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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of YATES
~~Town~~
~~Village~~

Local Law No. 1 of the year 19 87

A local law TO ESTABLISH THE OFFICE OF COUNTY ADMINISTRATOR FOR THE COUNTY OF YATES
(Insert title)

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

County
~~City~~ of Yates as follows:
~~Town~~
~~Village~~

LOCAL LAW NO. 1 OF THE YEAR 1987

A LOCAL LAW TO ESTABLISH THE OFFICE
OF COUNTY ADMINISTRATOR FOR THE COUNTY OF YATES

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

SECTION 1. LEGISLATIVE INTENT.

The County of Yates, through the County Legislature, recognizes its responsibility in providing an efficient and accountable administrative government that provides for a clear delineation of responsibility and authority between the legislative function of the County Legislature and that of the county government management structure. In accomplishing this, the Legislature is cognizant that county government and the problems that it addresses on a daily basis must be approached from a manageable and concise functional basis. Therefore, it is the intent of this Local Law to provide an administrative framework that will achieve these goals. It is not the purpose or the intent of the County Legislature in the adoption of this Local Law to in any way change the present structure of county government or to in any manner transfer to any department or to any other officer or employee of county government any power of the County Legislature.

SECTION 2. COUNTY ADMINISTRATOR; APPOINTMENT; TERM.

On or after January 1, 1988 there shall be a County Administrator, who shall be appointed by the County Legislature for a term ending December 31, 1990. Thereafter, the County Administrator shall be appointed for a two year term. The County Administrator shall be directly responsible to and serve at the pleasure of the County Legislature and shall be a person qualified by formal training in public administration, finance, or related fields, and by experience in an administrative executive position in governmental administration or by equivalent experience and training sufficient to indicate capacity for effective governmental administration. He/she shall be a resident of the county during his/her tenure of office.

(a) The County Administrator shall possess a Bachelors Degree from a certified college or university and a Masters Degree shall be preferred;

(b) COUNTY ADMINISTRATOR TO HOLD NO OTHER PUBLIC OR POLITICAL OFFICE: The County Administrator shall hold no other public or political office. This position is a full time position in service to Yates County.

SECTION 3. GENERAL POWERS.

The County Administrator shall, as herein provided, act as representative of the County Legislature. Within the limits of his/her authority, he/she shall be responsible to the County Legislature for the overall administration of county government and shall provide and coordinate a full range of staff services to the County Legislature and its various committees. He/she shall coordinate the activities of the several officers, employees, agents, departments, boards, agencies, and committees so that the policies and programs enunciated by this County Legislature, as well as programs mandated by other governmental authority are implemented in a cost effective manner for the most benefit to the citizens served. He/she shall perform all of the duties now and hereafter conferred or imposed upon him/her by law and as directed by the County Legislature and shall have all the powers and perform all the duties necessarily implied or incidental thereto.

SECTION 4. POWERS OF APPOINTMENT AND REMOVAL.

The County Administrator shall be authorized to appoint, upon the approval of the County Legislature: 1) all department heads; 2) such assistance and staff within his office as may be authorized by the County Legislature.

In addition, the County Administrator may interview and select all persons for employment in those county departments, offices, agencies and operations under his/her direct supervision, except where law specifically directs that some other appointing official shall interview and select. The County Administrator may delegate this responsibility to respective department heads.

The County Administrator shall have the authority to lay off, suspend, or remove all persons employed in all county departments, agencies, offices, and operations, except where law specifically directs that some other appointing official shall lay off, suspend, or remove; and such authority shall be exercised in accordance with the Civil Service Law of the State of New York and such other laws, rules and regulations as may apply. The termination of any county employee would only take place after the County Administrator confers with the County Attorney and the County Personnel Officer (or Civil Service Commission).

Any head of a department or other agency who has been suspended or removed by the County Administrator shall, within five days thereafter, be given a written statement setting forth the reasons therefore, if such department or agency head so requests, and shall have opportunity to answer in writing. After considering such answer, the County Administrator shall make his/her recommendation to the County Legislature which shall make a final determination of the issue. A copy of the statement, a copy of the answer, and a copy of the determination shall be

filed as a public record in the Office of the Clerk of the County Legislature.

SECTION 5. GENERAL SUPERVISION BY COUNTY ADMINISTRATOR.

The County Administrator shall have general supervision over all departments, offices, agencies within the county government structure, though the County Administrator may from time to time delegate this responsibility to the departments head(s).

SECTION 6. DIRECT SUPERVISION BY COUNTY ADMINISTRATOR.

The County Administrator shall have direct supervision of those offices, agencies, operations and programs placed under his direct supervision by the County Legislature or where he/she is considered to be the department head. All employees of these agencies, offices, or operations/programs shall report directly to the County Administrator.

SECTION 7. SPECIFIC POWERS AND DUTIES: COUNTY ADMINISTRATOR.

