

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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

County

~~City~~ of Yates

~~Town~~

~~Village~~

LOCAL LAW NO. 5 OF THE YEAR 2012

A Local Law Establishing 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 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. As such, and in conformance with its intent to provide an administrative frame-work that will achieve these goals, the County Legislature by local law created the position of County Administrator beginning January 1, 1988. And subsequent thereto, the County Legislature has continued to maintain the position of County Administrator. It is the intent of this local law to reaffirm that the position of County Administrator shall continue; as well as provide the procedural and substantive framework of the position of County Administrator, including but not limited to, the duties, qualifications and term of office thereof.

SECTION 2. COUNTY ADMINISTRATOR; TERM; QUALIFICATIONS

On or after January 1, 2013 there shall be a County Administrator who shall be appointed by the County Legislature on or after January 1, 2013 for a one year term from and including January 1, 2013 and ending December 31, 2013.

On or after January 1, 2014 there shall be a County Administrator who shall be appointed by the County Legislature on or after January 1, 2014 for a two year term from and including January 1, 2014 and ending December 31, 2015. And similarly thereafter, there shall be a County Administrator who shall be appointed by the County Legislature on or after January 1 of an even numbered calendar year for a two year term from and including January 1 of said even numbered calendar year and ending on December 31 of the following odd numbered calendar year.

Vacancies occurring otherwise than by expiration of the term - shall be filled by appointment by the County Legislature for the unexpired portion of the 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.

The County Administrator shall hold no other partisan elective office during his/her tenure of office.

The County Administrator is not prohibited from also holding the office of Budget Officer during his/her tenure of office.

The County Administrator position is a full time position.

The total compensation of the County Administrator shall be fixed by the County Legislature.

MINIMUM QUALIFICATIONS:

The County Administrator shall have the qualifications set forth in Section 3 of the Public Officer's Law, except that, at the time of his/her appointment the County Administrator need not be a resident of Yates County, but shall become a resident within ninety (90) days of his/her taking office, and thereafter shall remain a resident of Yates County during his/her tenure of office.

In addition to the above qualifications, the County Administrator shall meet or exceed the following qualifications:

- (a) Possess an Associate's Degree from an accredited college or university and have ten years satisfactory paid full time responsible management experience in a private or public business or industrial enterprise, or
- (b) Possess a Bachelor's Degree from an accredited college or university and have six years satisfactory paid full time responsible management experience in a private or public business or industrial enterprise, or
- (c) Possess a Master of Public Administration or a Master of Business Administration Degree or a Master's Degree in a closely related field from an accredited college or university and have four years of satisfactory paid full time responsible management experience in a private or public business or industrial enterprise, or
- (d) Have an equivalent combination of education, training and management experience listed above.

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 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 confirmation of the County Legislature:

- 1) All department heads;
- 2) Such assistants and staff within his/her office as may be authorized by the County Legislature.

The nomination of any department head or office assistant or office staff shall be subject to confirmation 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 upon approval of the County Legislature have the authority to lay off, suspend, or remove any or 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). In addition, the termination of any department head may only take place after the County Administrator confers with 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 department 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/her 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 in coordination with the Budget Officer and the Treasurer, or his/her designee, the annual budget for all departments, offices, agencies, operations, and programs of the County and shall make recommendation on all budgets submitted for inclusion in the county budget;

- (d) Coordinate the preparation of multi-department policies and shall, where necessary, make recommendation 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 through 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) Prepare resolutions as directed by the Standing Committee overseeing the Office of County Administrator;
- (g) Will participate when requested by a member of the County Legislature in discussions of issues being considered by the legislature at its meetings;
- (h) Conduct regular meetings with department heads and others deemed necessary;
- (i) Have the administrative responsibility of approving the organization and staffing within any specific department, or agency or operation subject to his/her direct administrative control and shall have administrative control of other temporary assignments with the same department, agency, or operation or from one department, agency, or operation to another;
- (j) 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.
- (k) 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;
- (l) 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;
- (m) 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;
- (n) 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; DELEGATION; 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 the office.

SECTION 9. REMOVAL OF THE COUNTY ADMINISTRATOR

- (a) Grounds for removal The County Administrator shall be removable 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 reasonably efficient manner; or
- (5) If the County Administrator become morally, physically, or mentally unfit to act in behalf of the county.

(b) Procedure 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 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 Administrator shall be subject to the review by the courts pursuant to Article 78 of the Civil Practice Law and rules of the State of New York. For purposes of the 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) Department Head: As used in this Local Law, this term refers to any appointed person in charge of any department of Yates County.

(b) 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 of office to manage it. Typically, there also is not a department head or a person in charge reporting to the County Legislature.

(c) General Supervision: As used in this Local Law, this term refers to the situation where there is an existing formal department of office with a department head who is appointed by the County Legislature and reports to the County Administrator. In these situations, the department head reports to the County Administrator 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. NO DIVESTITURE OF POWERS OR DUTIES OF THE COUNTY LEGISLATURE

Nothing contained in this Local Law shall operate or be construed to divest the County Legislature of any of its functions, powers or duties.

SECTION 12. SEPARABILITY

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

SECTION 13. LOCAL LAWS REPEALED

Local Law No. 1 of the year 1987 entitled “A Local law to establish the office of County Administrator For the County of Yates”, and all amendments thereto, including, Local Law No. 4 of the year 1988, Local Law No. 2 of the year 1992, Local Law No. 1 of the year 1994 and Local Law No. 4 of the year 1996, are hereby repealed and shall be superseded by this Local Law. Said repeal shall take effect upon the effective date of this Local Law.

SECTION 14. EFFECTIVE DATE

This Local Law shall take effect on January 1, 2013.

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

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

I hereby certify that the local law annexed hereto, designated as local law No of 5 of the (County)(City)(Village) of Yates was duly passed by the Legislature on October 9, 2012, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ (Elective Chief Executive Officer*) 20__, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ (Elective Chief Executive Officer*) 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20__, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ (Elective Chief Executive Officer*) 20__. Such local law was submitted to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there are none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__, above.

Clerk of the County legislative body, city, Town or Village Clerk
Or officer designated by local legislative body

(Seal)

Date: _____

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

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.

Signature _____

County Attorney _____
Title

County
~~City~~ of Yates
~~Town~~
~~Village~~

Date: