resident of Orange County;
- ii. a veteran of the Armed Forces of the United States who was discharged under other than dishonorable conditions who was a permanent resident of Orange County either at the time of their death or at the time of full payment by them or their representatives for a plot or plots in the Cemetery;
- iii. the spouse of a person described in i. or ii. above whose marriage to such individual ended with the death of either of them;
- iv. the parent or parents of an active member of the Armed Forces of the United States whose life was lost as a result of active engagement in combat; or
- v. the dependent child or children of the persons described in i., ii., iii., or iv. above.

The following persons are not eligible to be interred in the Cemetery:

- i. persons whose separation from the Armed Forces of the United States was under dishonorable conditions or whose character of service results in a bar to veterans benefits;
- ii. a person who was ordered to report for induction into the Armed Forces of the United States but was not actually inducted;

iii. any person whose date of conviction of subversive activities occurs after September 1, 1959 for any such activities whenever occurring; such eligibility may be reinstated only upon the granting of a pardon for such conviction from the President of the United States; or

iv. others not qualifying for eligibility under the laws, rules and regulations of the County.

As used in this Section, these terms shall have the following definitions:

“dependent child(ren)” shall mean the natural or legally-adopted child(ren) of a veteran who are neither emancipated nor have been the object(s) of a successfully completed proceeding brought in a court of competent jurisdiction to terminate the parental rights of such veteran, and are, at the time of the death of such child(ren), either:

younger than eighteen (18) years of age; or between the ages of eighteen (18) and twenty-five (25) years of age and a full-time student; or any age and suffering from a permanent or chronic physical, mental and/or medical condition of such severity as to preclude such child(ren) from ever becoming capable of living independently, autonomously and self-sufficiently, and who remain dependent upon said veteran for support.

“Veterans and members of the Armed Forces (of the United States)” shall mean:

A. Members of the Armed Forces

i. any member of the Army, Navy, Air Force, Marine Corps, or Coast Guard who dies on active duty;

ii. any citizen of the United States who, during any war in which the United States has been or may hereafter be engaged, served in the Armed Forces of any Government allied with the United States during that war, whose last active service terminated honorably by death or otherwise, and who was a citizen of the United States at the time of entry into such service and at the time of death;

iii. any veteran discharged under other than dishonorable conditions; undesirable, bad conduct, and any type of dishonorable discharge shall result in the ineligibility of such veterans unless there is a special determination of an Adjudication Officer of the Veterans Administration or successor agency that such individual be deemed eligible for benefits accorded to honorably discharged veterans, subject to the further approval of the County of Orange.

B. Members of Reserve Components and Reserve Officers’ Training Corps

i. any member of a reserve component of the Armed Forces, the Army National Guard or Air National Guard who during a period of active duty for training was disabled or died from a disease or injury incurred or aggravated in the line of duty or during a period of inactive duty training was disabled or died from an injury incurred or aggravated in the line of the duty.

ii. members of reserve components who die under other than dishonorable conditions while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred while performing active duty for training or inactive duty training, or undergoing such hospitalization or treatment.

iii. members of the Reserve Officers’ Training Corps of the Army, Navy, or Air Force who die under other than dishonorable conditions while attending an authorized training camp or on an authorized cruise, while performing authorized travel to or from that camp or cruise, or while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under other than dishonorable conditions while engaged in one of those activities.

C. Commissioned Officers, National Oceanic and Atmospheric Administration

i. any Commissioned Officer of the National Oceanic and Atmospheric Administration (formerly titled the Coast and Geodetic Survey and the Environmental Science Services Administration) with full-time duty on or after July 29, 1945.

ii. any Commissioned Officer who served before July 29, 1945, and:

a. was assigned to an area of immediate hazard described in the Act of December 3, 1942 (56 Stat. 1038; 33 U.S.C. Sec. 855a), as amended.

b. served in the Philippine Islands on December 7, 1941.

c. transferred to the Department of the Army or the Department of the Navy under the provisions of the Act of May 22, 1917 (40 Stat. 87; 33 U.S.C. Sec. 855).

D. Public Health Service

i. any Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who served on full-time duty on or after July 29, 1945. If the service of the particular Public Health Service Officer falls within the meaning of active duty for training, as defined in section 101(22) of title 38, United States Code, he or she must have been disabled or died from a disease or injury incurred or aggravated in the line of duty to be eligible hereunder.

ii. any Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who performed full-time duty prior to July 29, 1945:

a. in time of war;

b. on detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard; or

c. while the Service was part of the military forces of the United States pursuant to Executive Order of the President.

iii. any Commissioned Officer serving on inactive duty training as defined in section 101(23) of title 38, United States Code, whose death resulted from an injury incurred or aggravated in the line of duty.

E. World War II Merchant Marine

All American merchant seamen who were in active oceangoing service at any time during the period from December 7, 1941 to August 15, 1945 who are eligible to receive and have received discharge certificates. Application for same may be made to Commandant (G-MVP-6), United States Coast Guard, 2100 2nd Street, SW, Washington, DC 20593. Upon successful application, an individual who is issued a DD214 which establishes eligibility for veterans benefits including burial in a national cemetery (Public Law 95-202) will be considered eligible hereunder.

F. Spouses and Dependents

i. the eligible spouse as defined herein of an eligible person even if said eligible person is not buried or memorialized in a national cemetery. In addition, the spouse of a member of the Armed Forces of the United States lost or buried at sea or officially determined to be permanently absent in a status of missing or missing in action or whose remains have been donated to science or cremated and the ashes scattered is considered eligible. An "eligible spouse" as used herein is defined as the lawful spouse of an eligible person whose marriage to such person ended as a result of the death of either of them.

