

**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 2-18 ENTITLED: A LOCAL LAW ESTABLISHING THE OFFICE OF COUNTY ADMINISTRATOR FOR THE COUNTY OF YATES**

**Be it enacted by the Legislature of the**

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

**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 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 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 of Yates County 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, offices, 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. SPECIFIC POWERS AND DUTIES: COUNTY ADMINISTRATOR

The County Administrator shall:

- (a) Execute and enforce, as authorized by the County Legislature, all applicable laws, legalizing acts, ordinances, and resolutions of the County Legislature and all other acts required by operation of law;
- (b) Ensure efficient and effective operation of all County departments and offices, and recommend such changes in personnel, finances and structures as deemed necessary to meet this objective;
- (c) Support and supervise all Department Heads who are not elected officials, in order to assure the implementation of legislative policies and procedures, with a particular emphasis on the provision of consistent and fair departmental goals, objectives, staffing practices and operations in accordance with established policies;
- (d) Appoint such assistants and staff within his/her office as may be authorized by the County Legislature, and the County Administrator shall be the appointing authority thereof;
- (e) 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;
- (f) Review proposed department and office budgets collaboratively with Department Heads and the Budget Officer and make recommendations for expenditures to be in the County budget, and monitor expenditures throughout the year;
- (g) 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;
- (h) Perform those specific tasks directed to be performed by him/her by the Legislature or 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.
- (i) Prepare resolutions as directed by the Standing Committee overseeing the Office of County Administrator;
- (j) Participate when requested by a member of the County Legislature in discussions of issues being considered by the legislature at its meetings;
- (k) Conduct regular meetings with Department Heads and others deemed necessary;
- (l) 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;
- (m) Evaluate on an annual basis all Department Heads, excluding elected Department Heads, who report directly to him/her and shall make recommendations on salaries for Department Heads and other managerial employees;
- (n) Participate as authorized by the County Legislature in the conduct of collective bargaining negotiations with employees;
- (o) 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;
- (p) 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;
- (q) 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 or applicable law.

## SECTION 5. ACTING COUNTY ADMINISTRATOR; DELEGATION; POWERS AND DUTIES

In the event of i) the County Administrator's absence or inability to perform and exercise the powers and duties of his/her office or ii) a vacancy in the office of County Administrator; the County Legislature may appoint a person to serve as Acting County Administrator or more than one person to serve simultaneously as Acting County Administrators.

Any person appointed as an Acting County Administrator shall have only those powers and duties of the County Administrator as are granted and directed to them by the County Legislature, as well as any other additional and related powers and duties granted and directed by the County Legislature. Any person serving as Acting County Administrator does not have to possess the minimum qualifications prescribed for the office of County Administrator. The work hours, work schedule and total compensation for any person serving as an Acting County Administrator shall be determined by the County Legislature at its discretion.

The position of Acting County Administrator shall be at-will, and as such, any person so appointed as an Acting County Administrator shall serve at and during the pleasure of the County Legislature appointing him/her; but in no event shall such service extend beyond the time when the County Administrator is no longer absent or unable to act, or any vacancy in the office of County Administrator is filled by the appointment and qualification of a new County Administrator.

## SECTION 6. REMOVAL OF THE COUNTY ADMINISTRATOR DURING HIS/HER TERM

The County Legislature may remove the County Administrator during his/her term for cause upon written charges and after affording him/her the opportunity to be heard thereon.

For the 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 7. DEFINITIONS

(a) Department Head: As used in this Local Law, this term refers to any person, whether appointed or elected, in charge of a department or office of Yates County.

## SECTION 8. 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 9. 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 10. LOCAL LAWS REPEALED

The following Local Laws are collectively hereby repealed and shall be superseded by this Local Law, with said repeal to take effect upon the effective date of this Local Law:

(a) 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;

(b) Local Law No. 5 of the year 2012 entitled “ A Local Law Establishing the Office of County Administrator for the County of Yates”, and its amendment thereto, to wit: Local Law No. 3 of the year 2015.

## SECTION 11. EFFECTIVE DATE

This Local Law shall take effect immediately

**(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 2 of the (County)~~(City)~~(Village) of Yates was duly passed by the **Legislature on July 9, 2018**, in accordance with the applicable provisions of law.

**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: