

LOCAL LAW NO. 3-1974  
CHAUTAUQUA COUNTY

A Local Law Related to the Adoption of an Administrative Code for the County of Chautauqua,  
State of New York in Accordance with Article 2.05d of the Chautauqua County Charter

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

SECTION 1.

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CHAUTAUQUA COUNTY ADMINISTRATIVE CODE

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CHAUTAUQUA ADMINISTRATIVE CODE

ARTICLE I

SHORT TITLE, EFFECT and DEFINITIONS

Section 1.01 *Title*

This Code and all amendments hereto shall be known and may be cited as the  
"Chautauqua Administrative Code",

## Section 1.02 *Purposes*

The purpose of this Code is to clarify the responsibilities and authority of administrative units within Chautauqua County government and to outline certain procedures and policies consistent with the provisions of the Chautauqua County Charter. The County Executive shall develop or cause to be developed and maintained a manual of organization, policies and procedures to further document systems in all administrative units.

## Section 1.03 *Effect on State Laws*

Any State Law which is inconsistent with this Administrative Code shall be superseded by the provision hereof to the extent of its inconsistency, except where super session is restricted by State Law.

## Section 1.04 *Existing Legislation Continued*

Except to the extent to which they may be inconsistent with the provisions of the Administrative Code, all existing laws, resolutions, rules and regulations heretofore adopted shall continue in force and effect until amended, superseded or repealed.

## Section 1.05 *Definitions*

Whenever used in this Code, the charter, local laws, ordinances, legalizing acts or resolutions, unless otherwise expressly stated or required by subject matter or context, words will have the following definitions;

- (a) "County" shall mean the County of Chautauqua
- (b) "Charter" shall mean the Chautauqua County Charter and all amendments thereto;
- (c) "Administrative Code" and "code" shall mean this administrative code adopted by and for the County of Chautauqua and all amendments hereto;
- (d) "Legislature" shall mean the Chautauqua County Legislature
- (e) "Executive" shall mean the County Executive elected by the voters pursuant to the Chautauqua County Charter;
- (f) "Division" shall mean a sub-division of a major department which has the potential, if not presently so, to be of significant size and importance to be so recognized.
- (g) "Deputy" is a term to be prefixed before the title of a superior, designated one who is in charge of a "division" of a department. It does not necessarily infer a second in charge of the department, unless so designated by his superior. Nor should the term "Deputy" infer equal position value and salary status with other "deputy" titles – each must be evaluated on the basis of position content. Finally, the fact that a department head also acts as a deputy does not entitle him to additional compensation.

All words and phrases in this Code and in the Charter are used according to their accepted and ordinary meaning except where another meaning is specifically indicated or manifest. Words used in the singular number shall extend to and include the plural number, and words used in the plural number shall extend to and include the singular number. Words used in the masculine gender shall extend to and include the feminine.

## ARTICLE II

### LEGISLATIVE BRANCH

- Section 2.01 County Legislature
- Section 2.02 Term of Office; Qualifications
- Section 2.03 Vacancies
- Section 2.04 Organization
- Section 2.05 Powers and Duties
- Section 2.06 Submission of Enactments for Executive Approval
- Section 2.07 Reconsideration
- Section 2.08 Conference Expenses
- Section 2.09 Petty Cash Funds

#### Section 2.01 *County Legislature*

The legislative powers of the County shall be vested in an elective body which shall be known as the County Legislature, composed of members elected from districts as established by the County Legislature. The district boundaries shall be constructed to meet the requirements of Section 10 of the Municipal Home Rule Law.

Restricting of areas represented by legislators will be considered by the appointment of a bi-partisan committee or commission within six months after the publication of the results of each regular federal census. The committee or commission shall review the new population data for existing districts, and if they do not meet the latest criteria for proper representation as determined by court rulings, shall develop a proposed local law incorporating boundary changes and number of districts to meet the criteria – to be effective at the end of the terms of office of incumbent legislators.

#### Section 2.02 *Terms of Office; Qualifications*

The terms of office of County Legislators shall be two (2) years and shall begin on the first day of January following their election. Each member of the County Legislature shall at the time of his nomination and election and throughout his term of office, be and remain a qualified elector of the district from which he is elected. No County Legislator shall hold at the same time any other elective public office.

#### Section 2.02 *Vacancies*

A vacancy in the County Legislature shall be filled by the County Legislature within thirty (30) days of the time when such vacancy occurs. The appointee shall serve until the commencement of the political year next succeeding the first general election after the happening of the vacancy at which a successor may be elected, and the vacancy shall be filled at such election for the unexpired term. Any person appointed to fill a vacancy shall be a member of the same political party as the person who vacated the office and shall be nominated by the district committee of said party. In the event the person vacating the office was elected with no party affiliation, the County Legislature may appoint any qualified elector who resides in the district where the vacancy exists.

#### Section 2.04 *Organization*

On January first of each year or within eight days thereafter, the County Legislature shall meet and organize by electing from among its members a chairman and such other officials as are deemed required, including the Clerk of the Legislature.

#### Section 2.05 *Powers and Duties*

Except as otherwise provided in this Code, the County Legislature shall have and exercise all such powers and duties conferred on a Board of Supervisors or a County Legislature in the State of New York by applicable law, and all powers necessarily incidental thereto.

In addition to any other powers conferred upon the County Legislature by the Charter and by other application law, the County Legislature shall have, but not be limited to the following powers and duties:

- (a) To adopt by resolution all necessary rules and regulations for its conduct and procedures by majority of the whole number of its membership.
- (b) To make appropriations, incur indebtedness, adopt the budget, and levy taxes.
- (c) To exercise all powers of local legislation in relation to enacting, amending, or rescinding local laws, charter laws, legalizing acts or resolutions.
- (d) To adopt, amend and repeal by local law an administrative code which shall set forth the details or administration of the County government in harmony with the provisions of the Charter and which may contain revisions, simplifications, consolidations, codifications, and restatements of special laws, local laws, resolutions, rules and regulations consistent with the Charter or amendments thereto.
- (e) To create, alter, combine or abolish units not headed by the County Executive.
- (f) To fix the compensation of all officers and employees paid from County funds. The job evaluation and salary plan maintained by the Personnel Department shall be the normal recommended compensation.
- (g) To make or cause to be made such studies, audits, and investigations as it deems to be in the best interest of the County, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study, audit or investigation.
- (h) To approve all labor contracts.

#### Section 2.06 *Submission of Enactments for Executive Approval*

Every local law and Legislative resolution adopted by the County Legislature, except resolutions establishing rules and regulations or other matters pertaining solely to the conduct of its own procedures, shall be submitted within five (5) days after passage, to the County Executive.

#### Section 2.07 *Reconsideration*

After resubmission to the County Legislature of a vetoed enactment together with the veto message by the County Executive, at its next following regular or special meeting, such

message shall be entered in its journal. Within thirty (30) days after such receipt and entry, the County Legislature may reconsider such vetoed enactment and pass the same over the objections thereto by a favorable vote of at least two-thirds of the whole number of its members on a roll-call vote.

#### Section 2.08 *Conference Expenses*

The Chairman of the Legislature shall have the power to designate and authorize any member, officer or employee of the Legislative Branch to attend an official or unofficial convention, conference or school for the betterment of County government. Within the appropriate therefore and when so authorized all necessary and actual expenses including but not limited to a registration fee and mileage as fixed by the Legislature shall be paid from County funds.

#### Section 2.09 *Petty Cash Funds*

(a) The Legislature, upon the recommendation of the County Executive, may establish a revolving petty cash fund for any administrative unit or subdivision thereof or officer in such amount as is deemed necessary. The Legislature, upon the recommendation of the County Executive may increase, decrease or abolish any petty cash fund established pursuant to this section. Any such petty cash fund shall otherwise continue in existence from year to year until abolished.

(b) Expenditures from a petty cash fund may be made only for payment in advance of audit of properly itemized and verified or certified bills for materials, supplies or services other than employment, furnished to the County for the conduct of its affairs and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. Moneys in any such fund also may be used for the purpose of making change when such is required in the performance of official duties. Moneys in any such fund established for the office of the sheriff, district attorney, or any County peace officer may also be used, in any emergency, to advance travel funds to personnel of the sheriff's or district attorney's office or any County peace officer when required to travel on official business.

(c) Upon audit of bills by the Department of Finance, such petty cash fund shall be reimbursed from the appropriate budgetary item or items in an amount equal to the amount audited and allowed. Any of such bills or any portion thereof as shall be disallowed upon audit shall be the personal liability of the official responsible for the use of the petty cash fund from which payment in account thereof was made. Such official shall forthwith reimburse such petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to such official after the disallowance of any such bills or any portion thereof, the amount of such disallowance shall be such salary payment, and, if necessary, subsequent salary payments, and paid into such petty cash fund until an amount equal to the amount of such disallowance has been repaid to such petty cash fund.

### ARTICLE III EXECUTIVE BRANCH

- Section 3.01 County Executive
- Section 3.02 Powers and Duties
- Section 3.03 Executive Approval

- Section 3.04 Acting County Executive
- Section 3.05 Vacancy in the Office
- Section 3.06 Administrative Assistant

### Section 3.01 *County Executive*

There shall be a County Executive who shall be elected from the County at large and who at the time of his nomination and election and throughout his term of office be a qualified elector of the County. His term of office shall begin with the first day of January following his election and shall be for four (4) years except that the County Executive first elected after this Charter becomes effective shall serve for a term of three (3) years. Every County Executive elected thereafter shall have a term of four (4) years. The County Executive shall devote his whole time to the duties of his office and shall hold no other elected public office.

The Legislature shall fix the compensation of the County Executive at intervals of not less than every two (2) years.

### Section 3.02 *Powers and Duties*

The County Executive shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the Charter, Code or any applicable provision of any act of the State Legislature, or the County Legislature, not inconsistent with the Charter or Code.

In addition to any other powers and duties, the County Executive will have the following duties and functions:

- (a) Be the chief executive officer and administrative head of the County government.
- (b) Appoint, subject to confirmation by majority vote of the County Legislature, and to serve during his pleasure, heads of all county departments and administrative units not administered by an elected official, except as otherwise provided by law or in this Charter.
- (c) Exercise supervision and control of all administrative departments, offices, and agencies, the heads of which he appoints, and shall prescribe the internal organization and reorganization of such departments, offices, and agencies.  
In this connection, he may transfer employees temporarily between administrative units; and he shall have the power to determine who shall perform such duties and have such powers not otherwise clearly defined by the Charter, Code or other law.
- (d) Secure proper accounting for all funds, oversee the physical property of the County, exercise general supervision over all County institutions and agencies, and coordinate the various activities of the County and unify the management of its affairs.
- (e) Execute and enforce all local laws and resolutions of the County Legislature and see that all laws required to be enforced through the County Legislature or other County officers, subject to its control, are faithfully executed.
- (f) Be responsible for the preparation and submission to the County Legislature of the annual budget, and capital program and to execute the same in accordance with the resolutions and appropriations made by the County Legislature. For this purpose, he shall have the power to obtain estimates of revenue and expenditures from all department heads.

(g) Be responsible for keeping the County Legislature fully advised as to the financial condition and needs of the County and file with the County Legislature an annual report of the financial affairs of the County.

(h) Make, sign, execute, and implement all contracts on behalf of the County, within the amounts authorized by the County Legislature, except that a contract for: 1) the sale, purchase or transfer of real property, 2) the erection, alteration or demolition of a building or other structure, or 3) the provision of facilities or the rendering of services by or for any other government must be approved by the County Legislature.

(i) Appoint, subject to confirmation by the County Legislature, the County Historian, Civil defense Director, Fire Coordinator, and all other County officers, except as provided in this Code or the Charter.

(j) Be responsible for the negotiation of all employee contracts subject to approval by the legislature. He may designate his deputy or the Director of Personnel to perform this function.

(k) Perform such other duties and have such other powers as may be prescribed for him by law, Administrative Code or resolution.

(l) In addition to the powers set forth in this Code, have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of County government not otherwise specified in this Code.

(m) In the event of an occurrence of an emergency affecting the life, health or safety of inhabitants of Chautauqua County, the County Executive, except as otherwise provided by law, shall have the power to declare the same an emergency and to perform all acts which are necessary for the protection of such inhabitants and to sign all necessary papers to carry this authorization into effect.

(n) The County Executive shall have the power to designate and authorize any officer or employee paid from County funds, except members, officers and employees of the Legislative Branch, to attend an official or unofficial convention, conference or school for the betterment of County government. Within the appropriation provided therefore and when so authorized, all necessary and actual expenses including but not limited to a registration fee, not exceeding the amount as fixed by the general municipal law and mileage as fixed by the Legislature shall be paid from County funds.

### Section 3.03 *Executive Approval*

Within ten (10) days after receipt of a local law or legislative resolution as proposed by the County Legislature, the County Executive shall approve or veto the same.

(a) *Approval.* If the local law or legislative resolution is approved by the County Executive, he shall endorse the original document and return it to the Clerk of the County Legislature within ten (10) days.

(b) *Veto.* If the local law or legislative resolution is vetoed by the County Executive, he shall so indicate in writing setting forth his objections thereto and within ten (10) days after receipt thereof return the original document to the Clerk of the County Legislature, with his veto message attached. In the case of adoption of the annual budget, the Chief Executive shall have power to veto specific items, which the County Legislature may have changed from the original budget proposal submitted by the County Executive, without vetoing the entire budget.

#### Section 3.04 *Acting County Executive*

The County Executive shall designate, within thirty (30) days of assuming office, subject to confirmation by the County Legislature, an appointive officer of the Executive Branch to be known as the Acting County Executive to perform the duties of such Executive during this absence from the County or his inability to act for any reason. Such designation shall be made in writing and filed with the Clerk of the County Legislature and may be changed by the County Executive at any time by a new designation, confirmed by the County Legislature and filed with said Clerk. In the event that no Acting County Executive has been so designated or that he is unable to serve during an absence or disability of the County Executive, the County Legislature shall designate such Acting Executive.

#### Section 3.05 *Vacancy in the Office*

If a vacancy occurs in the Office of the County Executive, his successor shall be chosen at the next general election schedule not less than sixty (60) days after such vacancy occurs.

#### Section 3.06 *Administrative Assistant*

The County Executive shall have the power to appoint, and at pleasure remove, an Administrative Assistant, who shall assist the County Executive in the execution of his duties and in the administration of the affairs of the County for which the County Executive is responsible.

### ARTICLE IV DEPARTMENT OF LAW

- Section 4.01 Department of Law
- Section 4.02 Powers and Duties
- Section 4.03 Deputy County Attorney

#### Section 4.01 *Department of Law*

There shall be a Department of Law under director of the County Attorney, appointed by the County Executive and subject to confirmation by the County Legislature. The County Attorney shall be duly admitted to the practice of law in New York State and be a resident of Chautauqua County at the time of his appointment. He shall serve at the pleasure of the County Executive and shall have the power to appoint such deputies assistants, and employees of this department as may be necessary to implement the duties of his office as outlined in Section 4.02, and as shall be authorized by the County Executive.

#### Section 4.02 *Powers and Duties*

Except as otherwise provided in this Charter or Code, the County Attorney shall be the sole legal advisor for and represent the County and every agency and office thereof in County matters of a civil nature; advise and represent all County officers and employees in relation to their official duties and, where in the interest of the County, prepare all necessary papers and written instruments in connection therewith; prosecute or defend all actions or proceedings of a



civil nature brought by or against the County; when authorized by the County Executive or the Legislature, the County Attorney shall prosecute or defend all proceedings of a civil nature brought against the Legislature or any County Officer or employee whose compensation is paid from County funds for any official act except as otherwise provided by the Charter, Code, or any applicable act of the Legislature, not inconsistent with the Charter or Code; on request prepare resolutions, ordinances, legalizing acts and local law to be presented for action by the Legislature together with notices and other items in connection therewith; and perform such other and related duties as may be prescribed by law not inconsistent with a Charter or Code, by the County Executive, or by ordinance or resolution of the Legislature.

Whenever the interests of the Legislature, the County Executive, or the County are inconsistent with the interests of any County officer or employee paid his compensation from the County funds, the County Attorney shall represent the interest of the Legislature and the County. In such case, the officer or employee may at his own expense, employ an attorney-at-law.

The County Attorney shall have all the powers and duties and shall be subject to all obligations and liabilities heretofore or hereafter lawfully granted or imposed by the Charter, Code, local law, ordinance or resolution of the Legislature, order or direction of the County Executive or any applicable provisions of any act of the Legislature not inconsistent with the Charter or Code.

The County Attorney may, within the limits of the appropriations provided therefore, employ special counsel, professional, technical, or other consultant services and incur such expenses in connection therewith as he may deem necessary for the performance of his duties.

The County Attorney shall prepare annually a supplement if any to the Charter or Code which shall indicate all additions to, repeals and amendments of the Charter or Code.

On or before February 1 of each year, the County Attorney shall make an annual written report for the immediately preceding calendar year, covering generally the work of his office. Copies of each such report shall be filed with the Legislature and County Executive.

#### Section 4.03 *Deputy County Attorney*

The County Attorney shall appoint such Deputy County Attorneys as are provided for in his budget, and assign them such duties pertaining to the office as he may decide. He may direct the location at their home office and that they work directly with other County officers.

Every appointment of a deputy shall be in writing and shall be filed with the County Executive and the Clerk of the Legislature. Any such appointment may be revoked by the County Attorney at any time by filing a written revocation with the County Executive and the Clerk of the Legislature. If more than one deputy is appointed, the County Attorney shall designate in writing and file with the County Executive and the Clerk of the Legislature the order in which they may exercise the powers and duties of the County Attorney in the event of a vacancy, or the absence or inability of such County Attorney to perform the duties of his office.

Section 4.04 *Other County Attorneys*

Where the nature of the work is so specialized, or the work load so great that it is necessary to assign attorneys to work full time with a given department, such as the Social Services Department, the County Attorney shall have the power of designating such individuals, reviewing their performance and recommending dismissal, if there is justifiable cause.

ARTICLE V  
DEPARTMENT OF PUBLIC WORKS

Section 5.01 Department of Public Works; Organization

Section 5.02 Powers and Duties of Director

Section 5.03 Division of Engineering

Section 5.04 Division of Transportation

Section 5.05 Division of the Environment

Section 5.06 Bureau of Building and Grounds Maintenance

Section 5.01 *Department of Public Works; Organization*

There shall be a Department of Public Works under the direction of a Director, appointed by the County Executive and subject to confirmation by the County Legislature. He will serve at the pleasure of the County Executive and may also fill the position of one or more of the department deputies. The department will be organized into the following divisions, each of which may be headed by a Deputy Director:

Division of Engineering  
Division of Transportation  
Division of Environment  
Bureau of Buildings and Grounds

Section 5.02 *Powers and Duties of Director*

The Director of Public Works may delegate by designation one or more person within this department the specific powers and duties which he has as county engineer or County Superintendent of highways. Such designations, setting forth the specific powers and duties granted, shall be filed with the County Executive and Clerk of the Legislature. If the powers or duties so designated or revoked are those which the Director of Public Works has as County Superintendent of highways, a duplicate of such written designation or revocation shall be filed with the New York State Commissioner of Transportation. The acts performed by such person pursuant to such designations shall have the same effect in law as if performed by the Director of Public Works. Any professional engineering work required to be practiced by said Director in the exercise of the powers and duties of his office shall be delegated to one or more licensed professional engineers unless said director shall be a licensed professional engineer. The Director of Public Works or his designee:

(a) May within the appropriations provided therefore, and when authorized by the County Executive, employ such special engineering, architectural or other technical counsel and incur

such expenses as may be necessary for the performance of any of the duties prescribed by this Code or by Charter.

(b) May contract, subject to the approval of the County Executive and the County Legislature, with any public corporation, public authority or any combination of the same for public works services.

(c) Shall assist the County Executive or Purchasing Agent in the advertising and calling for bids on the construction of any capital project of the County, when such advertising and calling for bids is required, and further assist in the preparation of specifications, and submit his recommendations with respect to the awarding of such bids to the County Executive.

(d) Shall assist all administrative units in the preparation of and development of information for their respective capital project requests, when such assistance is requested.

(e) Shall file with the County Executive copies of statements and reports required to be filed with the County Legislature and the State Department of Transportation by Paragraphs 3, 7, and 13 of Section 102 of the Highway Law.

(f) May with the approval of the County Executive, permit the rental, with or without operator, of highway machinery tools, equipment and implements by the County or by or from another governmental unit or public corporation, upon such terms as may be agreed upon, but with the payment to the County of not less than the hourly rate as fixed by the New York State superintendent of public works for the rental or hiring of such machinery, tools, or equipment with or without operator by the County. All sums obtained by the County pursuant to any terms agreed upon shall be deposited in the County Road Machinery Fund.

#### Section 5.03 *Division of Engineering*

(a) The Division of Engineering shall be headed by a Deputy Director who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall be licensed by the State of New York to practice professional engineering, or shall possess the qualifications to become so licensed within one year from the date of his appointment and shall become so licensed within such year to maintain eligibility.

(b) Such Deputy Director shall (1) have charge and supervision of all personnel of the Department of Public Works performing professional engineering, surveying and related engineering services for the County; (2) upon the request of the Director of Public Works, assign such personnel from the Division of Engineering as may be needed by other Divisions of the Department of Public Works to work on projects designated by such Director; (3) upon the request of the County Executive or the Legislature, perform such professional engineering, surveying and related engineering services as may be required by other County administrative units; (4) supervise the design and construction of all capital projects when any of such capital projects are designed and constructed by (i) the Department of Public Works, or other administrative unit, (ii) by any other governmental unit or private contractor under contract to the County, or (iii) any combination of (i) and (ii).

(c) Such deputy Director shall perform such other related duties and make such reports as are required by the Director of Public Works. The cost of rendering specific services for established agencies will be considered as a charge to such agency.

#### Section 5.04 *Division of Transportation*

(a) The Division of Transportation shall be headed by a Deputy Director who shall possess the administrative and highway engineering experience and qualifications for the duties

of his office. Said Deputy shall, to the extent that the Director of Public Works shall designate the same in writing, have all of the powers and duties vested in and imposed upon a county superintendent of highways or a county engineer by the Highway Law. He shall have such other duties as may be prescribed by local law, ordinance or resolution of the Legislature or by director of the Director of Public Works.

(b) Except as the provisions of the Highway Law conflict with or are changed by the Charter or this Code, such provisions shall apply to and define the powers, duties, obligations and liabilities of the Director of Public Works, or of his designated deputy, when exercising any of the powers or performing any of the duties of a County superintendent of highways.

(c) The Deputy Director shall be responsible for maintaining and operating transportation-related facilities for which the County is responsible, including the ferry and the airport.

#### Section 5.05 *Division of the Environment*

The Division of the Environment will be headed by a Deputy Director who shall possess the administrative qualifications for the duties of his office. He shall be responsible for coordinating all County interest in drainage, flood control, forestry, air pollution, sanitation, sewerage, water supply, solid waste management and parks, including the management of such related facilities as designated by the County Executive. The cost of rendering specific services for established agencies whose principal function related to these matters will be considered as a charge to such agency.

#### Section 5.06 *Bureau of Buildings and Grounds Maintenance*

(a) The Bureau of Buildings and Grounds Maintenance shall be headed by an Assistant Deputy Director who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office.

(b) He shall have charge of the preservation and maintenance of all buildings and grounds owned or leased by the County for County purposes, except (1) lands and buildings under the jurisdiction of the Division of Highways and the Division of Environment; (2) custodial care of the County jail, and; (3) such other facilities where maintenance and custodial care are included in the lease.

(c) He shall have charge and control of all janitors, caretakers, engineers and any other employees connected with the care and maintenance of County buildings and grounds except as provided in Paragraph b of this section. He may make such rules and regulations governing such employees as he shall deem proper, subject to the approval of the Director of Public Works.

### ARTICLE VI DEPARTMENT OF CENTRAL SERVICES

Section 6.01 Department of Central Services; Organization

Section 6.02 Powers and Duties

Section 6.03 Division of Purchasing

Section 6.04 Purchasing Procedures

Section 6.05 Division of Office Services

Section 6.06 Division of Data Processing

### Section 6.01 *Department of Central Services; Organization*

There shall be a Department of Central Services under the direction of a Director, appointed by the County Executive and subject to confirmation by the Legislature. He will serve at the pleasure of the County Executive and may also fill the positions of one or more of the department deputies. The Department will be organized into the following divisions:

Division of Purchasing  
Division of Office Services  
Division of Data Processing

### Section 6.02 *Powers and Duties*

The powers and duties of the Director of Central Services shall be as set forth in Section 6.01 of the Charter and as further expanded in the following explanation of the divisions of the Department. In addition to these duties and responsibilities, the Director of Central Services shall be responsible for the proper maintenance of all inventories of equipment, materials and supplies, and for such purposes shall supervise the recording-keeping and operation of any storing and warehousing facilities of the County. These responsibilities shall be carried out in the following manner:

*Office Supplies and Materials* - departments shall not store more than a 45-day supply in their custody, for which no records are needed – the balance to be stored in the Division of Office Services, where perpetual inventory records will be kept.

*Office Equipment* – The Division of Office Services will maintain a record of all items with a value in excess of Twenty-Five Dollars (\$25.00). This record will indicate a County serial number, manufacturer's serial number, if any, description of item, date of acquisition and location. Any unused or excess equipment will be stored in Central Services.

*Department of Public Works Supplies and Equipment* – a system will be developed with the Department of Public Works, whereby those employees responsible for approving the transfer of materials, supplies and equipment from stores, for physical control of same, and keeping records of the same, shall perform their duties in a manner prescribed by the Director of Central Services. The Director of Central Services shall issue detailed instructions as to procedures related to control of such items, both in and out of storage. If Department of Public Works personnel consistently ignore such instructions, the Department of Central Services shall assume direct responsibility for operating warehouses and other storage facilities.

### Section 6.03 *Division of Purchasing*

The Deputy Director of Purchasing will serve as the County Purchasing Director and have the following powers and duties:

- (1) Establish and maintain a central purchasing system.
- (2) Establish and enforce standard specifications with respect to supplies, materials, equipment and services
- (3) Inspect or supervise or otherwise provide for the inspection of all deliveries of supplies, materials and equipment and establish their conformance to contracts in respect to quality, quantity or other terms.

(4) Sell or lease any supplies, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by the Legislature.

(5) Upon the request of any city, town, village, school district or other unit of local government, act as purchasing agent for the same either for all or part of its purchases, upon such conditions as established by the Legislature.

(6) Prepare contracts to be signed by the County Executive as they relate to the buying, selling or leasing of supplies, materials, equipment and services.

(7) Perform all other duties of a County purchasing agent under the laws of the State of New York, not inconsistent with the provisions of this Code.

(8) Prepare procedural regulations to amplify the provision of this section and all purchasing, receiving, disbursement and stores procedures, and submit such regulations to the County Executive for approval – and upon such approval, promulgate and enforce compliance with such regulations.

#### Section 6.04 *Purchasing Procedure*

(1) The division of purchasing shall make all purchases of and contracts for supplies, materials, equipment and services for the County, the Legislature or any administrative unit for the payment of which the County shall be liable. The Legislature shall fix a sum not to exceed one thousand, five hundred dollars (\$1,500.00) as the limit above which any such purchase or contract of purchase shall not be made without publishing an advertisement in the official newspapers printed in the English language and published in the County of Chautauqua, which advertisement shall invite sealed bids for the same. The purchase of perishable foodstuffs, drugs, and medical supplies, may be made without public advertisement when expressly permitted by written order of the County Executive.

(2) Such advertisement shall contain a statement of the time when and the place where all bids received pursuant to such notice will be publicly opened and read. The sealed envelope containing each bid shall be clearly marked "BID". At least five (5) days shall elapse between the first publication of such advertisement and the date specified therein for the opening and reading of bids. The Deputy Director of Purchasing or the person designated by him to open the bids at the time and place specified shall make a record of such bids. The contract shall be awarded to the lowest responsible bidder furnishing the required security, if any, after advertising for the sealed bids in the manner provided by this section. In cases where two or more responsible bidders furnishing the required security, if any, submit identical bid as to price, the contract may be awarded to any of such bidders. The Deputy Director of Purchasing may in his discretion reject all bids and re-advertise for new bids in the manner provided in this section.

(3) The Deputy Director of Purchasing may purchase supplies, materials, equipment or services to be rendered by contract without the advertisement required by Paragraphs 1 and 2 of this section in the following cases: (a) When the County Executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health or safety of inhabitants of the County of Chautauqua require immediate action which cannot await competitive bidding; (b) When, by resolution adopted by a vote of at least two-thirds (2/3) of the whole number, the Legislature has determined it to be impracticable to advertise for such bids; (c) When through some accident or other unforeseen circumstances the heating, air-conditioning, ventilating, lighting, plumbing system, machinery, equipment or other apparatus of any of the public buildings of the County shall become disabled or any of such buildings or parts thereof shall be rendered untenable by reason of the sudden action of the elements or for some cause due to explosion or fire or from

generally unforeseeable events creating an emergency, and the administrative head in charge of such building shall certify in writing to the deputy director of purchasing such emergency and the necessity is approved by the County Executive, or (d) Whenever the machinery, equipment or other apparatus of the Department of Public Works becomes disabled or worn and requires immediate repair, making necessary the immediate purchase of parts for repairs to the same, the Commission of Public Works shall certify in writing to the Deputy Director of Purchasing of the necessity of such immediate repair and/or replacement and such certificate of necessity is approved by the County Executive.

(4) Upon the adoption of a resolution by a vote of at least two-thirds (2/3) of the whole number of the Legislature stating that for reasons of efficiency and economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, materials, services in excess of the amount fixed by the Legislature pursuant to Paragraph 1 of this section may be awarded to the lowest responsible bidder furnishing the required security, if any, after advertisement for sealed bids therefore in the manner provided by this section. Such resolution shall contain a full explanation of the reasons for its adoption.

(5) Where quality, price and delivery service is not satisfactory, in the opinion of the Director of Central Services, the following does not apply. Otherwise, every effort shall be made to purchase requirements, without competitive bids from the State Department of Correction, charitable non-profit making agencies for the blinds, incorporated under the laws of the State of New York, and through the State Office of General Services.

(6) Surplus and second-hand supplies, materials, or equipment may be purchased without competitive bidding from the Federal government, the State of New York or from any other political subdivision or district.

(7) Except as otherwise specifically provided, no supplies materials or equipment shall be delivered except as specifically ordered by the Division of Purchasing. No supplies, materials or equipment shall be delivered by such division to any administrative unit, officer or employee except upon a requisition in writing.

(8) The Finance Department shall not audit any bill for supplies, materials, equipment or services unless it shall fully appear that such items or services were ordered by the Deputy Director of Purchasing and the Purchasing Director has certified the prices at which he made the purchases. All requisitions received by the Deputy Director of Purchasing shall be filed in his office and open to public inspection under reasonable regulations for their safety and preservation. The Deputy Director of Purchasing shall make no purchase until he has first secured the certification of the Director of Finance that there are unencumbered balances available for the purpose.

No bid for material, supplies, equipment or services may be accepted from or contract therefore awarded to any person who is in arrears in taxes or upon debt or contract to or with the County or who has defaulted as surety or otherwise upon a contract or obligation to the County, or who may be otherwise disqualified under any act of the State Legislature not inconsistent with the Charter or Code.

#### Section 6.05 *Division of Office Services*

The Division of Office Services shall be directed by a Deputy Director of Office Services and shall provide a variety of services available to all County departments, including but not limited to central stores, mailing, printing, reproduction, microfilming, filing and stenographic services. The Deputy Director of Office Services shall;

(1) Maintain and operate facilities for central mailing, collection and disbursal of mail.

- (2) Maintain and operate a print shop and reproduction facilities.
- (3) Disburse and transfer supplies, materials and equipment in his custody among the administrative units upon receipt of properly executed forms.
- (4) Maintain storage facilities and appropriate records for all materials, supplies and equipment related to office use. In this connection, he will work closely with the Director of Central Services to determine office equipment needs, maintaining a record of the location of all office equipment and indicating when replacements are needed or standardization seems desirable.
- (5) Staff the central switchboard.
- (6) Coordinate service calls and repair work related to office equipment. Requests for such service will be channeled to him and he will arrange for repair or replacement.

#### Section 6.06 *Division of Data Processing*

There shall be a Division of Data Processing which will provide services to the extent that the County Executive agrees to a need and the Legislature provides funds. This will consist of a minimum of one person qualified as a general systems analyst, capable of analyzing the data processing and management information needs for an administrative unit, and determining the most appropriate (economy, speed and accuracy) method to meet such needs. The use, by any unit of the County, of any computer, with a sales value of over \$25,000.00, whether through terminal connections, service bureau or on County property shall be studied by representatives of the Division of Data Processing and a report submitted to the County Executive indicating recommended action. No computer will be used on an on-going basis except with approval of the County Executive. If a computer is to operate in the County offices and be used by more than one administrative unit, the operation of the computer will be the responsibility of the Division of Data Processing.

### ARTICLE VII DEPARTMENT OF SOCIAL SERVICES

- Section 7.01 Department of Social Services; Organization
- Section 7.02 Powers and Duties of Commissioner of Social Services
- Section 7.03 Division of Family Services
- Section 7.04 Division of Eligibility/Income Maintenance
- Section 7.05 Division of Administration
- Section 7.06 Social Services Attorney

#### Section 7.01 *Department of Social Services; Organization*

There shall be a Department of Social Services under the direction of a Commissioner, appointed by the County Executive and subject to confirmation by the County Legislature. The Department will be organized into these divisions:

- Division of Family Services
- Division of Eligibility and Income Maintenance
- Division of Administration



In addition, certain staff functions will operate directly under the Commissioner of Social Services such as the Social Services Attorney and staff development.

#### *Section 7.02 Powers and Duties of the Commissioner of Social Services*

The Commissioner of Social Services shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the County Charter, this Code, local law, ordinance or resolution of the Legislature, order or direction of the County Executive, or any applicable provision of any act of the State Legislature not inconsistent with the County Charter or this Code. Such powers and duties, obligations and liabilities shall include but shall not be limited to any power, duty, obligation or liability granted or imposed upon a County Commissioner of Public Welfare by the social welfare law or any other applicable law.

In addition to such applicable state requirements, the Commissioner shall endeavor to coordinate such other government and private agency programs with County programs so as to most effectively serve the needs of indigent and sick County residents.

#### *Section 7.03 Division of Family Services*

The Division of Family Services shall provide a variety of services designed to preserve the home and protect children as needed, including providing special advice, counsel and adoption service, and developing foster care and child care facilities. It shall be directed by a Deputy Commissioner of Family Services, referred to as a "Director" for State purposes only, appointed by the Commissioner of Social Services.

#### *Section 7.04 Division of Eligibility/Income Maintenance*

The Division of Eligibility/Income Maintenance will act as a vehicle through which various monetary assistance programs are dispersed. These will include, but not be limited to supplemental income, Medicaid and food stamps. Its responsibilities and duties shall include determining individual eligibility, establishing the extent of aid, and checking for false claims and establishing renewal periods. It shall be headed by a Deputy Commissioner of Eligibility/Income Maintenance, referred to as a "Director" for State purposes only, appointed by the Commissioner of Social Services.

#### *Section 7.05 Division of Administration*

The Division of Administration shall be responsible for auditing and certifying all payments claims, maintaining client eligibility and payment records, maintaining staff payroll and personnel records, fulfilling the personnel function of the department, accumulating statistics, making required State and County reports, and such other functions as designated by the Commissioner of Administration, appointed by the Commissioner of Social Services and referred to as "Director" for State purposes only.

#### *Section 7.06 Social Services Attorney*

The Social Services Attorney shall be appointed by the Commissioner of Social Welfare with the advice and consent of the County Attorney. Within the limits of appropriations, he shall

appoint other attorneys subject to approval by the County Attorney. His powers and duties will include providing interpretation of current State laws and regulations, informing the affected personnel within the department, representing the Social Services Department with clients and in Court as needed and advising the Commissioner on policy when it relates to State laws and regulations and Court interpretations. He will be subject to all the limitations and liabilities of the Social Services Laws and have such powers and duties as therein defined, subject to such limitations as imposed by the Charter, this Code and legislative laws and resolutions.

## ARTICLE VIII DEPARTMENT OF HEALTH SERVICES

- Section 8.01 Department of Health; Organization
- Section 8.02 Powers and Duties of Director
- Section 8.03 Division of Public Health
- Section 8.04 Division of Mental Health
- Section 8.05 Division of Health Administration
- Section 8.06 Division of the Infirmary
- Section 8.07 Chautauqua County Board of Health
- Section 8.08 Chautauqua County Mental Health Board

### Section 8.01 *Department of Health; Organization*

There shall be a Department of Health under the direction of a Director of Health Services, appointed by the County Executive and subject to confirmation of the Legislature. He will serve at the pleasure of the County Executive and also, at the discretion of the County Executive, may fill the position of one or more of the divisional heads. The department will be organized into the following divisions:

Division of Public Health  
Division of Mental Health  
Division of Health Administration  
Division of Infirmary

Any clinic, dispensary, hospital or laboratory facilities relating to public health (1) heretofore or hereafter established by a city, town or village and subsequently transferred to the county, or (2) hereafter established by the Legislature shall become a division or other subordinate of the Department of Health Services.

### Section 8.02 *Powers and Duties of the Director of Health Services*

The Director of Health Services shall be responsible for coordinating the programs of the Division of Public Health, the Division of Mental Health and all County health facilities under his care with other County health programs and other public and private health agencies throughout the County; assigning programs to and supervising the Division of Public Health, the Division of Mental Health, Infirmary and the Division of Administration; maintaining a public health education program; and planning to meet anticipated health needs.

Insofar as he fills the functions of one of his deputies, he shall meet such requirements as the position has and be accorded the associated powers and duties; and be subject to the

obligations and liabilities heretofore or hereafter lawfully granted or imposed by the County Charter, this Code, local laws, or any applicable provisions of any act of the State Legislature not inconsistent with the County Charter or this Code.

The Director shall provide appropriate facilities and services to the State Veterinarian and provide interim supervision over the Bovine Disease Control Program.

### Section 8.03 *Division of Public Health*

The Division of Public Health shall be directed by a Commissioner who shall be appointed by the Director of Health Services, upon recommendations by the Public Health Board and confirmation of the County Legislature. Except as otherwise prescribed in this Article, he shall perform the duties prescribed by the Director of Health Services. The Commissioner shall be licensed to practice medicine in New York State.

The Division shall be divided into the following Sections:

Environmental Health Services

Nursing Services

Medical Services

The Commissioner of Health shall designate a deputy qualified in accordance with the provisions of the New York State Sanitary Code to whom shall be delegated all the powers and duties of the Commissioner of Health when such Commissioner is unable to act by reason of absence or disability. Such designation shall be in writing filed and recorded with the County Clerk, the County Executive, and in such other places as may be required by the Public Health Law or any other applicable law.

### Section 8.04 *Division of Mental Health*

The Division of Mental Health shall be headed by a Commissioner who shall be appointed by the Director of Health Services, upon recommendation by the Mental Health Board and confirmation of the Legislature. The Commissioner shall be licensed to practice psychiatric medicine in New York State.

The Commissioner of Mental Health shall have all the powers and duties and shall be subject to all of the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the County charter, this Code, local law, ordinance or resolution of the legislature, order or direction of the County Executive, or any applicable provision of any act of the State Legislature not inconsistent with the County Charter or this Code. Such powers and duties, obligations and liabilities shall include but shall not be limited to any power, duty, obligation or liability granted or imposed upon a director of community mental health and/or community mental health boards by the mental hygiene law or any other applicable law.

The Commissioner of Mental Health may, when such positions are authorized by the Legislature and within the appropriations provided therefore, appoint such deputies, directors, assistants, officers and employees, and employ such consultants as may be necessary for the performance of his duties.

The Commissioner of Mental Health shall designate in writing filed with the County Executive and filed in such other places as may be required by the Mental Hygiene Law or any other applicable law, the order in which such deputies shall exercise the powers and duties of the

office in the event of a vacancy or in the absence of the Commissioner from the County or his inability to perform the duties of his office.

The Commissioner of Mental Health shall have charge of the community psychiatric clinics, and any other facility related to community mental health programs hereafter established by the Legislature.

The Commissioner of Mental Health shall make an annual report at the close of each fiscal year, and shall submit such report not later than the first day of February to the County Executive and the Legislature covering generally the work of his office. Said Commissioner shall make such other reports at such times as may be required by the Mental Hygiene Law, the New York State Department of Mental Hygiene or any other applicable law.

#### *Section 8.05 Division of Health Administration*

The Division of Health Administration shall be directed by a Deputy Director of Health Services, who shall be appointed by the Director of Health Services, on the basis of his administrative experience and his qualifications for the duties of his office.

The Division of Health Administration shall provide all clerical, office and on-professional services to the Division of Public Health, the Division of Mental Health and the Director of Health Services. Stenographic services, filing, recordkeeping, report compilations, inventory maintenance, non-professional public contracts, preparation of grant requests and special analysis of County health needs related to the operation of the Public Health and Mental Health divisions are examples of duties to be performed. The Deputy Director, with the consent of the Director of Health Services, shall determine the best means by which the services can be performed, whether it be by long-term assignment of personnel (such as secretaries to the commissioners), temporary assignment (as for special clinics), in a central pool or by use of outside services.

#### *Section 8.06 Division of the Infirmary*

The Infirmary shall be directed by a Superintendent, appointed by the Director of Health Services. He shall have total responsibility for operating the Infirmary, including employment and discharge of staff members, admitting and discharging patients (subject to policies set by the Director of Health Services), business management and maintenance of the facilities – through the Department of Public Works.

#### *Section 8.07 Chautauqua County Board of Health*

There shall be a Chautauqua County Board of Health composed of nine members appointed by the County Executive for a six-year term, and approved by the Legislature. Its purpose shall be to formulate, promulgate, adopt and publish rules, regulations, orders and directions for the security of life and health in the Chautauqua Health District, under provisions of the Public Health Law.

#### *Section 8.08 Chautauqua Mental Health Board*

There shall be an advisory mental health board composed of nine (9) members appointed by the County Executive for a four (4) year term and approved by the Legislature. Its purpose shall be to review and evaluate community mental health services and facilities, recommend

policies and procedure to the Divisions of Mental Health and other Mental Health Agencies and to perform such other acts appropriate to improving the effectiveness of the mental health services in the County.

ARTICLE IX  
DEPARTMENT OF FINANCE

Section 9.01 Department of Finance; Organization

Section 9.02 Powers and Duties

Section 9.03 Division of the Treasury

Section 9.04 Division of Taxation

Section 9.05 Budgetary Functions

Section 9.01 *Department of Finance; Organization*

There shall be a Department of Finance under the direction of a Director, appointed by the County Executive and subject to confirmation by the Legislature. He will serve at the pleasure of the County Executive and may fill the function of the Budget Director, The department will be organized into the following divisions:

Division of the Treasury  
Division of Taxation

Each division will be headed by a deputy appointed by the Director of Finance who shall act for and on behalf of the director with respect to such division.

Section 9.02 *Powers and Duties*

The Director of Finance shall:

(a) Have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the County Charter, this Code, local law, ordinance or resolution of the Legislature, order or direction of the County Executive, or any applicable provision of any act of the Legislature not inconsistent with the County Charter or this Code. Such powers, duties, obligations and liabilities shall include, but shall not be limited to, any power, duty, obligation or liability now or hereafter required by any law to be performed by or imposed upon a County Treasurer, the Chief Fiscal Officer of a county, or other county officers in relation to the collection of taxes.

(b) Have charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, taxes, revenues and other funds of the County or for which the County is responsible. He shall have charge of the performance of all other duties required by any law to be performed by a county treasurer, or other county officer in relation to the collection of taxes, except as they may be inconsistent with the Charter or Code.

(c) Have custody of all insurance policies, security bonds, and such other County instruments as the County Executive may direct.

(d) On or before the 15<sup>th</sup> of the month following, submit to the Legislature, the County Executive and the Comptroller, a statement of the financial condition of the County as of the last day of the previous month, and a report of actual costs, encumbrances and the budget for each

administrative unit and capital project. Such statement shall show the aggregate revenues received for general County purposes and revenues received for each appropriation account or fund where requested by law to be expended for the purpose of such account or fund. Such statement shall also show for each appropriation account the amount appropriated, the amount encumbered but remaining unexpended, the aggregate expenditures and the unencumbered balance. The statement shall also include such other information as the County Executive or the Comptroller may request or the Legislature, by resolution, may direct.

(e) Shall audit all claims, except for those previously audited in the Social Services Department for state-mandated programs, and payrolls for services rendered the County, or for salaries of any County employee or County officer. Such audit will consist of verifying that the service or item purchased has been properly authorized and that it has been received or performed as indicated by written certification from the head of the appropriate unit or his deputy to the effect that each person named therein was regularly appointed to the position held by him, that the services specified were actually performed and that the compensation stated in such claim or payroll is correct and true – or by a receiving document. No payroll shall be approved for payment until the Personnel Director or his designate has certified that the persons named therein are employed in their respective positions in accordance with law and rules made pursuant to law.

(f) Shall prepare and sign all checks for the payment of the payroll and all other lawful claims or charge against the County or against funds for which the County is responsible. No check shall be prepared by him for the payment of any claim against or obligation of the County, unless it states particularly against which of such funds it is drawn and the appropriation account chargeable therewith. No fund or appropriation account shall be overdrawn nor shall any check be drawn against one fund or appropriation to pay a claim chargeable to another. All County offices and employees shall be paid bi-weekly.

(g) Shall prescribe, with the advice of the Comptroller, such accounting methods, systems, forms, and report, and copies and distribution of same for all administrative units in the County, as seems necessary for proper control and administration.

(h) *Depository Undertakings*

Each depository designated by the County Executive pursuant to the Charter or Code, shall for the benefit of the security of the County and before receiving any such deposit, give to the County, a good and sufficient undertaking, approved as to sufficiency of surety by the County Executive and as to form by the County Attorney. The undertaking shall specify the maximum amount which the Director of Finance shall be authorized to have on deposit at anyone time with each depository and shall provide (a) that each depository shall faithfully keep and pay over, on the order or warrant of the Director of Finance, or other lawful authority, such deposits and the agreed interest therein, and/or (b) for the payment of such bonds or coupons as by their terms are made payable at a bank or banks for the payment of which a deposit shall be made by the Director of Finance with such depository. The County Executive may increase the maximum amount which any depository is authorized to have on deposit at any one time and require additional undertaking therefore. Each such undertaking shall be filed by the Director of Finance in the Office of the County Clerk.

In lieu of such undertaking, a depository may execute its own undertaking in such form and upon such conditions as may be prescribed by law and required by the County Executive. As collateral thereto, the depository shall deposit with the Director of Finance outstanding unmatured bonds or other obligations of the United States of America, State of New York, or of any county, town, vity, village or school district in the Steate of new York, authorized to be issued by law in the face amount at all times as least equal to the amount on deposit less the

amount certified by the depository as covered by insurance under the Federal Deposit Insurance Act. The collateral shall be approved as to amount and sufficiency by the Director of Finance accepting the same. The depository shall deposit with the Director of Finance and assignment in blank of such collateral. The Director of Finance shall deliver to the depository a certificate of deposit containing a description of the bonds or other securities so deposited as collateral. In the event of a default on the undertaking of any depository and the consequent necessity to complete the assignment, the Director of Finance shall complete the assignment and shall be deemed to be the agent of the assignor for such purpose. The Director of Finance may from time to time require the depository to increase the amount of securities deposited and may from time to time release securities whenever the amount of the balance on deposit shall be lawfully reduced. Substitution of securities shall be made only upon written authorization of the Director of Finance. Upon withdrawal of all moneys from any depository and the closing and settlement of the account thereof, the Director of Finance shall require the surrender of the certificate of deposit and thereupon shall return the securities so deposited as collateral. Whenever in the judgement of the Director of Finance it appears that additional facilities for the safeguarding of the securities deposited with him are essential, such Director of Finance may lease or rent a safety deposit box and the cost thereof shall be audited and paid as a County charge. The depository with the written consent of the Director of Finance may deposit such securities in a safety deposit box maintained by the depository under the joint control of the depository and the Director of Finance. If such depository has and maintains a separate trust department, it may with the consent deliver such securities to said trust department, or may with like consent, deposit and securities in escrow in the trust department of any other bank within the State to be held by such department subject to the joint order of the depository and the Director of Finance, and all expenses in connection therewith shall be borne by the depository.

The Director of Finance shall not be liable for the loss of public funds of the County by reason of the default or insolvency of a designated depository, provided such funds have been deposited in accordance with the provisions of this section. However, in the event that securities have been deposited as provided in this section, such Director of Finance shall be liable to the extent of any loss in excess of the face amount of such securities on deposit at the time of such insolvency.

### Section 9.03 *Division of Treasury*

The Division of Treasury shall be headed by a deputy commissioner who shall have charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, taxes, revenues, and other funds of the County for which the County is responsible. He shall have charge of the performance of all other duties required by any law to be performed by a county treasurer or other county officer in relation to the collection of taxes. He shall perform such other and related duties as the commissioner of finance may prescribe.

### Section 9.04 *Division of Taxation*

The Division of Taxation will be headed by a Deputy Director, who may also be known as Director of Real Property Tax Services. His duties shall include ascertaining, spreading, entering and extending taxes levied by the Legislature for all State, county, town and special district purposes, and including the preparation of tax rolls and the issuance of tax bills for such taxes.

Section 9.05 *Budgetary Functions*

The Director of Finance will act as Budget Director and have all the responsibilities, duties and powers as described in Article 14 of the Code.

ARTICLE X  
DEPARTMENT OF PLANNING AND DEVELOPMENT

Section 10.01 Department of Planning and Development: Organization

Section 10.02 Powers and Duties of Director

Section 10.03 Division of Planning

Section 10.04 Division of Development

Section 10.05 Planning Board

Section 10.06 Industrial Development Agency

Section 10.07 Economic Development Commission

Section 10.08 Future Needs

Section 10.01 *Department of Planning and Development: Organization*

There shall be a Department of Planning and Development under the direction of the Director appointed by the County Executive and subject to confirmation by the Legislature. The Director shall serve at the pleasure of the County Executive and shall have the power to appoint such deputies and employees of his department as may be necessary to implement the duties of his office, and as shall be authorized by the County Executive.

He may simultaneously fill the position of one of his deputies.

The Department will be organized into two divisions:

Division of Planning  
Division of Development

Section 10.02 *Powers and Duties*

(a) Assist the County Executive in executive planning, including planning for the capital budget and capital improvement program and the preparation of all County plans, and shall supervise the writing of all planning reports.

(b) Make available to cities, towns and villages in Chautauqua County, at their request, advice and assistance on matters related to the planning and development function.

(c) Make surveys, analysis and/or reports of County departments as requested by the County Executive.

(d) Perform research concerning County programs with a view to obtaining all financial and technical assistance available through local, state, federal or other revenue sources.

(e) Coordinate the County development and planning efforts so they are directed in a unified manner.

(f) Perform such other related duties as shall be required or delegated to him by the County Executive.

Section 10.03 *Division of Planning*



The Division of Planning will be directed by a Deputy Director for Planning appointed by the Director of Planning and Development. He will have the status of "Planner in Charge". The division will be responsible for carrying out all of the planning portions of the duties described in Section 10.02, "a" through "d" above. In addition, it will represent the County on such local, regional or state boards or committees as deemed appropriate to the Director and the County Executive. He shall act in support of the Planning Board and exercise all the powers and duties and shall be subject to all obligations and liabilities of the Planning Board as defined in Section 12-B of the General Municipal Law.

#### Section 10.04 *Division of Development*

The Division of Development will be directed by a Deputy Director of Development, appointed by the director of Planning and Development. The Division will be responsible for carrying out all of the development portions of the duties described in Section 10.02, "a" through "d" above. Its primary function shall be to originate programs to improve the economy of Chautauqua County through innovative ideas, seeking development funds and working with private interests and public agencies of all types. Where County responsibility and direct involvement is required, special programs relating to industrial development, manpower development, housing development and small business development will be assigned to the Division of Development, unless the County Executive chooses in writing to direct such programs out of his office.

#### Section 10.05 *Planning Board*

There shall be a Planning Board composed of nine (9) members, each serving a term of three (3) years. The Board, as constituted on December 31, 1974, shall be continued with replacements appointed by the County Executive, subject to approval by the Legislature. The Director of Public Works and the Director of Finance shall serve as ex-officio, non-voting members of the Planning Board.

The members of such Board shall receive no salary or compensation for their services as members of such Board, but shall, within the appropriations provided therefore, be entitled to the actual and necessary expenses incurred in performing the duties of their office.

The Planning Board shall have all the powers and authority established by Section 239-d, Article 12-b of the General Municipal Law. The Director of Planning and Development shall advise and guide the Board in its operation, and shall act as its agent in performing the planning function.

#### Section 10.06 *County of Chautauqua Industrial Development Agency*

In accordance with Resolution 122-72, there shall be a County of Chautauqua Industrial Development Agency. It shall function as prescribed by this law and Section 856 of the New York State Industrial Development Agency act with the exceptions that the County Executive shall appoint its members and designate the Chairman, with the approval of the Legislature. In addition to the powers defined in the New York State Act, its principal purpose shall be to borrow money and issue bonds to underwrite undertakings fostered by the Industrial and Economic Commissions and/or the Division of Development. It shall have all the powers and duties of a County Industrial Agency, heretofore and hereafter lawfully granted or imposed by the County Charter, this Code, local law, ordinance or resolution of the Legislature, order or

direction of the County Executive, or by any applicable provision of any act of the State Legislature not inconsistent with the County Charter or this Code.

#### Section 10.07 *Economic Development Commission*

There shall be an Economic Development Commission which shall replace the Industrial Development Commission, as authorized by Local Law No. 1-71 and amended by Local Law No. 10-73, and the Economic Development Commission, as authorized by Local Law No. 2-65. This Commission shall carry out the functions and meet the objectives of the pervious commissions which are to promote, encourage and assist all of commerce and industry in the County; and to facilitate and encourage Federal and State services and grants essential to economic growth, It shall be a non-profit instrumentality of the County and is authorized to be certified as a "local development district".

It shall be composed of nine (9) members appointed by the County Executive with a term of five (5) years for each member. The Chairman of said Commission shall be one of its members, designated by the County Executive, with the approval of the Legislature, for a term of one (1) year.

The Division of Development shall assist and guide the Commission in its operation and shall act as its agent in performing the development functions.

#### Section 10.08 *Future Needs*

In those instances where future state and/or federal industrial and economic programs require the creation of additional commission or advisory bodies, the Department of Planning and Development will assist and guide them in performing their functions and act as their agent as needed..

### ARTICLE XI DEPARTMENT OF PERSONNEL

Section 11.01 Department of Personnel; Organization

Section 11.02 Powers and Duties of Director

Section 11.03 Information and Aid

Section 11.04 Personnel Roster

Section 11.05 Certification of Payrolls

Section 11.06 Salary Plan

Section 11.07 Labor Negotiations

#### Section 11.01 *Department of Personnel*

There shall be a Department of Personnel under the direction of a Director, appointed by the County Executive and subject to confirmation by the County Legislature. The Director shall serve in accordance with State Law and shall have the power to appoint such deputies, assistants and employees of his department as may be necessary to implement the duties of his office and as shall be authorized by the County Executive.

#### Section 11.02 *Powers and Duties*

Except as otherwise provided in this Code, the Director shall be responsible for the administration of personnel benefits, such as employees' insurance and pensions, assisting in the negotiation of employee contracts, training of personnel, long-range staff planning, and all other personnel functions assigned by State Law to the County Civil Service Commission.

#### Section 11.03 *Information and Aid*

It shall be the duty of the head of each administrative unit of the county to furnish the Director of Personnel with such information and aid as such Director may deem necessary in the performance of his duties.

#### Section 11.04 *Personnel Roster*

The Director of Personnel shall establish and maintain a roster of all county officers and employees. Such roster shall show for each county officer and employee the date of appointment, the title of the position, the rate of pay and rate changes, promotions, demotions, transfers, the time and any other information the Director of Personnel considers necessary for a proper personnel record.

#### Section 11.05 *Certification of Payrolls*

No payroll, estimate, or account providing for the payment of wages or salaries, except for the Board of Elections payroll, shall be approved by the Director of Finance unless it bears the certificate of the Director of Personnel that the persons named therein have been, during the period specified, employed in their respective positions in accordance with law and rules made pursuant to law.

#### Section 11.06 *Salary Plan*

The Director will maintain and administer a job evaluation and salary plan for county employees and periodically resurvey prevailing positions and salaries and recommend amendments to eliminate inequities, recruiting difficulties, and employee turnover problems.

#### Section 11.07 *Labor Negotiations*

The Director shall monitor performance of agreements with recognized employee representatives concerning conditions of employment, wages, employees' sick leave, vacation, health insurance, retirement plans, and such other matters as may come before him; counsel with department heads and the County Executive as to employee/employer responsibilities and methods for meeting individual problems; advise the County Executive regarding needed changes in agreements and the impact of other proposed changes; and conduct negotiations with employee representatives as designated by the County Executive.

## ARTICLE XII OTHER COUNTY FUNCTIONS

Section 12.01 Board of Elections

Section 12.02 Office of Probation

Section 12.03 Office of Veteran's Service  
Section 12.04 County Jury Board  
Section 12.05 Office of Public Defender  
Section 12.06 Coroner  
Section 12.07 Office of Civil Defense

Section 12.01 *Board of Elections*

There shall be a Chautauqua County Board of Elections constituted according to State Election Law. The Commissioners shall be appointed by the County Legislature in accordance with State Elections Law, and shall have and exercise all the powers and duties now or hereafter conferred or imposed upon them by applicable law. The Board of Elections shall have the power, without public advertising, to make purchases of and contracts for primary or elections supplies and services necessary for the operation of its office and the performance of its duties. At his discretion, the County Executive may review such purchases and contract arrangements after the fact and make suggestions to reduce cost or improve service.

Section 12.02 *Office of Probation*

There shall be an Office of Probation headed by a Director of Probation, appointed by the County Executive and subject to confirmation of the Legislature. The Director of Probation shall have all powers and duties conferred upon him by the Charter, this Code, local law, ordinance or resolution of the Legislature, order or direction of the County Executive, by Sections 256 and 257 of State Executive Law and by any other applicable section thereof or any other applicable law not inconsistent with the County Charter or this Code.

Section 12.03 *Office of Veteran's Service*

There shall be an Office of Veteran's Service headed by a Director appointed by the County Executive and serving at his discretion. The Director of Veteran's Services shall have and exercise all powers and duties now or hereafter conferred or imposed on him by law.

Section 12.04 *County Jury Board*

There shall be a County Jury Board constituted according to the State Judiciary Law. The County Jury Board shall appoint a Commissioner of Jurors, who shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by law.

Section 12.05 *Office of Public Defender*

There shall be an Office of Public Defender headed by a County Public Defender appointed by the County Legislature in the manner provided by law. He shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by law.

Section 12.06 *Coroner*

The Office of Coroner in the County of Chautauqua is hereby continues. The County Legislature shall appoint four (4) Coroners to serve as provided by State law. They shall have

and exercise all powers and duties now or hereafter conferred or imposed upon them by applicable law, and be directly responsible to the County Legislature.

*Section 12.07 Office of Civil Defense*

There shall be an Office of Civil Defense headed by a Director of Civil Defense, who shall be appointed by the County Executive, subject to confirmation by the Legislature. He shall serve at the discretion of the County Executive and have such powers, duties and liabilities as established by State Law. Upon the treat or occurrence of a natural disaster emergency, he shall take such action as directed by the Sheriff. In a time of natural or nuclear disaster, all political subdivisions of the County shall come under the direction of the Director of Civil Defense.

During emergencies, the Director of Civil Defense shall act as the principal advisor to the County Executive. His major responsibility is to assume coordination among the operating departments of all levels of government with non-governmental groups such as hospitals and medical professionals, and with higher and adjacent governments. During non-emergency periods he will develop and implement county-wide planning and other preparations needed to assure coordinated operations should an emergency occur.

ARTICLE XIII  
ELECTED OFFICERS

Section 13.10 County Clerk

Section 13.20 District Attorney

Section 13.30 County Sheriff

Section 13.40 Comptroller

*Section 13.10 County Clerk*

There shall elected from the County at large a County Clerk. The County Clerk shall be elected for a three (3) year term and, at the time of his election and throughout his term of office, shall be a qualified elector of the County. The County Clerk shall be the official registrar of the County, shall be the depository for all deeds and related abstracts of title to County-owned property and such other documents as the County Executive designates, and except where inconsistent with this Charter, the County Clerk shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law.

The Office of Weights and Measures shall be administered by the County Clerk.

*Section 13.20 District Attorney*

There shall be elected from the County at large, a District Attorney. The District Attorney shall be elected for a three (3) year term of office and, at the time of his election and throughout his term of office, shall be a qualified elector of the County and shall have been duly admitted to the practice of law in the State of New York. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

*Section 13.30 County Sheriff*

### Section 13.31 Powers and Duties

(a) There shall be elected from the County at large a County Sheriff. The Sheriff shall be elected for a three (3) year term of office and, at the time of his election and throughout this term of office, shall be a qualified elector of the County. The Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

(b) The function of processing permits or own and carry guns, as determined by law, will be the responsibility of the County Sheriff.

### Section 13.31 Appointment of an Undersheriff and Staff

(a) The Sheriff shall appoint an Undersheriff and may, when such positions are authorized by the Legislature, appoint such deputies, other clerks and employees within the limits of the appropriations provided therefore, as he deems necessary for the conduct of his office. Such Undersheriff and deputies, which are not covered by a competitive civil service appointment, shall serve at the pleasure of the Sheriff and shall attend upon the terms and sittings of all courts of record in the county as the Sheriff shall direct and perform such other duties as the Sheriff may direct.

(b) The Undersheriff shall execute the powers and duties of the office in the absence of inability of the Sheriff to act. In the event a vacancy occurs in the Office of the Sheriff, the Undersheriff shall execute the said powers and duties until a new Sheriff has been elected or appointed and has qualified.

(c) The Sheriff may appoint, within the appropriation provided therefore, jailers, matrons and such other officers and employees as may be necessary to operate the county jail facilities. The matron shall have sole charge of the female prisoners and of that portion of the jail facilities in which the female prisoners are detained subject to the direction of the Sheriff or jailer. A matron shall be in attendance at all times when females are confined in the jail facilities.

(d) The Sheriff may deputize by written instrument any person to perform specified functions of his office.

(e) Each appointment or revocation thereof made pursuant to this article shall be in writing and filed with the County Clerk, and copies thereof shall be filed with the Legislature and the County Executive.

(f) Before the appointment by the Sheriff of any person other than a person temporarily deputized to perform a particular specified act, such person shall be fingerprinted by the Sheriff and the Sheriff shall cause such fingerprints to be compared with fingerprints filed with the Division of Criminal Identification of the State Department of Correction and the Federal Bureau of Investigation.

(g) The Sheriff may, within the limits of the appropriation provide therefore, employ such number of part time deputies, who shall be paid such compensation as the Legislature may determine. Such deputies shall be appointed in the same manner as regular deputies and shall have only those powers and duties authorized by the Sheriff.

(h) The Sheriff may in his discretion deputize the peace officers of cities, towns, and villages within the County and agents of societies incorporated for the purpose of prevention of cruelty to children or animals, for the purpose of authorizing arrest without a warrant outside the territorial limits of such city town or village when such crime or infraction was committed within such territorial limits in the presence of such peace officer or agent. Such person so deputized shall be deemed to be an agent of the Sheriff.

### Section 13.33 Emergency Provisions

(a) For the protection of human life and property during an emergency, the Sheriff may temporarily deputize orally or in writing, such number of additional deputies as he deems necessary. If he is unable to continue to services of such special deputies without compensation, the Sheriff may pay the compensation of any such special deputies without compensation, the Sheriff may pay the compensation of any such special deputies in such amount as the Legislature may determine for each day that such deputy is actually engaged in assisting the Sheriff in the performance of his duties. If the Legislature shall fail to fix the compensation of such special deputies, the Sheriff may, subject to the approval of the County Executive, fix such compensation at a rate not exceeding ten dollars per day for each such special deputy. The compensation and expenses of any special deputy so appointed shall be audited and paid as a County charge.

(b) If, in the protection of human life and property, the Sheriff shall deem it necessary to hire any equipment or apparatus together with the operator thereof, he may, subject to the approval of the County Executive, hire the same during the period of an emergency or catastrophe at a reasonable charge therefore. The same shall be audited and paid as a County charge.

(c) The Legislature shall have the power of appropriate and set aside a fund for the purpose of paying in advance of audit expenditures of a Sheriff in an emergency or catastrophe for services and expenses of temporary special deputies and for the hiring of equipment and apparatus and the operators thereof. The County Executive may authorize the Sheriff to issue orders on the Commissioner of Finance for the payment thereof. The County Executive may further direct the rendering by the Sheriff to the Comptroller and Commissioner of Finance, of an accounting of such expenditures with verified or certified vouchers attached. The claimant and the Sheriff shall be jointly and severally liable for any items of expenditure for other than a lawful purpose and disallowed upon a final audit. Such expenditures so disallowed shall be recovered in an action brought in the name of the County.

(d) Upon the threat or occurrence of a natural disaster emergency or other catastrophe arising from causes other than an enemy attack, and deriving and immediately following the same, the Sheriff may direct the Director of Civil Defense to assist in the protection and preservation of human life and property.

### Section 13.40 *Department of Comptroller*

The department of the Comptroller will be headed by the Comptroller. He shall be elected as authorized in Section 13.03 of the Charter. The Comptroller will have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter granted or imposed by the Charter, this Code, local law or resolution of the Legislature, order or direction of the County Executive.

### Section 13.41 *Powers and Duties*

A) He shall be the auditing authority of the County and examine, audit and verify all books, records, and accounts kept by the various administrative units, offices, officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust account, and the accrual and collection of all County revenues and receipts, and for this purpose have access to all such books, records, and accounts at any time.

The auditing function will consist of, but not be limited to:

1. Reviewing and appraising the soundness, adequacy and application of accounting, financial and operating controls through analysis of all County systems.
2. Ascertaining the extent of compliance with established policies, plans, and procedures by periodic checking of transactions from the time of authorization until completion. This might involve such actions as passing out departmental pay checks, confirming transactions, liabilities or contract status with outside parties and obtaining legal opinions from the County Attorney.
3. Ascertaining the extent and adequacy of departmental control of various inventories and capital assets through periodic checks.
4. Appraising the quality of performance in carrying out assigned responsibilities.

The auditing activity is not to be construed as a regular review of all payment authorizations prior to payment although this may be done on a random basis.

B) He shall procure from the depositories with which the Director of Finance shall have deposited the funds and monies coming into his possession, statements, at least monthly, of all monies deposited by the Director of Finance or paid out pursuant to his order, and reconcile such statements with the County accounts.

C) He shall make reports from time to time when requested by the County Executive or the County Legislature on the financial condition of the County. Such reports would not normally be considered as a duplication of regular financial reports, but designed to expose liabilities or assets not evident in normal reporting.

D) Submit to the County Legislature an annual report of audit and such periodic reports in such form and detail as may be prescribed by it.

E) Have the power to investigate and inquire into all the matters relating to or affecting the finances of the County and for such purpose and for the purpose of carrying out his powers and duties, shall have the power to require the attendance of and take the testimony under oath of such persons as he may deem necessary.

F) Perform such additional and related duties as the County Legislature may direct.

#### ARTICLE XIV FINANCIAL PROCEDURES

Section 14.01 Preparation of Tentative Capital Budget and Program

Section 14.02 Preparation of Tentative Operation and Maintenance Budget.

Section 14.03 Development of Capital and Operating Budget Request

Section 14.04 Submission to Legislature – Approval of Tentative Budget

Section 14.05 Public Hearing

Section 14.06 Adoption of Budget

Section 14.07 Levy of Taxes

Section 14.08 Appropriations and Transfers after Budget Adoption

Section 14.09 Budget Controls

Section 14.01 *Preparation of Tentative Capital Budget and Program*

The Director of Finance, pursuant to Article 9, Section .01 of the Charter shall prepare the proposed capital budget and program for submission to the County Executive, according to



the procedure set forth in the following paragraphs of this section. Until such a separate position is created, the term Budget Director shall refer to the Director of Finance.

A. Preparation and filing of capital projects requests.

Not later than the 15<sup>th</sup> day of June in each year, the budget Director shall furnish to the head of each administrative unit or authorized agency forms on which to prepare and file a description, justification and estimate for each capital project which such administrative head or authorized agency proposes during one or more of the ensuing six (6) years.

The term "capital project" as used herein shall mean: (a) any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired, or (b) any preliminary studies and surveys relating to any physical betterment or improvement, or (c) land or rights in land, or (d) any combination of (a), (b), and (c).

Such capital projects requests shall be prepared and completed by the head of each administrative unit or authorized agency and shall set forth, among other things, but not limited to;

i. A description of the proposed project; the estimated total costs thereof; recommended priority; estimates of costs for planning; site; right of way; construction, equipment and other features; status of plans and land acquisition; development time schedule.

ii. The proposed method of financing, indicating the amount of proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the Federal and/or State governments; and the amount to be financed by the issuance of obligations, and recommended expenditures by years.

iii. An estimate of the effect, if any, upon operating costs of the county within each of the three fiscal years following completion of the project. The capital projects requests shall contain such other and additional information as the Budget Director may deem advisable.

B. Not later than July 15<sup>th</sup> immediately following, the head of each administrative unit or authorized agency shall sign and shall file one copy of such capital project requests in each of the offices of the Budget Director, the County Executive, the Clerk of the Legislature, County Comptroller and the Director of Planning and Development.

C. The Director of Planning and Development will call a meeting of the Planning Board to review the proposed new capital projects. Not later than August 15<sup>th</sup> the Planning Board will submit a report on the capital budget requests including its opinion of specific requests, as they bear upon the long range capital needs of the County, and suggestions as to additional projects, plus a priority rating on all projects. The Director of Planning and Development may submit a supplementary report at his discretion. The reports will be delivered to the Capital Projects Committee, the County Executive and the Budget Director.

D. Capital Projects Committee

To assist in the consideration of the capital projects and the capital program there shall be a capital projects committee consisting of the County Executive, as Chairman; the Budget Director, as vice-chairman; and the following members: the Directors of Finance, Public Works, Planning and Development, the County Attorney, the Chairman of the Legislature, the majority and minority leaders thereof, and the Chairman of the Finance Committee, if any, of the Legislature. The County Executive shall have the right to request and require other administrative heads to meet and consult with the capital projects committee as he may deem

advisable. The County Executive shall be solely responsible for the capital budget and program as submitted to the Legislature.

The Budget Director shall submit the comments and recommendations of the Director of Planning and Development, if any, together with his own comments and recommendations to the capital projects committee. Such committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between July 15<sup>th</sup> and September 15<sup>th</sup> at least twice, and as more often as may be required at the call of the chairman. On or before September 15<sup>th</sup>, such committee shall prepare a written report with recommendations and file a copy with the Legislature, the County Executive and the Budget Director.

E. Between September 15<sup>th</sup> and on or before September 20<sup>th</sup> immediately following, the Budget Director shall cause the tentative capital budget and program to be prepared, and shall submit it to the County Executive, together with the tentative operation and maintenance budget. The tentative capital program shall set forth a recommended capital program for development during one or more of the ensuing six (6) years and be arranged in such manner as to indicate the order of priority of each project, and to state for each project, among other things, but not be limited to those items listed in 14.03 E.

F. The tentative capital budget shall include the amount proposed for the capital program to be financed by direct budgetary appropriation during the fiscal year to which such tentative budget pertains, proposed down payments and other expenditures for new projects, all proposed capital financing including but not limited to reserve funds, sinking funds, current revenues, temporary borrowing, bon sales, Federal and State grants, loans or advances.

#### Section 14.02 *Preparation of Tentative Operating and Maintenance Budget*

A. Preparation and filing of estimates and appropriation requests.

Not later than the 15<sup>th</sup> day of July in each year, the Budget Director shall furnish the head of each administrative unit or authorized agency quadruplicate forms on which to prepare and set forth an estimate of revenues and expenditures of the respective unit or agency for the next ensuing fiscal year, exclusive of capital projects. Such forms shall be prepared and completed by the head of each administrative unit or authorized agency and shall set forth, among other things, but not be limited to, the actual revenues and expenditures for the last completed fiscal year; the appropriations for the current fiscal year and the unencumbered balances thereof as of June 30<sup>th</sup>; sources of revenue, if any; character and object of expenditures, setting forth in item classifications, among other things, salaries, temporary help, fees and services, automotive equipment, office equipment, furniture, fixtures and other material, supplies and expenses. When feasible budget cost will be separated by work project and cost per unit of service indicated. These estimates shall be submitted in such form and contain such other and additional information as may be prescribed by the Budget Director and shall constitute in and of themselves a request for an appropriation therefore.

B. Not later than August 15<sup>th</sup> immediately following the head of each administrative unit or authorized agency shall sign such estimates and requests and file one copy thereof in each of the offices of the Budget Director, the County Executive, and the Legislature, respectively. In the event of the failure of the head of any administrative unit or authorized agency to submit and file such estimate and request on or before August 15<sup>th</sup>, the Budget Director shall forthwith prepare and file same accordingly.

C. Upon receipt of the estimates and appropriation requests, the Budget Director shall examine, review, investigate and conduct such hearings thereon as he may deem necessary. Among other things, by notice in writing, he may require the head of each of any administrative

unit or any officer or employee thereof and any authorized agency requesting County funds to appear before him to furnish data and information and to answer inquiries pertinent to such review or investigation.

D. Upon completion of such review and investigation, the Budget Director shall have the right to recommend in whole or in part the estimates and appropriation requests submitted, as he may deem appropriate.

E. On or before September 20<sup>th</sup> immediately following, the Budget Director shall prepare and submit to the County Executive a tentative operation and maintenance budget which shall set forth among other things, but not limited to the items listed in Section 14.03 B and C.

### *Section 14.03 Development of Capital and Operating Budget Request*

#### A. Budget preparations and general scope.

The County Executive shall review the proposed tentative operating and maintenance budget and the proposed tentative capital budget as submitted by the Budget Director, together with any other anticipated items of County expenditure or revenue, and shall prepare the tentative budget of the County for the ensuing fiscal year for both current operating and capital purposes, pursuant to Article 3.02f of the Charter. Such budget shall be in such form as the County Executive may deem advisable and shall show in parallel columns the following comparative information: (1) actual expenditures and revenues for the last completed fiscal year; (2) the budgeted expenditures and revenues for the current fiscal year, reflecting transfers and supplemental appropriations as to a date not more than forty-five (45) days prior to the date of the filing of the tentative budget by the County Executive with the Clerk of the Legislature; (3) the estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of the various departments, other administrative units and authorized agencies; and (4) the County Executive's recommendations and estimates as to expenditures and revenues for the ensuing fiscal year. In addition to items of operation and maintenance, the tentative budget shall include or be supplemented by: (1) all items of capital project expense for which the County Executive recommends be undertaken in the ensuing fiscal year; (2) other items as set forth in paragraphs B and C of this section; and (3) a statement showing the bonded indebtedness of the County government and its agencies, the debt redemption and interest requirements, the indebtedness authorized and un-issued, the condition of the capital reserve and sinking funds, and the borrowing capacity of the County.

#### B. Recommended expenditures.

The recommendations for expenditures in the tentative budget shall be classified by administrative units and their sub-units according to the internal organization of such administrative units, or by special funds. Such recommendations shall show the character and object of expenditure, and shall contain (1) an estimate of the several amounts which the County Executive deems necessary in the ensuing fiscal year for conducting the business of the County for each administrative unit thereof, separately state, and for other County purposes and charges, classified to show separately (i) the ordinary recurring expense of the operation and maintenance of County government, and (ii) any extraordinary or non-recurring expenses to be financed from current revenue; (2) an estimate of the general contingent fund which the County Executive recommends to be provided for unanticipated or emergency County purposes or charges; (3) a statement of the several amounts recommended by the County Executive for appropriation to the reserve funds and sinking funds, if any; (4) a statement of the amount required to pay the interest on and amortization of or redemption of indebtedness becoming due in the ensuing fiscal year; (5) an estimate of the amount to be paid to school districts on account of unpaid school taxes to

be returned to the County during such year; and (6) the amount of any judgement recovered against the County and payable during the fiscal year and for which no bonds have been or will be issued.

C. Estimated revenues.

The estimates of revenue in the tentative budget shall be classified by accounts and administrative units, shall show the sources of income and shall contain (1) a statement of all revenues which it is estimated will be received by the County during the ensuing fiscal year, except form County taxes to be levied; (2) a statement of all unexpended balances, if any, at the end of the last completed fiscal year, which are available to meet the expenditure requirements of the fiscal year for which the tentative budget is being prepared; (3) an estimate of the anticipated receipts from delinquent taxes, which shall not exceed the amount received in cash from delinquent taxes, during the last five (5) months of the most recently completed fiscal year and the first seven (7) months of the current fiscal year, provided that delinquent taxes shall include the proceeds of (i) the collection of all taxes levied or re-levied by the Legislature for any year preceding the current fiscal year together with interest and penalties thereon, (ii) the sale of property sold for such taxes, and (iii) the redemption of property sold for such taxes and bid in by the County, but shall not include the proceeds of any such collection, sale or redemption occurring during the fiscal year for which such taxes were originally levied; (4) a statement as to the amounts, if any , from the capital reserve fund and/or sinking funds available for down payments, other current capital payments or debt service during the ensuing fiscal year; and (5) a statement of the estimated net County tax requirements, determined by subtracting the total estimated revenues, other than taxes to be levied, from the total recommended expenditures for the ensuing fiscal year.

D. Moneys received by the County but required by law to be paid to the State of New York or to the units of government within the County shall not be included in the expenditures and revenues anticipated in the budget, provided, however, that this shall not apply to moneys advanced to local governmental units within the County on account of delinquent taxes.

E. Capital program.

The County Executive shall review the proposed capital program as prepared by the Budget Director. He shall, after making such changes as he may deem advisable, arrange it so as to set forth clearly; (1) as to each pending capital project; the amount of all liabilities outstanding, the unencumbered balances of authorizations and estimated additional authorizations required for its completion; (2) as to each new capital project recommended; the year in which it is recommended to be undertaken and the estimated costs; (3) as to each pending or recommended project; a brief description, the estimated date of completion, the amount of liabilities estimated to be incurred in each fiscal year to completion, the estimated useful life in years, the amounts, nature and terms of obligations recommended to be authorized, and the estimated annual operating and maintenance charges such project will entail; (4) any recommendations that a pending project be modified or abandoned or further authorization therefore postponed; and (5) any other information that the County Executive may deem advisable.

F. Proposed appropriation resolution.

The County Executive shall cause to be prepared a proposed appropriation resolution referring to the tentative budget and making provision for the conduct of the County government for the ensuing fiscal year. Such resolution, together with the tentative capital program for the ensuing six (6) years and a budget message from the County Executive will be delivered to the Clerk of the Legislature by October 1.

#### Section 14.04 *Legislative Review of Tentative Budget*

A. Between October 1<sup>st</sup> and the first Friday following the tenth day of October, the Finance Committee will review the budget with the County Executive, Budget Director and those department heads who wish to plead for a revised budget. The Finance Committee will file a report with the Clerk of the Legislature on or before 10:00 o'clock A.M. of the first Friday following October 10.

B. The Legislature shall meet at 2:00 o'clock P.M. of the first Friday following October 10<sup>th</sup> to consider the tentative budget. They will meet in as many sessions as necessary to obtain an approval of the tentative budget. If no approval has been voted prior to two weeks in advance of the public hearing, as established in Section 14.05 following, the Clerk of the Legislature will initiate action prescribed in Section (c).

C. Publishing tentative budget.

The Clerk of the Legislature shall cause to be printed or otherwise reproduced at least one hundred copies of the same, except that more than one hundred copies of the same may be ordered printed or otherwise reproduced by resolution of the Legislature. Said copies shall be made available for distribution not less than five (5) days prior to the holding of said public hearing. The notice of said public hearing shall state the time, place and purpose of such hearing, and shall state that said copies are available at the office of the Clerk of the Legislature and may be inspected to procured thereat by any interested person during business hours. Said notice shall be published at least once in the official newspapers and such other newspapers as may be designated by the Legislature.

#### Section 14.05 *Public Hearing*

The date and time of the public hearing on the tentative budget shall be 2:00 o'clock in the afternoon on Wednesday following the first Monday in November, at which time any person may be heard for or against recommendations made by the County Executive or any other comments relevant to the budget and capital program. Said hearing may be adjourned from day to day, but may not last past the second Monday in November.

#### Section 14.06 *Adoption of Budget*

After the conclusion of the public hearing, the Legislature may strike items of appropriation or anticipated revenues from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The Legislature may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly.

If the budget, as submitted by the County Executive, is adopted by the resolution of the Legislature with no changes, such budget shall be deemed to have been adopted without any further action by the County Executive. If, however, the budget as passed by the Legislature contains any additions, decreases or increases, the same shall be presented by the Clerk of the Legislature to the County Executive not later than the Friday following the first public hearing, for his examination and consideration. If the County Executive approve all the additions and increases, then he shall affix his signature to a statement thereof and return the budget together with such statement to the Clerk of the Legislature and the budget, including the additions and increases as part thereof, shall be deemed adopted.

If a budget with additions or increases is not returned by the County Executive to the Clerk of the Legislature within ten (10) days, it shall be deemed adopted.

If the County Executive objects to any one or more of such added or altered items, he shall append to the budget a statement of the added or altered items to which he objects setting forth his reasons therefore and shall, not later than 10:00 o'clock in the forenoon of the 10<sup>th</sup> day following legislative adoption, return the budget with his objections to the Clerk of the Legislature who shall present the same to the Legislature at a meeting to be held not later than one week thereafter. The Legislature shall thereupon enter the objections upon its journal and proceed to reconsider the additions and alterations to which objection is made by the County Executive. If upon such reconsideration two-thirds of all of the members of the Legislature vote to approve such additions and alterations, or any of them, the budget with the additions and alterations so approved, together with any additions and alterations not so objected to by the County Executive shall be deemed adopted. If the Legislature fails to act on or override such objections by a two-thirds vote, the objections shall become final and the budget shall become final and deemed adopted without the increases objected to by the County Executive.

If a budget has not been adopted, as herein provided, on or before November 28<sup>th</sup>, then the proposed budget as submitted by the County Executive, plus all additions and increases as to which he has failed to object, shall be the budget for the ensuing fiscal year.

Four copies of the budget as adopted shall be certified by the County Executive and by the Clerk of the Legislature and one each of such copies shall be filed in the office of the County Executive, the offices of the Comptroller, the Director of Finance and the Clerk of the Legislature. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

#### *Section 14/07 Levy of Taxes: inclusion of Reserve for Uncollected Taxes*

The net County tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget, shall be levied in advance on or before December 31 immediately following, by the Legislature on the taxable real property of the several tax districts of the County. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes" which shall be a County charge. The Legislature shall fix the amount of such of a sum as they may deem sufficient to produce in cash from the collection of taxes and other revenues during the year moneys required to meet the estimated expenditures of such year, provided, however, that such reserve for uncollected taxes shall be not less than the face amount of unpaid taxes for the preceding completed fiscal year.

The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the Legislature shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.

#### *Section 14.08 Appropriations and Transfers after Budget Adoption*

A. If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the County Executive shall report to the Legislature without delay the estimated amount of the deficit, remedial action taken by him, and his recommendations as to further action. The Legislature shall take such action as it deems necessary to prevent or minimize any deficit. For that purpose it may by resolution reduce one or more appropriations; but no appropriation for debt service may be reduced and no appropriation

may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated. The board may also, if it desires, borrow temporarily pursuant to the local finance law in an amount not greater than such deficit for such purpose.

B. The County Executive may at any time make any transfer of part of all of any unencumbered appropriation balance between classifications of expenditures within the same administrative unit if such transfer is necessary to provide for payment of (1) any salary increment pursuant to any salary plan adopted by the Legislature and in effect as such time such transfer is necessary, (2) any salary when such salary has been affected by a change in the salary rate or salary total due to a change of salary grade for such position pursuant to said salary plan, (3) any salary when such salary has been affected by a change in the salary rate or salary total due to a change from one position to another position and the latter position has been established for an administrative unit by the Legislature subsequent to the adoption of the budget for any fiscal year and said later position is not included in the appropriations for such administrative unit for said fiscal year, (4) any salary when such salary has been affected by a change in the salary rate or salary total due to any cost of living adjustment or other salary adjustment adopted by the Legislature and in effect at such time such transfer is necessary. Transfers made pursuant to this paragraph shall not require approval by the Legislature.

C. The Legislature may, for the purposes of Paragraph B of this section, establish and make appropriations to such fund or funds necessary to provide for such transfers. The establishment of and appropriation to said fund or funds shall be in accordance with any applicable provision of the Charter or this Code.

#### Section 14.09 *Budget Controls*

No County officer, employee, department or other administrative unit or subdivision thereof, or other spending agency shall, during a fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise provided in this Code, the Charter or the local Finance Law. The unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year and shall be deemed as revenue for the purpose of preparing, during the following fiscal year, the tentative budget for the ensuing fiscal year, and in this respect no assignment of a requisition number or a request by letter or other means to the Comptroller or any other County officer from any administrative unit for the purpose of holding over after the close of such fiscal year any encumbered balance, or part thereof, of any appropriation shall be construed to be a commitment or the encumbering of any such appropriation; provide that nothing herein contained shall be construed to require the lapsing of appropriations which may or are required to be made for an indefinite period or which include state refunds, allocations, or grants applicable to said appropriations pursuant to any other provision of law; and provided further that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefore, or the establishment of bonded or capital accounts, sinking funds or reserve funds, and each such appropriation account or fund shall continue in force until the purpose for which it was made shall have been accomplished or shall have been abandoned by a majority vote of the Legislature. Any contract, verbal or written, made in violation of this section shall be null and void.

ARTICLE XV  
GENERAL PROVISIONS

- Section 15.01 Administrative and Advisory Boards
- Section 15.02 Approval of Contracts
- Section 15.03 Civil Service Rights Continues: Status of County Officers
- Section 15.04 Classified Service, Exemptions
- Section 15.05 Filling Vacancy in Elective Office other than County Executive
- Section 15.06 Filling other Vacancies
- Section 15.07 Power to Administer Oaths and Issue Subpoenas
- Section 15.08 Surety Bonds

Section 15.01 *Administrative and Advisory Boards*

Except as otherwise provided in the Charter or Code, every other board, the members of which are appointed, shall be an advisory board. The members thereof shall be appointed for such terms as are or may be provided in the Charter or Code. Wherever provision is made in the Charter or Code for the appointment of an advisory board, the members so appointed, unless otherwise provided, shall serve at the pleasure of the appointing authority.

Section 15.02 *Approval of Contracts*

Except as otherwise provide in the Charter and Code, every contract to which the County is a party shall require approval by the Legislature, if said contract is for (a) the sale or purchase of real property; (b) the erection, alteration or demolition of a building or other structure; (c) the providing of facilities or the rendering of services by, for or with any other public corporation. All such contracts shall be executed by the County Executive. No contract shall be executed by the County Executive until the same has been approved as to form by the County Attorney. Copies of such contract when executed, shall be filed with the Director of Finance, the Comptroller, and the Legislature when approval of said board is required for such contract.

Section 15.03 *Civil Service Rights Continues; Status of County Officers*

The civil service status and rights of all County employees and their beneficiaries, including but not limited to those with respect to retirement, shall, not be affected by the Charter or Code. Except as otherwise provided by the Charter or Code, the terms of all County officers whose appointment under the Charter is vested in the County Executive shall terminate on December 31, 1974, provided that any officer, unless removed, shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made. Any County officers appointed by the County Executive for a definite term or whose appointment is subject to confirmation by the Legislature may be removed by the County Executive prior to the end of such term, after receipt of written notice from the County Executive.

Section 15.04 *Classified Service, Exemptions.*

All positions in all departments, offices, institutions, and agencies of the County, shall being the classified service, except those held by the following: (1) elective officers; (2) heads of departments; (3) members of all boards, commissions and committees; (4) coroners; (5) the



commissioner of jurors; (6) all officers and employees of the Legislature; (7) all members, officers and employees of the Board of Elections; (8) assistants to the County Executive; (9) all other persons as specifically prescribed by statute. The following positions in the classified service shall be included in the exempt class: (1) deputy directors or deputy commissioners; (2) the confidential secretary to any officer or department head; (3) assistant district attorneys and confidential criminal investigators; (4) deputy and assistant county attorneys; (5) contractors engaged to perform specific services and their employees; and (6) all other persons as specifically provided by statute.

Notwithstanding any other provision of this Code or Charter, wherever the appointment of a deputy is authorized, such deputy is hereby authorized to act generally for and in place of his principal within the area of his designated responsibility and the same shall be deemed to be in the exempt class of the classified service of civil service.

#### *Section 15.05 Filling Vacancy in Elective Office, other than County Executive or Legislators*

A vacancy, other than that of the County Executive or legislators, shall be filled by appointment by the Legislature of a qualified elector of all County, having the same political affiliation as the person last elected to such office. The person so appointed shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy. In case such election is not the normal election year for the office, the election shall cover only the unexpired term.

#### *Section 15.06 Filling other Vacancies*

Except as otherwise provided in this Charter and Code, a vacancy in the office of the head of any administrative unit. The head of which by virtue of the Charter, the County Executive shall have the power to appoint or remove, shall be filled by a person who shall be appointed on the basis of his administrative experience and his qualifications for the duties of such office by the County Executive, subject to confirmation by the Legislature where provided. Except as otherwise provided in the Charter or Code, the head of any administrative unit shall have the power to fill vacancies occurring within such administrative unit pursuant to the civil service law.

#### *Section 15.07 Power to Administer Oaths and Issue Subpoenas*

The Chairman of the Legislature, the County Executive, the Comptroller and such other County officers as may be authorized by the Charter, Code, or other applicable law shall have the power to subpoena and compel the attendance of witnesses and the production of books, records, and papers as the same may be pertinent to their respective officers. Any County officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths or affirmations, subpoena witnesses and compel attendance of witnesses in connection therewith.

#### *Section 15.08 Surety Bonds*

The Legislature shall have the power to require and direct the giving of a surety bond conditioned on the faithful performance of any County officers or employee paid from County funds. The Legislature shall fix the amount of all such bonds required by law or by resolution of

the Legislature. Such bonds shall be approved as to sufficiency of surety, by the County Executive and as to form by the County Attorney.

#### Section 15.09 *Reports*

The head of each administrative unit of the County shall make an annual report at the close of each fiscal year and shall submit such report not later than the first day of February to the County Executive and the Legislature, covering generally the work of his office and including such information as the County Executive or the Legislature shall require and such information as such head shall deem necessary or desirable to report.

### ARTICLE XVI APPLICATION OF CODE

Section 16.01 Adoption of Code – when effective

Section 16.02 Amendment of Code

Section 16.03 Continuity of Authority; Completion of Unfinished Business

Section 16.04 Separability

Section 16.05 Code to be Liberally Construed

Section 16.01 *Adoption of Code – when effective*

This Code shall become effective on and after January 1, 1975, subject to the limitations implied by Article 15.01 of the Charter. This is not to be construed as a limitation on moving towards the organization and procedures included herein. Within the limitations of applicable law such transitions should be made in advance.

Section 16.02 *Amendment of Code*

This Code may be amended by a Local Law enacted by a majority affirmative vote of the total membership of the Legislature, subject to referendum on petition as provided in the Municipal Home Rule Law.

Section 16.03 *Continuity of Authority; Completion of Unfinished Business*

The performance of functions pursuant to the provisions of the Charter or Code shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings, action or rights of action or other business undertaken or commenced prior to the effective date of this Code may be conducted and completed by the County officer or administrative unit responsible therefore under the Charter or Code.

The Code shall not be deemed to invalidate any obligations heretofore issued by the County or by any of its commissions, boards, or agencies and such obligations shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of bonds by the County or by any of its commissions, boards, or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.

Section 16.04 *Separability*

If any clause, sentence, paragraph, section or article of this Code shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 16.05 *Code to be Liberally Construed*

This Code shall be liberally construed to effectuate its objectives and purposes.

SECTION 2. This Local Law shall become effective January 1, 1975

Adopted by Legislature: 10/11/74

Public Hearing: 10/29/74

Adopted as LL 3-74