

**Local Law Filing**

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

**(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 6-20 ENTITLED: LOCAL LAW RETAINING THE ELECTED COUNTY TREASURER AND ASSIGNING CERTAIN POWERS AND DUTIES TO AN APPOINTED DIRECTOR OF FINANCE**

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

**County**

**City of Yates as follows:**

**Town**

**Village**

**SECTION 1. LEGISLATIVE PURPOSE**

It is the desire of the Yates County Legislature, in its continuing efforts to upgrade the administration of County government, to legally define, clarify and improve the management structure of the financial operations of the County of Yates.

**SECTION 2. POWERS AND DUTIES RETAINED BY COUNTY TREASURER**

- A. The elected position of County Treasurer will continue as the chief fiscal officer of the County and continue with the powers and duties specified by this law. The Treasurer will provide checks and balances on powers and duties assigned to the Director of Finance and the Department of Finance.
- B. The Treasurer will continue to be responsible for administration, collection and enforcement of real property taxes, including foreclosures and administration of estates that, as important public functions, require the accountability of an elected position. The Treasurer shall appoint, supervise, discipline, and, if necessary, remove employees reporting to the Treasurer, and assign and reassign powers and duties to such employees, have charge and control of employees reporting to the Treasurer in accordance with sound management principles, County policies, Civil Service Law, and other administrative policies and procedures. The Treasurer shall continue with the powers and duties set forth in the laws of New York, with the exception of those that are specifically assigned to the Director of Finance by this local law.

**SECTION 3. DIRECTOR OF FINANCE; APPOINTMENT; TERM; DEPUTY**

- A. Effective January 1, 2022, there shall be a Department of Finance headed by the Director of Finance, who shall be appointed by the County Legislature, as set forth herein, on the basis of his or her professional, educational, and administrative qualifications and will serve at the pleasure of the Legislature. The Director of Finance shall serve in a policy influencing, confidential capacity to the County Legislature. The Director of Finance shall report to the Legislature through the County Administrator. The term of office of the Director of Finance

shall be two years, as follows: On or after January 1, 2022 the Director of Finance shall be appointed by the County Legislature for a two year term from and including January 1, 2022 and ending on December 31, 2023. And similarly thereafter, the Director of Finance 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.

- B. The Director of Finance shall appoint a deputy director of finance to perform the duties of the Director during the temporary absence or inability of the Director to act. That appointment shall be made from the existing staff of the Department of Finance, and the designation shall carry no additional salary. Such appointment shall be in writing and be filed and recorded in the office of the County Clerk. In the event of a vacancy in the Director position, the deputy director shall possess the powers and perform the duties of the Director until a successor is appointed, and after a period of no longer than thirty (30) days, shall be additionally compensated at the base salary of the Director of Finance.

#### SECTION 4. POWERS AND DUTIES OF THE DIRECTOR OF FINANCE

- A. The Director of Finance shall appoint, supervise, discipline and, if necessary, remove employees of the Department of Finance, and assign and reassign powers and duties to such employees, have charge and control of employees of the Department of Finance in accordance with sound management principles, County policies, Civil Service Law and other administrative policies and procedures.
- B. The Director of Finance shall be responsible for the administration of the Department of Finance, shall have general superintendence over the fiscal affairs of the County, and shall manage the County budget. The Director of Finance will provide checks and balances on powers and duties retained by the Treasurer. The Director of Finance shall have the following powers and duties:
- a. Accounting:
    - i. Keep records of revenues, appropriations, encumbrances and expenditures, and prescribe approved methods of accounting for County officers and administrative units.
    - ii. Review all requisitions to determine that sufficient funds exist with which to pay them.
    - iii. Keep separate accounts for each County officer and department and maintain the funds of the County as prescribed by law and in accordance with the directives of the County Legislature.
    - iv. Prepare monthly financial reports of the revenues, expenses and balances of the County.
  - b. Audit all claims, accounts and demands that are lawful County charges and present to the County Legislature for review and authorization for payment.
  - c. Subject to the provisions of the Civil Service Law, prepare payrolls and pay the salaries and wages of officers and employees paid from County funds or delegate and authorize an officer or employee of the department to certify the correctness of payrolls.
  - d. Manage the recording and investment of cash.
  - e. Administer and account for court and trust funds.
  - f. Monitor the County sales tax program, ensuring that all sales taxes collected are remitted to and received by the County.
  - g. Administer the County occupancy tax program, ensuring that all occupancy taxes are collected and are remitted to and received by the County.
  - h. Monitor and analyze the current financial position of the County and forecast future results.
  - i. Administer the issuance of bonds and notes as approved by the County Legislature.
  - j. Administer existing County fiscal/financial policies and create new policies as required.

- k. Require, as appropriate, any County officer or head of a department to furnish an inventory of supplies and equipment on hand and necessary purchases contracted for or contemplated.
- l. Pay all lawful claims or charges against the County for which the County is responsible and preserve all claims, accounts and demands as required by law.
- m. Periodically audit the cash and fiscal records of all County departments and implement fiscal efficiencies in all of the County operations and enterprises
- n. Review and analyze departmental budgets, identifying variances and recommending necessary corrective action to the departments and the County Administrator.
- o. On or before March 1<sup>st</sup> each year, submit financial reports to the County Legislature summarizing the fiscal condition of the County at December 31<sup>st</sup> of the previous year. Furnish such additional reports and graphs from time to time as needed by the County Administrator and the County Legislature.
- p. Prepare the annual financial report for the NYS Comptroller.
- q. Manage the County fund balances to ensure that they are adequate and sufficient to meet operating needs.
- r. Keep a record of all bonded indebtedness and other loans and conduct the sale of all bonds pursuant to the provisions of the Local Finance Law.
- s. Determine and report the financial and budgetary impact on the County of
  - i. all proposed County policy decisions,
  - ii. changes in state and federal budgets and
  - iii. any changes in environmental factors.
- t. Additional and related duties as may be directed by the County Legislature.

#### SECTION 5. ACCESS TO RECORDS

Notwithstanding any other provision of law, the Director of Finance and the County Treasurer shall have full access to all financial books and records of the County and of their respective offices.

#### SECTION 6. SEVERABILITY

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

#### SECTION 7. MANDATORY REFERENDUM

This Local Law shall be subject to a mandatory referendum, and shall be submitted for the approval of the electors of the County of Yates at the next general election to be held November 3, 2020, and shall take effect when approved by said electors in the manner set forth in §23 of the Municipal Home Rule Law, filed in the office of the Secretary of State and as provided in §3 of this local law.

**(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 the (County)(City)(Village) of Yates was duly passed by the Legislature on \_\_\_\_\_, 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. 6 of 2020 of the (County)(City)(Town)(Village) of Yates was duly passed by the Yates County Legislature on July 27, 2020, 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 November 3, 2020, 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.)**

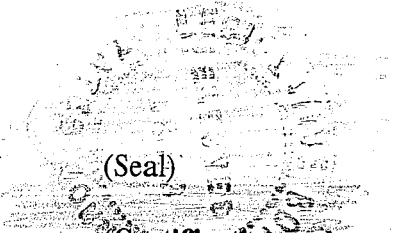
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum, pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of 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 3, above.

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

Date: 11/24/2020

**(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: 11/28/2020