G. Eligible Persons Generally

Eligible persons shall include:

- a. any person who served on active duty in the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps and Coast Guard) who entered active duty as an enlisted person or officer and whose discharge or separation from active duty was under other than dishonorable conditions;
- b. any member of the Reserve components of the Armed Forces, the Army National Guard or the Air National Guard, whose death occurs under other than dishonorable conditions while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under other than dishonorable conditions while performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States (38 CFR 1.620(c));
- c. any member of the Reserve components of the Armed Forces, the Army National Guard or the Air National Guard who dies from an injury incurred while proceeding directly to or returning directly from active duty for training or inactive duty training, as the case may be. Eligibility will be adjudged on the basis of specific circumstances surrounding such travel, as determined under Federal law (38 CFR 3.6(e)) and in the discretion of the County.
- d. any member of the Reserve Officers Training Corps (ROTC) of the Army, Navy or Air Force whose death occurs under other than dishonorable conditions while:
 - (1) attending an authorized training camp or on an authorized practice cruise;
 - (2) performing authorized travel to or from that camp or cruise; or
 - (3) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under other than dishonorable conditions while:
 - (a) attending that camp or on that cruise;
 - (b) performing that travel; or
 - (c) undergoing that hospitalization or treatment at the expense of the United States (38 CFR 1.620(d));
- e. service at any time as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy (38 CFR 3.6(b)(4));
- f. any citizen of the United States who during any war in which the United States is or has been engaged served in the Armed Forces of any Government allied with the United States during that war, whose last such service terminated under other than dishonorable conditions, who was a citizen of the United States at the time of entry on such service and at the time of death (38 CFR 1.620(e));
- g. any person who served full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service:
 - (1) on or after July 29, 1945; or
 - (2) before that date under circumstances affording entitlement to "full military benefits" (38 CFR 3.7(q));

h. any person who served full-time duty as a commissioned officer of the Coast and Geodetic Survey or of its successor agencies, the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration:

(1) on or after July 29, 1945; or

(2) before that date; or

(a) while on transfer to one of the Armed Forces; or

(b) while, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard; or

(c) in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter (38 CFR 3.7(g));

i. regular "Old" Philippine Scouts who entered service prior to the enactment of Public Law 190 (October 6, 1945) (38 U.S.C. 107(b) and 38 CFR 3.8(b) by exception);

j. any member of the Women's Army Corps (WAC) who served on or after July 1, 1943 (38 CFR 3.7(u));

k. any member of the Women's Reserve of Navy, Marine Corps, and Coast Guard who qualify under the provisions of paragraph 3h (38 CFR 3.7(v));

l. any member of the Russian Railway Service who served during World War I as certified by the Secretary of the Army (38 CFR 3.7(w));

m. any person who served in the following groups which has been certified as active military service for the purpose of receiving VA benefits under the provisions of section 401, Public Law 95-202 (38 CFR 3.7(x)):

(1) Women's Air Forces Service Pilots (WASP) who served in World War II (38 CFR 3.7(x)(1));

(2) Signal Corps Female Telephone Operators Unit who served in World War I (38 CFR 3.7(x)(2));

(3) Engineer Field Clerks who served in World War I (38 CFR 3.7(x)(3));

(4) Women's Army Auxiliary Corps (WAAC) who served in World War II (38 CFR 3.7(x)(4));

(5) Quartermaster Corps Female Clerical Employees who served with the American Expeditionary Forces (AEF) in World War I (38 CFR 3.7(x)(5));

(6) Civilian Employees of the Pacific Naval Air Bases who actively participated in the defense of Wake Island during World War II (38 CFR 3.7(x)(6));

(7) Reconstruction Aides and Dietitians who served in World War I (38 CFR 3.7(x)(7));

(8) Male Civilian Ferry Pilots (38 CFR 3.7(x)(8));

(9) Wake Island Defenders from Guam (38 CFR 3.7(x)(9));

(10) Civilian personnel assigned to the Secret Intelligence Element of the Office of Strategic Service (OSS) (38 CFR 3.7(x)(10));

(11) Guam Combat Patrol during World War II (38 CFR 3.7(x)(11));

(12) Quartermaster Corps Keswick Crew on Corregidor during World War II (38 CFR 3.7(x)(12));

(13) U. S. Civilian Volunteers who actively participated in the Defense of Bataan during World War II (38 CFR 3.7(x)(13));

(14) United States Merchant Seamen who served on blockships in support of Operation Mulberry during World War II (38 CFR 3.7(x)(14));

(15) American Merchant Marines in oceangoing service during the period of armed conflict, December 7, 1941 to August 15, 1945 (WW II) (38 CFR 3.7(x)(15));

(16) Civilians employed by the U. S. Army Transport Service (later re-designated U. S. Army Transportation Corps, Water Division), or the Naval Transportation Service, or the U. S. Army Coast Artillery Corps, or the U. S. Army Air Force, or the U. S. Army Signal Corps, or the U. S. Army Corps of Engineers who served aboard ships in oceangoing service during the period of armed conflict, December 7, 1941 to August 15, 1945 (WW II) (Section 401, Public Law 95-202);

(17) Civilian Navy Identification Friend or Foe (IFF) Technicians who served in combat areas of the Pacific during the period December 7, 1941 to August 15, 1945 (WW II) (38 CFR 3.7(x)(16));

(18) U. S. Civilians of the American Field Service (AFS) who served overseas operationally in World War I during the period August 31, 1917 to January 1, 1918 (38 CFR 3.7(x)(17));

(19) U. S. Civilians of the American Field Service (AFS) who served overseas under certain U. S. Armies and U. S. Army Groups in World War II during the period December 7, 1941 through May 8, 1945 (38 CFR 3.7(x)(18)). Other than dishonorable service in the following units and time frames qualifies:

(a) 5th U. S. Army, January 5, 1943 to December 16, 1944.

(b) 15th Army Group, December 16, 1944 through May 8, 1945.

(c) 7th U. S. Army, July 10, 1943 to August 1, 1944.

(d) 6th Army Group, August 1, 1944 through May 8, 1945.

(e) 12th Army Group, July 14, 1944 through May 8, 1945.

(f) 1st U. S. Army, October 20, 1943 through May 8, 1945.

(20) U. S. Civilian employees of American Airlines who served overseas as a result of American Airlines' contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (38 CFR 3.7(x)(19));

(21) Civilian crewmen of certain United States Coast and Geodetic Survey (USCGS) vessels who performed their service in areas of immediate military hazard

while conducting cooperative operations with and for the United States Armed Forces within a time frame of December 7, 1941 to August 15, 1945. (38 CFR 3.7(x)(20)) To qualify, crewmen must have served aboard one or more of the following USCGS vessels: DERICKSON; EXPLORER; GILBERT; HILGARD; E. LESTER JONES; LYDONIA; PATTON; SURVEYOR; WAINWRIGHT; WESTDAHL; OCEANOGRAPHER; HYDROGRAPHER; and PATHFINDER during the period:

(a) December 7, 1941 through May 8, 1945 (V-E Day) in all those Atlantic areas outside U. S. Inland waters to include Atlantic and Gulf of Mexico coastal waters; or

(b) December 7, 1941 through August 14, 1945 (V-J Day) in all those Pacific areas outside of U. S. inland waters to include Pacific coastal and Alaskan coastal waters (Section 401, Public Law 95-202);

(22) Honorably discharged members of the American Volunteer Group (Flying Tigers) who served during the period December 7, 1941 to July 18, 1942. (38 CFR 3.7(x)(21))

(23) Civil Service crewmembers aboard United States Army Transport Service and Naval Transportation Service vessels in oceangoing service during the period December 7, 1941 to August 15, 1945 (WW II) (Section 401, Public Law 95-202);

(24) U. S. civilian flight crew and aviation ground support employees of United Air Lines (UAL) who served overseas as a result of UAL's contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (38 CFR 3.7(x)(22));

(25) U. S. civilian flight crew and aviation ground support employees of Transcontinental and Western Air (TWA), Inc., who served overseas as a result of TWA's contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (38 CFR 3.7(x)(23));

(26) American Field Service (AFS) who served honorably on flights with the 3rd Combat Cargo Squadron, Army Air Forces, during the period December 7, 1941 through August 14, 1945 (WW II) (Section 401, Public Law 95-202);

(27) U. S. civilian flight crew and aviation ground support employees of Consolidated Vultee Aircraft Corporation (Consairway Division) who served overseas as a result of Vultee Aircraft Corporation's contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (38 CFR 3.7(x)(24));

(28) U. S. civilian flight crew and aviation ground support employees of Pan American World Airways and its subsidiaries and affiliates who served overseas as a result of Pan American World Airway's contract with the Air Transport Command and Naval Transport Service during the period December 14, 1941 through August 14, 1945 (38 CFR 3.7(x)(25));

(29) Members of the American Volunteer Guard, Eritrea Service Command, who served during the period June 21, 1942 to March 31, 1943 (38 CFR 3.7(x)(26));

(30) U. S. civilian flight crew and aviation ground support employees of Eastern Airlines-Military Transport Division (EAL-MTD) who served overseas as a result of EAL-MTD's contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (Section 401, Public Law 95-202);

(31) U. S. civilian flight crew and aviation ground support employees of Northwest Airlines who served overseas as a result of Northwest Airline's Contract with the Air Transport Command during the period December 14, 1941 through August 14, 1945 (Section 401, Public Law 95-202);

(32) U. S. civilian female employees of the U. S. Army Nurse Corps while servicing the defense of Bataan and Corregidor during the period January 2, 1942 to February 3, 1945 (Section 401, Public Law 95-202);

n. such other persons or classes of persons as may be designated by the Secretary of Veterans Affairs (38 CFR 1.620(h)); subject to the discretion of the County.

H. Others

Such other persons or classes of persons as designated by the Secretary of Veterans Affairs (38 U.S.C. Sec. 2402(6)) or the Secretary of the Air Force (Public Law 95-202, Sec. 401); subject to the discretion of the County.

Section 15. GENERAL RULES

A. ADMINISTRATION

The Superintendent shall have the general care, custody and control of the Cemetery and all operations thereof. The Superintendent may from time to time adopt and publish rules and regulations consistent with this Local Law and subject to the approval of the County Executive and County Legislature to provide for the use, maintenance and operation of the Cemetery. Such rules and regulations shall have the same force and effect as law and may be enforced by the County as such. Any rules and regulations adopted by the Superintendent shall be in addition to all other applicable laws, rules and regulations of the United States, the State of New York and the County of Orange. The Superintendent shall establish, post and publish the hours during which the Cemetery and Cemetery offices shall be open for visitors and the conduct of business. The Superintendent shall establish, post and publish the hours and days during which the Cemetery shall accommodate funerals, interments, re-interments, removals and other operations. The Superintendent may close the Cemetery temporarily to visitors and others for any appropriate purpose or reason, including but not limited to inclement weather or other reasons which may make use of or visits to the Cemetery unsafe or inconsistent with the protection of the facility.

The Superintendent shall be responsible for, and shall have the authority to control vehicular and all other traffic flow on Cemetery property at all times.

The Superintendent shall be responsible for, and shall, with the supervision and approval of the County Executive, County Attorney, Risk Manager and Commissioner of Personnel, promulgate and adopt rules and regulations as shall establish all necessary and appropriate elements of a program of occupational safety and health for County employees and all others as needed who do work on Cemetery property and facilities. As may be appropriate and necessary, such program shall include training on hazard communication, hearing and respiratory protection, medical surveillance, education and training, chemical identification and handling, protective clothing and equipment, accident prevention and reporting, fire protection, confined space entry, and such other components as needed.

B. CONDUCT AND DECORUM

Plot owners, families and friends, and other appropriate persons are welcome as visitors at any time during the hours the Cemetery is open. All persons shall conduct themselves with the propriety and decorum which is appropriate to the facility. Persons violating the rules of the Cemetery and behaving in such fashion as may interfere with the peaceful and quiet use of the Cemetery by visitors may be required to leave the premises. No domesticated animals are permitted on Cemetery grounds. No solicitation or advertising of any

kind shall be permitted on Cemetery grounds. Repeated violation of the rules of decorum may result in a temporary or permanent exclusion from the premises. Visitors may not disturb any plot or gravesite or monuments or parts thereof or any other part or unit of Cemetery property or equipment; nor disturb or injure any plant, shrub, grass or flowers; nor remove anything from Cemetery grounds. Only invited friends and family members and other participants may approach the proximity of a grave during an interment service. Eating, drinking, picnicking, bicycling, music (other than ritual music,) ball-playing, skate-boarding, pet-walking and other forms of recreation and/or entertainment are prohibited from Cemetery grounds at all times. Any person found upon Cemetery grounds after closing shall be considered a trespasser and may be prosecuted as such by the County. Well-disposed persons are requested to report any unsightly or dangerous conditions or any breach or violations of rules to Cemetery staff.

All children under the age of sixteen (16) years must be accompanied by a responsible adult at all times while on Cemetery grounds; said adult shall be responsible for ensuring that all children comply with the standards and rules of proper decorum.

The speed limit for all vehicles in the Cemetery shall be ten (10) miles per hour. Driving or parking shall be on designated roads and paved lots only and is prohibited on lawns, plots and otherwise as designated by the Superintendent.

C. CONDUCT OF COUNTY EMPLOYEES AND OTHERS

All County employees, including independent contractors retained by the County, are absolutely prohibited from accepting payment, gifts, gratuities or any other offer of money, services or anything of value in return for any service or consideration regarding the Cemetery, its operation or plots therein.

All persons engaged in work upon or preparation of plots, gravesites, monuments, services or any other activity on Cemetery property are subject to the direction, supervision and control of the Superintendent at all times. All materials brought into the Cemetery must be placed upon pavement areas or upon palettes or planking or other material protective of lawns, plants and monuments. All work in the Cemetery is subject to the advance permission and approval of the Superintendent. A Certificate of Insurance adequate as to scope and amount of coverage will be required by the Superintendent to be filed with the Cemetery from all private companies, contractors and persons doing any excavation or construction of any sort on Cemetery property.

Receptacles will be placed at appropriate locations for waste paper and other discarded items. All trash must be placed in the receptacles for same. All persons are prohibited from placing household or other municipal solid waste or any waste not generated upon Cemetery grounds in Cemetery receptacles.

Section 16. SCHEDULE OF FEES

| <u>Fee</u> | <u>Services Provided</u> |
|------------|---|
| \$500.00 | Full-size gravesite, first opening and closing, setting gravemarker, perpetual care and related maintenance. |
| \$250.00 | Small size (approx. 4' x 4') gravesite for cremains, first opening and closing, perpetual care and related maintenance. |
| \$250.00 | Each additional reopening and closing following initial interment. |
| \$100.00 | Transfer of a plot in trust to the County for future burial of a named eligible person. |

The County shall have the power to waive any or all or a part of its fees in the event of the indigence of eligible persons and/or their survivors. Such waiver may be granted by the Director of the Orange County Veterans' Service Agency upon a showing of sufficient justification therefor. Every such waiver shall be recorded in writing specifically describing the amount and kind of fee waived and the reasons therefor. Copies of such waiver shall be provided to the Superintendent, the County Executive, the Commissioner of Finance and the Clerk of the Orange County Legislature. The Orange County Veterans' Service Agency or the Orange County Legislature may adopt standards and guidelines to determine indigence hereunder, and standards determining the requisite proof required to establish indigence hereunder. In the absence of the adoption by the County of such standards determining indigency hereunder, then the standards currently used by the Department of Social Services shall apply hereto. The County may seek such benefits on behalf of those eligible therefor from the United States or other governments or other sources thereof as same may be available on behalf of such indigent eligible persons, and may seek reimbursement of County costs and expenses disbursed by the County on their behalf.

