

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
~~City~~ of NIAGARA
~~Town~~
~~Village~~
Local Law No. 3 of the year 19 74

A local law in relation to the adoption of a County Charter for
.....
..... (Insert title)
the County of Niagara, State of New York in accordance with
the provisions of Section 33, Article 4 of the Municipal
Home Rule Law.

Be it enacted by the NIAGARA COUNTY LEGISLATURE of the
..... (Name of Legislative Body)

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

CHARTER OF
NIAGARA COUNTY, NEW YORK

NIAGARA COUNTY CHARTER

		<u>Page</u>
ARTICLE I	NIAGARA COUNTY AND ITS GOVERNMENT	1
ARTICLE II	LEGISLATIVE BRANCH	4
ARTICLE III	EXECUTIVE BRANCH	8
ARTICLE IV	DEPARTMENT OF FINANCE	14
ARTICLE V	FINANCIAL PROCEDURES	17
ARTICLE VI	DEPARTMENT OF ASSESSMENT	24
ARTICLE VII	BOARD OF ACQUISITION & CONTRACT	25
ARTICLE VIII	DEPARTMENT OF PUBLIC WORKS	26
ARTICLE IX	DEPARTMENT OF PARKS & RECREATION	28
ARTICLE X	DEPARTMENT OF SOCIAL SERVICES	29
ARTICLE XI	DEPARTMENT OF HEALTH	30
ARTICLE XII	DEPARTMENT OF MENTAL HEALTH	32
ARTICLE XIII	DEPARTMENT FOR YOUTH	33
ARTICLE XIV	DEPARTMENT FOR THE AGING	34
ARTICLE XV	DEPARTMENT OF PERSONNEL	35
ARTICLE XVI	DEPARTMENT OF LAW	36
ARTICLE XVII	DEPARTMENT OF RECORDS	37
ARTICLE XVIII	DISTRICT ATTORNEY	38
ARTICLE XIX	PUBLIC DEFENDER	39
ARTICLE XX	SHERIFF	40
ARTICLE XXI	MEDICAL EXAMINER	41
ARTICLE XXII	OTHER COUNTY BOARDS, OFFICES, INSTITUTIONS & FUNCTIONS	42
ARTICLE XXIII	GENERAL PROVISIONS	44
ARTICLE XXIV	APPLICATION OF CHARTER	48

ARTICLE I

NIAGARA COUNTY AND ITS GOVERNMENT

- Section 101. Title and Purpose
- Section 102. County Status, Powers and Duties
- Section 103. Effect on State Laws
- Section 104. Effect on Local Laws and Resolutions
- Section 105. Local Government Functions, Facilities & Powers Not Transferred, Altered or Impaired
- Section 106. Contracts with Public Corporations & Public Authorities
- Section 107. Definitions

Section 101. Title and Purpose. This charter together with any and all amendments hereto, if any, shall provide for and constitute the form of government for Niagara County, and shall supersede any and all other forms of government for the County of Niagara, including any charter previously adopted, and shall be known and may be cited as the "Niagara County Charter". Among other purposes of this charter are the following: Separation of County Legislative and Executive functions and responsibilities; the securing of the greatest possible County Home Rule and the accomplishment of an increased efficiency, economy and responsibility in the Niagara County Government.

Section 102. County Status, Powers and Duties. Niagara County, upon adoption of this charter, as hereinafter provided, shall be and remain a municipal corporation under its then name and shall exercise all of the rights, privileges, functions and powers conferred upon it by this charter, code and any other applicable statute not inconsistent with such charter or code. It shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent herewith, including all powers necessarily incidental to or which may be fairly implied from the powers specifically conferred upon such county.

Section 103. Charter Effect on State Laws. This charter provides a form and structure of County Government in accordance with the provisions of the Municipal Home Rule Law of the State of New York, and all special laws relating to Niagara County and all general laws of the State of New York, shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded

Article I con't..