The County Administrator shall:

- (a) Execute and enforce, as authorized by the County Legislature, all Local Laws, legalizing acts, ordinances, and resolutions of the County Legislature and all other acts required by operation of law;
- (b) Attend meetings of the County Legislature, its committees, and such meetings as the legislature may direct and recommend such policies and measures he/she may deem appropriate;
- (c) Prepare an annual budget for those departments, offices, agencies, operations, and programs for which he/she has direct supervision and shall make recommendations on all budgets submitted for inclusion in the county budget;
- (d) Coordinate the preparation of multi-department policies and shall, where necessary, make recommendations to the County Legislature and shall implement necessary administrative policies as may be required to carry out the policies established by the County Legislature;
- (e) Perform those specific tasks directed to be performed by him/her by the Legislature or by the Standing Committee overseeing the office of County Administrator pursuant to its authority under the legislature's rules. The County Administrator shall not perform specific tasks requested of him/her by any individual legislator or group of legislators;
- (f) Not prepare resolutions except as directed by the Standing Committee overseeing the office of County Administrator;

(g) Not attend meetings called by someone other than himself/herself unless authorized to do so by the Chairman of the Legislature or Chairperson of the Standing Committee, though the County Administrator will hold himself/herself available to individual legislators and legislative committees as a resource person;

(h) Will participate, when requested by a member of the County Legislature, in discussions of issues being considered by the legislature at its meetings;

(i) Conduct regular meetings with department heads and others deemed necessary;

(j) Have the administrative responsibility of approving the organization and staffing within any specific department, agency, or operation subject to his/her direct administrative control and shall have administrative control of other temporary assignments within the same department, agency, or operation or from one department, agency, or operation to another;

(k) Evaluate on an annual basis all department heads, excluding elected department heads, who report directly to him/her and shall make recommendations on annual salaries/benefits;

(l) Under the general direction of the County Legislature or Committee thereof, may be responsible for the preparation and administration of the county budget, including periodic updates of expenditures and revenues to be provided to the County Legislature;

(m) Participate as authorized by the County Legislature in the conduct of collective bargaining negotiations with employees and shall make recommendations on salaries for department heads and other managerial employees;

(n) Exercise general supervision over all county institutions and agencies, except as otherwise required by law, coordinate the various administrative activities of the county, and unify the management of its affairs or cause all such responsibilities to be executed and performed through the department heads;

(o) Shall perform the ministerial duty of executing contracts in the name of the county, when such contracts have been authorized by resolution of the County Legislature;

(p) Have such other powers and perform such other duties as may now or hereafter be conferred or imposed upon him/her by resolution of the County Legislature;

SECTION 8. ACTING COUNTY ADMINISTRATOR; DESIGNATION: POWERS AND DUTIES.

The County Administrator shall, upon the approval of the County Legislature, designate a person or persons who will become the Acting County Administrator in the event of the County Administrator's absence from the county or inability to perform and exercise the powers and duties of his/her office. In no event may the designee serve as an Acting County Administrator for a period greater than 60 consecutive days in any calendar year unless authorized by the County Legislature. The Acting County Administrator shall have all the powers and duties of the County Administrator during the period of his/her designation or until a new County Administrator shall be appointed pursuant to law and shall qualify to assume that office.

SECTION 9. REMOVAL OF THE COUNTY ADMINISTRATOR.

(a) Grounds for Removal. The County Administrator shall be removeable by the County Legislature:

- (1) Because the County Administrator was at the time of his/her appointment or has since become ineligible to hold such office as herein provided;
- (2) For malfeasance, misfeasance, or non-feasance in office;
- (3) Upon conviction of a crime or of a misdemeanor involving moral turpitude;
- (4) For failure to perform his/her duties as provided by this Local Law in an honorable, competent, and reasonable efficient manner; or
- (5) If the County Administrator becomes morally, physically, or mentally unfit to act in behalf of the county;

(b) Procedures for Removal: If the County Administrator is to be removed, pursuant to this section, the County Administrator shall be given, upon demand, a written statement of the reasons alleged for the proposed removal and shall have the right to a hearing thereon at a public meeting of the County Legislature prior to the date on which the proposed removal is to take effect. Pending such hearing, the County Legislature may suspend the County Administrator from office provided that the period of suspension shall not exceed thirty (30) days. The action of the County Legislature, in suspending or removing the County Administrator, shall be subject to review by the courts pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York. For purposes of this Local Law, the failure of the County Legislature to reappoint an incumbent County Administrator to a new term of office shall not be deemed a removal or suspension of said County Administrator.

SECTION 10. DEFINITIONS.

(a) Direct Supervision: As used in this Local Law, this term refers to the situation where there is a specific activity, program, or operation, but the County Legislature has not created a specific department or office to manage it. Typically, there also is not a department head or a person in charge reporting to the County Legislature.

(b) General Supervision: As used in this Local Law, this term refers to the situation where there is an existing formal department or office with a department head who is appointed by and reports to the County Legislature. In these situations, the department head reports to a higher level administrative official usually on policy matters, major changes or procedures, budgets, personnel matters, and so on. Normally, the department head in this situation is responsible for the day to day running of the department.

SECTION 11. SEPARABILITY.

If any clause, paragraph, or section of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, or section directly involved in the controversy in which judgment shall have been rendered.

SECTION 12. EFFECTIVE DATE.

This Local Law shall take effect upon its being duly filed as provided by the Municipal Home Rule Law.

This Local Law shall take effect on January 1, 1988.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1987
County
of the ~~City~~ of Yates was duly passed by the County Legislature
~~Town~~ (Name of Legislative Body)
~~Village~~
on December 14 1987 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, * or repassage after disapproval.)

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19 and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19 and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer *
on 19. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19, in accordance with the appli-
annual
cable provisions of law.~~

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19 and was approved by the
not disapproved~~

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 / § 37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special / general election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Mariha K. Lattin

Clerk of the County legislative body, City, Town or Village Clerk or
K. officer designated by local legislative body

MARIHA LATTIN, CLERK
YATES COUNTY LEGISLATURE

Date: January 8, 1988

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF YATES

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.