Unless otherwise waived or provided in writing by the County, all charges and fees for property, use, services or facilities of or in connection with the Cemetery must be paid in full in advance of the transfer, conveyance or use of same.

The County shall have the power to adopt and from time to time amend a schedule of fees to be charged in connection with the property, facilities and services of the Cemetery. The amendment of such fee schedule may be done by resolution of the County Legislature adopted by simple majority vote.

Section 17. REGULATION AND MANAGEMENT

The County may from time to time amend Cemetery rules and regulations by resolution of the County Legislature. In the case of rules and regulations established by the Superintendent, such may be amended by written notice, posting and publication of amendments by the Superintendent. All rules and regulations of any kind are subject to the review, approval and amendment of and by the County Legislature. The County may establish from time to time such separate funds, accounts, endowments and other financial resources as it deems appropriate and necessary. The County may retain from time to time such consultants, contractors and outside agents as it may deem appropriate and necessary to the operation of the Cemetery. The County may in the future acquire additional lands for use as a cemetery.

The Superintendent shall continuously maintain interment records, monument records, a system of gravesite set-aside and reservation, equipment records, staff records, records of all private workers and work done on Cemetery property, operating records and all other records as necessary to the orderly operation of the Cemetery and as may be required by law or regulation. Such records shall be kept in a secure and protected manner and not co-mingled with unrelated records or materials.

The Superintendent and/or the County Executive shall from time to time and as requested keep such records and accounts and make such reports as shall disclose the operations, use, status, finances and administration of the Cemetery, its property and facilities, to the County Legislature, the State of New York and such other supervisory and regulatory agencies as may be required, appropriate and necessary.

All violations of the rules and regulations of the Cemetery may be prosecuted by the County; and all costs incurred as a result of prohibited actions plus the costs of all administrative and/or legal proceedings shall be recoverable by the County against all parties responsible therefor.

Section 18. SEVERABILITY AND EFFECTIVE DATE

In the event any part of this Local Law shall be rendered invalid by a higher lawful or regulatory authority, the balance hereof shall remain in full force and effect. This Local Law shall take effect immediately, as provided in the Municipal Home Rule Law, and shall supercede all prior legislation relating to the subject hereof.

Local Law No. 1 of 2000 was passed March 10, 2000 by the following roll call vote:

Ayes: 21
Noes: 0
Absent: 0

Approved by the County Executive: March 29, 2000

Effective: April 3, 2000

LOCAL LAW NO. 2 OF 2000

A LOCAL LAW AMENDING SECTION 5.04 OF THE ORANGE COUNTY CHARTER (LOCAL LAW NO. 8 OF 1968) AND SECTION 5.06(a) OF THE ORANGE COUNTY ADMINISTRATIVE CODE (LOCAL LAW NO. 10 OF 1969) TO EXEMPT PUBLIC UTILITIES FROM THE CERTIFICATION OF CLAIM REQUIREMENTS, PURSUANT TO NEW YORK COUNTY LAW SECTION 369.

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

Section 1. LEGISLATIVE FINDINGS AND CONCLUSIONS

Section 369(2) of the New York County Law authorizes counties to require that claims for the payment of money be certified by the claimant. Pursuant to the County Law Section 369(2), the County of Orange enacted Section 5.04 of the Orange County Charter and Section 5.06(a)(1) of the Orange County Administrative Code, which require that claims for the payment of money be certified by the claimant in the form of a "vendor certification." The Commissioner of Finance has now determined that with respect to public utilities (electric, gas and telephone) such vendor certification is unnecessary, and the elimination of the requirement for vendor certification will expedite the processing of such claims for payment and has, therefore, recommended to this Legislature that the vendor certification requirement be eliminated as to public utilities. Therefore, this Legislature does wish to amend the Charter and Administrative Code so as to provide an exemption for public utilities from the aforementioned certification requirement contained therein.

Section 2. CHARTER AMENDMENT

Section 5.04 of the Orange County Charter is hereby amended by adding to the last sentence of the last paragraph: "however, this certification requirement shall not apply to public utilities."

Section 3. ADMINISTRATIVE CODE AMENDMENT

Section 5.06(a)(1) of the Orange County Administrative Code is hereby amended by adding thereto after the word "claimant" the following: "other than a public utility."

Section 4. EFFECTIVE DATE

Pursuant to Section 24(2)(b) of the New York State Municipal Home Rule Law and Section 20.07 of the Orange County Administrative Code, this Local Law shall be effective 45 days from the date that it is voted on by this Legislature, unless a petition is filed within that time properly signed by at least 10% of the qualified voters within the County, in which case this Local Law is subject to a referendum as provided by law.

Upon the effective date of this Local Law the Clerk of the Legislature is authorized to make and enter the aforesaid amendments to the Charter and Administrative Code, including upon any official publication thereof.

Local Law No. 2 of 2000 was passed April 7, 2000 by the following roll call vote:

Ayes: 21

Noes: 0
Absent: 0

Approved by the County Executive: May 1, 2000

Effective: June 20, 2000

LOCAL LAW NO. 3 OF 2000

A LOCAL LAW AMENDING SECTION 25.03 OF THE ORANGE COUNTY ADMINISTRATIVE CODE (LOCAL LAW NO. 10 OF 1969) CONCERNING THE DEPUTY COMMISSIONER OF THE DEPARTMENT OF EMERGENCY COMMUNICATIONS.

BE IT ENACTED by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. AMENDMENT: Local Law No. 10 of 1969 known as the Orange County Administrative Code, be and hereby is amended as follows:

Article XXV, Section 25.03 be deleted in its entirety and the following be inserted therefor:

“Section 25.03. Deputy Commissioners of Emergency Communications and Staff; Appointment; Revocation.

The Commissioner of Emergency Communications may appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. Any such Deputy Commissioner shall have all the powers and duties of the Commissioner. Each such appointee shall be directly responsible to, and unless otherwise required by law, serve at the pleasure of the Commissioner. Appointments and revocations thereof shall be in writing and reported to the Commissioner of Personnel.”

Section 2. EFFECTIVE DATE: This Local Law shall take effect immediately, as provided in the Municipal Home Rule Law.

Local Law No. 3 of 2000 was passed June 8, 2000 by the following roll call vote:

Ayes: 18
Noes: 3
Absent: 0

Approved by the County Executive: June 28, 2000

Effective: July 3, 2000

LOCAL LAW NO. 4 OF 2000

A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 86, LAWS OF 2000 FOR THE ELIGIBLE EMPLOYEES OF ORANGE COUNTY COMMUNITY COLLEGE.

WHEREAS, the Board of Trustees of Orange County Community College, Middletown, New York, has, by resolution, elected to provide an early retirement incentive program to eligible employees at the college; and

WHEREAS, this Legislature does desire to approve said program at the College, therefore,

BE IT ENACTED, by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. Orange County hereby elects to provide all eligible employees, age 50 or older with 10 or more years of service or age 55 or older with 5 or more years of service (not including incentive credit for such service) of Orange County Community College in the New York State Teachers' retirement System (NYSTRS) and the Teachers' Insurance and Annuity Association-College Retirement Equities Fund (TIAA-CREF) and faculty administrative staff and chairmen in the New York State Employees' Retirement System (NYSERS) with a retirement incentive program authorized by Chapter 86, Laws of 2000.

Section 2. The commencement date of the retirement incentive program shall be October 3, 2000.

Section 3. The open period, during which eligible employees may retire and receive the additional retirement benefit, shall be from October 3, 2000 through December 31, 2000.

Section 4. For those employees who are members of the New York State Teachers' Retirement System, the actuarial present value of the additional retirement benefits payable pursuant to the provisions of this Local Law shall be funded over a five (5) year period. The amount of the annual payment in each of the five (5) years shall be determined by the Actuary of the New York State Teachers' Retirement System, and the New York State Employees' Retirement System and it shall be paid by Orange County Community College for each employee who received the retirement benefits payable under this Local Law.

Section 5. Those employees in the optional retirement system, TIAA-CREF, shall receive payments as referenced in Chapter 515 of the Laws of 1999, from Orange County Community College, the value of which will be determined in accordance with the provisions of Chapter 86 of the Laws of 2000.

Section 6. This Local Law shall take effect in the manner provided by law.

Local Law No. 4 of 2000 was passed August 11, 2000 by the following roll call vote:

Ayes: 20
Noes: 0
Absent: 1

Approved by the County Executive: August 25, 2000

Effective: August 28, 2000

LOCAL LAW NO. 5 OF 2000

A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 1995 TO CHANGE THE DESIGNATION OF RISK MANAGEMENT OFFICER AS HEARING OFFICER, IN THE ADMINISTRATION OF GENERAL MUNICIPAL LAW SECTION 207c BENEFITS.

BE IT ENACTED by the County Legislature of the County of Orange as follows:

Section 1. Local Law No. 7 of 1995 is hereby amended as follows:

(a) In Section 14, after the first sentence, the following sentences are added: "The Risk Management Officer shall forward the request to the Administrative Officer for the County of Orange with a request that the Administrative Officer conduct the hearing and render a decision. The hearing and further evaluation shall be heard by the Administrative Officer or his or her designee." The words "Risk Management Officer shall make his" in the second sentence of said section are deleted and replaced with the words: "the Administrative Officer for the County of Orange or his or her designee shall make his or her..."

(b) In Section 18, after the second sentence, the following sentences are added: "The Risk Management Officer shall forward the demand to the Administrative Officer for the County of Orange, with a request that the Administrative Officer schedule and hold the hearing and render a decision. The hearing and further evaluation shall be heard by the Administrative Officer or his or her designee." The words "Risk

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Management Officer shall make his” are deleted from the third sentence and replaced with the words: “the Administrative Officer for the County of Orange or his or her designee shall make his or her...”

(c) In Section 21, the fourth and fifth sentences are deleted in their entirety and replaced with the following: “After the service of such demand, the Risk Management Officer shall forward the demand to the Administrative Officer of the County of Orange with a request that the Administrative Officer schedule and hold a hearing and render a decision. Upon receipt of such a request, the Administrative Officer or his or her designee shall forthwith schedule and hold a hearing upon such appeal at which time the individual may be represented by counsel. The Administrative Officer or his or her designee shall make his or her final determination.”

Section 2. This Local Law shall take effect immediately.

Local Law No. 5 of 2000 was passed August 11, 2000 by the following roll call vote:

Ayes: 20
Noes: 0
Absent: 1

Approved by the County Executive: August 28, 2000

Effective: August 31, 2000

LOCAL LAW NO. 6 OF 2000

A LOCAL LAW AMENDING THE ORANGE COUNTY LOCAL ETHICS LAW (LOCAL LAW NO. 2 OF 1994) BY AMENDING THE DATE FOR FILING DISCLOSURE FORMS AND THE METHOD FOR AMENDING SUCH DATE.

