

# OPINIONS OF THE ATTORNEY GENERAL

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*The full text of an informal or formal opinion of the Attorney General may be obtained by writing to the Office of Legal Records, Department of Law, State Capitol, Albany, NY 12224. Please include the identification number, the date, the section(s) of law considered and the subject of the opinion.*

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## INFORMAL OPINIONS

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### No. 2007-5

**County Law, §§ 150-a, 153, 153(1), 153(4), 153(8); General Construction Law, § 41; Municipal Home Rule Law, Art. 3, §§ 2(5), 2(9), 2(12), 10(1), 10(1)(I), 10(1)(ii)(a)(3), 23(2)(f); New York State Constitution, Art. IX, § 2(c), Art. IX, § 2(c)(3)**

A county may adopt a local law requiring a super-majority to pass certain types of resolutions. Such a local law would be subject to mandatory referendum. *August 28, 2007.*

### No. 2007-6

**Elmira City Charter, §§ 166-a, 166-d, 166-f(a), 166-f(b), 166-f(h), 166-g, 166-i, 166-n, 166-n(aa), 166-n(d), 166-n(e), 166-n(f), 166-n(h), 166-n(j), 166-o, 166-r, 166-s, 166-t, 166-u; Municipal Home Rule Law, §§ 10(1)(I), 10(1)(ii)(a)(1), 10(1)(ii)(c)(1), 23(2)(e); New York State Constitution, Art. IX, § 2(c), Art. IX, § 2(c)(1), Art. X, § 5; General City Law, §§ 20(2), 20(7), 20(7-a); Second Class City Law, §§ 94, 95; Session Laws, 1913 Chapter 660, 1913 Chapter 660, § 7, 1950 Chapter 535**

The city cannot abolish the state-created Elmira Water Board or provide that the Water Board commissioners be appointed by city officials. Under the provisions of the City Charter, the City Chamberlain does not have authority to determine the amount of Water Board surplus funds, and the City lacks authority to amend the Charter to give the City Chamberlain such power. *August 28, 2007.*

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## FORMAL OPINIONS

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### No. 2007-F3

**Executive Law, Article 22, §§ 623 (4), 623 (5), 624 (1), 627 (2), 633 (3); Civil Rights Law, §§ 50-b, 50-b (1), 50-b (2) (a); Public Officers Law, §§ 92 (1), 92 (7), 96**

When requested by the Crime Victims Board in relation to an investigation into a claim for award, local law enforcement agencies may provide the Board with police reports, even when the reported crime involves a sex offense or an offense involving the alleged transmission of HIV. *August 8, 2007.*