BE IT ENACTED by the County Legislature of the County of Orange as follows:

Section 1. “Section 5. **DISCLOSURE**” is hereby amended as follows:

a. Paragraph “3.” thereof is amended by deleting the date of “May 15th” therefrom and substituting therefor the date “January 31st.”

b. Paragraph “3.” thereof is further amended by deleting from the last sentence thereof the words: “. . . advanced to an earlier annual date only by an enactment of the County Legislature.” and substituting therefor the words: “. . . amended by Resolution of the County Legislature.”

Section 2. This Local Law shall take effect immediately, as provided by the Municipal Home Rule Law of the State of New York.

Local Law No. 6 of 2000 was passed September 7, 2000 by the following roll call vote:

Ayes: 20
Noes: 0
Absent: 1

Approved by the County Executive: September 22, 2000

Effective: October 5, 2000

LOCAL LAW NO. 7 OF 2000

A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1994 KNOWN AS THE ORANGE COUNTY LOCAL ETHICS LAW AND AMENDMENTS THERETO BY ADDING A PROHIBITION AGAINST CERTAIN COUNTY OFFICIALS AND EMPLOYEES ACQUIRING PROPERTIES WHICH HAVE BEEN THE SUBJECT OF THE COUNTY TAXATION DELINQUENCY PROCESS.

BE IT ENACTED by the County Legislature of the County of Orange as follows :

Section 1. Findings and Purpose

Whereas, under State and County law and according to principals of good government, citizens are entitled as of right to enjoy the benefits of ethical conduct by their elected representatives and public employees who serve in government; and

Whereas, it is appropriate and necessary to protect against any unequal advantage, or the appearance of same, of certain County officials and employees which may prevail under ordinary circumstances with respect to access to information concerning and/or the acquisition of properties which have the been the subject of tax delinquencies and the enforcement of same by County government;

Now, therefore the Legislature of the County of Orange does hereby find that it is in the public interest to amend Local Law No. 2 of 1994 as amended to regulate and restrict the right of certain officials and employees of Orange County government to participate in the acquisition of the subject properties which the County offers for sale as part of the regular tax enforcement process.

Section 2. Amendment: Restriction Against Certain Officials and Employees Acquiring Tax Delinquent Parcels from Orange County

Local Law No. 2 of 1994 and amendments thereto, known collectively as “The Orange County Local Ethics Law,” is hereby amended as follows:

Section 4. thereof, entitled “Code of Ethics, A. Prohibited Activities” is hereby amended by the addition of a new paragraph following existing paragraph “7.,” as follows:

8. a. No Orange County officers, employees or elected or appointed officials whose titles are listed in the attached schedule may bid for or acquire or purchase any parcel or parcels of real property which is offered for sale by the County of Orange in any manner as a result of the tax delinquency of such parcel or parcels. This prohibition shall include a prohibition against such County officers, employees or officials bidding upon or acquiring or purchasing such properties directly or through an agent, representative, attorney or other third party, including but not limited to a spouse or child. It shall be presumptive proof of a violation of this Law if such County officer, employee or official shall have acquired any interest whatsoever, including but not limited to the holding of a mortgage, lien or other financial interest, in any such property, howsoever acquired, either directly or through any third parties, within two (2) years of the date upon which such property was sold or conveyed by the County of Orange.

b. All other officers, employees or elected or appointed officials whose titles are not listed in the attached schedule must disclose in writing to the Orange County Attorney, in a form and manner to be determined by the Orange County Attorney, their title, employee status as Orange County officers, employees or officials, and any other information deemed relevant and necessary by the Orange County Attorney, and receive in writing the approval of the Orange County Attorney of their participation, in advance of any bidding for or acquiring or purchasing any real property which is offered for sale by the County of Orange in any manner as a result of the tax delinquency of such property. The Orange County Attorney shall deny such approval on the basis of the existence of, or the appearance of, a prohibited conflict of interest, as defined under the Orange County Local Ethics Law and/or other prevailing State or other laws, rules and regulations.

c. The schedule of County officers, employees or officials subject to this Local Law and referred to herein may be amended from time to time by Resolution of the Orange County Legislature. This Local Law shall not be deemed to supercede or otherwise restrict the right of the Orange County Executive to limit the

acquisition of real property from the County of Orange by County staff under the supervision and direction of the Orange County Executive by Executive Order.

Section 3. Effective Date

This Local Law shall become effective immediately, as provided under the Municipal Home Rule Law of the State of New York.

SCHEDULE A

LIST OF POSITIONS/TITLES EXCLUDED FROM DEED SALE PARTICIPATION

COUNTY EXECUTIVE'S OFFICE:

County Executive
Administrative Officer
Confidential Secretary to the County Executive
Assistant to the County Executive
Staff Assistant
Senior Secretary/Administrative Assistant
Secretary/Administrative Assistant I
Typist II
Clerk I

LAW DEPARTMENT:

County Attorney
Chief Assistant County Attorney
Senior Assistant County Attorney
Assistant County Attorney
Paralegal
Confidential Secretary to the County Attorney
Legal Secretary
Principal Account Clerk
Law Clerk

FINANCE DEPARTMENT:

Commissioner of Finance
Deputy Commissioner of Finance
Real Property Tax Supervisor
Associate Account Clerk I assigned to Real Property Tax Department
Principal Clerk (2) assigned to Real Property Tax Department
Internal Auditor

REAL PROPERTY TAX SERVICE AGENCY:

Director of Real Property Tax Service Agency
Property Manager
Property Management Coordinator
Real Property Tax Assistant
Senior Account Clerk

COUNTY LEGISLATURE:

County Legislator

**Clerk of the Legislature
Deputy Clerk of the Legislature
Legislative Counsel**

Local Law No. 7 of 2000 was passed September 7, 2000 by the following roll call vote:

Ayes: 20
Noes: 0
Absent: 1

Approved by the County Executive: September 27, 2000

Effective: October 5, 2000

LOCAL LAW NO. 8 OF 2000

A LOCAL LAW FIXING THE COMPENSATION FOR THE MEMBERS OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2002, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.

Be it enacted by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. The annual compensation for the members of the Orange County Legislature without reference to other provisions of law is hereby established for the years indicated as follows:

2002 - \$18,630.00
2003 - \$19,282.00
2004 - \$19,957.00
2005 - \$20,655.00

Section 2. The rate of annual compensation for each member of the Orange County Legislature, as increased pursuant to Section 1. hereof, shall commence as of January 1 of each year respectively.

Section 3. This Local Law shall take effect as provided by the Municipal Home Rule Law.

Local Law No. 8 of 2000 was passed November 3, 2000 by the following roll call vote:

Ayes: 18
Noes: 3
Absent: 0

Approved by the County Executive: November 27, 2000

Effective: December 4, 2000

LOCAL LAW NO. 9 OF 2000

A LOCAL LAW FIXING THE COMPENSATION OF THE CHAIRPERSON OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2002, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.

Be it enacted by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. The annual compensation of the Chairperson of the Orange County Legislature without reference to other provisions of law is hereby established for the years indicated as follows:

2002 - \$30,015.00

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2003 - \$31,066.00
2004 - \$32,153.00
2005 - \$33,278.00

Section 2. The rate of annual compensation of the Chairperson of the Orange County Legislature, as increased pursuant to Section 1. hereof, shall commence as of January 1 of each year respectively.

Section 3. This Local Law shall take effect as provided by the Municipal Home Rule Law.

Local Law No. 9 of 2000 was passed November 3, 2000 by the following roll call vote:

Ayes: 18
Noes: 3
Absent: 0

Approved by the County Executive: November 27, 2000

Effective: December 4, 2000

LOCAL LAW NO. 10 OF 2000

A LOCAL LAW FIXING THE COMPENSATION FOR THE MAJORITY AND MINORITY LEADERS OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2002, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.

Be it enacted by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. The annual compensation of each of the Majority and Minority Leaders of the Orange County Legislature without reference to other provisions of law is hereby established for the years indicated as follows:

2002 - \$22,770.00
2003 - \$23,567.00
2004 - \$24,392.00
2005 - \$25,246.00

Section 2. The rate of annual compensation of each of the Majority and Minority Leaders of the Orange County Legislature, as increased pursuant to Section 1. hereof, shall commence as of January 1 of each year respectively.

Section 3. This Local Law shall take effect as provided by the Municipal Home Rule Law.

Local Law No. 10 of 2000 was passed November 3, 2000 by the following roll call vote:

Ayes: 18
Noes: 3
Absent: 0

Approved by the County Executive: November 27, 2000

Effective: December 4, 2000

LOCAL LAW NO. 11 OF 2000

A LOCAL LAW FIXING THE COMPENSATION OF THE COUNTY EXECUTIVE OF THE COUNTY OF ORANGE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2002.

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Be it enacted by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. The compensation of the County Executive of the County of Orange is hereby established for the years indicated as follows:

2002 - \$103,500.00
2003 - \$107,123.00
2004 - \$110,872.00
2005 - \$114,752.00

Section 2. The rate of annual compensation for the County Executive of the County of Orange as increased pursuant to Section 1. hereof shall commence as of January 1 of each year respectively.

Section 3. This Local Law shall take effect as provided by the Municipal Home Rule Law.

Local Law No. 11 of 2000 was passed November 3, 2000 by the following roll call vote:

Ayes: 18
Noes: 3
Absent: 0

Approved by the County Executive: November 27, 2000

Effective: December 4, 2000

LOCAL LAW NO. 12 OF 2000

A LOCAL LAW FIXING THE COMPENSATION OF THE COUNTY CLERK OF ORANGE COUNTY, AMENDING LOCAL LAW NO. 5 OF 1999 IN CONNECTION THEREWITH, PURSUANT TO SECTION 153 AND 201 OF THE COUNTY LAW.

Be it enacted by the County Legislature of the County of Orange, State of New York, as follows:

Section 1. Local Law No. 5 of 1999 entitled "A LOCAL LAW FIXING THE COMPENSATION OF THE COUNTY CLERK OF ORANGE COUNTY, AMENDING LOCAL LAW NO. 9 OF 1995 IN CONNECTION THEREWITH, PURSUANT TO SECTIONS 153 AND 201 OF THE COUNTY LAW," is hereby further amended for the years indicated as follows:

2002 - \$70,898.00
2003 - \$73,379.00
2004 - \$75,947.00
2005 - \$78,605.00

Section 2. The rate of annual compensation of the County Clerk of Orange County, as increased herein shall commence as of January 1 of each year respectively.

Section 3. This Local Law shall take effect as provided by the Municipal Home Rule Law.

Local Law No. 12 of 2000 was passed November 3, 2000 by the following roll call vote:

Ayes: 20
Noes: 1
Absent: 0

Approved by the County Executive: November 27, 2000

Effective: December 4, 2000