. in their application to Niagara County by enactment and adoption of this charter and code. Within the limitations prescribed in said Municipal Home Rule Law wherever and whenever any state law, general, special or local in effect, conflicts with this charter or the code or is inconsistent therewith, such law shall be deemed to the extent of such conflict or inconsistency, to be superseded by this charter and code insofar as the County of Niagara and its government are affected.

Section 104. Charter Effect on Local Laws, and Resolutions. All local laws and resolutions of the Legislature of the County of Niagara heretofore adopted, and all of the laws of the State relating to the Towns, Cities, Villages or Districts of the County of Niagara, shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Niagara County by the enactment and adoption of this charter and code.

Section 105. Local Government Functions, Facilities & Powers Not Transferred, Altered or Impaired. No function, facility, duty or power of any city, town, village, school district or other district or of any officer thereof is or shall be transferred, altered or impaired by this charter or code.

Section 106. Contracts with Public Corporations & Public Authorities. The County of Niagara shall have power to contract with any public corporation including but not limited to a municipal district or public benefit corporation as defined in Section 66 of the General Construction Law or with any public authority or combination of the same for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. The costs and expenses incurred as well as charges for central facilities and administrative services relating thereto shall be borne proportionately by each such contracting party as agreed upon.

Section 107. Definitions. Wherever used in this charter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

Article I con't.

- (a) "county" shall mean the County of Niagara.
- (b) "charter" and "county charter" shall mean the Niagara County charter and all amendments thereto.
- (c) "code" shall mean the Niagara County administrative code and all amendments thereto.
- (d) "county legislature" shall mean the elective legislative body of the County of Niagara.
- (e) "administrative unit" shall mean any department, executive division, institution, office or other agency of county government except a bureau, division, section or other subordinate part of any of the foregoing.
- (f) "administrative head" shall mean the head of any administrative unit.
- (g) "authorized agency" shall mean any agency authorized by this charter, administrative code, or applicable law, including but not limited to those authorized by section 224 of the county law, to receive and expend county funds for a county purpose.
- (h) "executive division" shall include but not be limited to the divisions of budget, purchase, central services, economic development and planning and such other divisions of the executive department as may be hereinafter authorized.
- (i) "quorum" shall mean a majority of the whole number of the membership of the board, commission, body or other group of persons or officers charged with any county public power, authority or duty to be performed or exercised by them jointly, and not less than a majority of the whole number may perform and exercise such power, authority or duty. "Whole number" shall mean the total number which the board, commission, body or other group of persons or officers would have, were there no vacancies, and were none of the persons or officers disqualified from acting.

ARTICLE 'II

LEGISLATIVE BRANCH

- Section 201. The County Legislature & Term of Office
- Section 202. Powers and Duties
- Section 203. Local Laws; Definitions; Power to Adopt, Amend and Repeal; Effect on Legislative Acts
- Section 204. Form and Procedure
- Section 205. Filing & Publication of Local Laws; Judicial Notice
- Section 206. Referendum
- Section 207. Effective Date

Section 201. County Legislature & Term of Office. The Legislators of the County of Niagara, when lawfully convened, shall constitute the Niagara County Legislature, which shall be the legislative, appropriating, and policy-determining body of the County.

The term of office of the members of the County Legislature shall be four years and shall begin on the 1st day of January next following their election.

Section 202. Powers and Duties. Except as otherwise provided in this charter, the county legislature shall have and exercise all such powers and duties now or hereafter conferred or imposed on said legislature by applicable law, and any and all powers necessarily implied or incidental thereto, and in addition, shall have, but not by way of limitation, the following powers and duties:

(a) To make appropriations, levy taxes, incur indebtedness and adopt a budget.

(b) To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts, resolutions or other legislation subject to veto by the County Executive in only such instances as are specifically provided in this charter, code or by other applicable law.

Article II con't.

(c) By local law to adopt, amend and/or repeal an administrative code which shall set forth the details of administration of the County Government consistent with the provisions of this charter, and which code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, resolutions, rules and regulations consistent with this charter or amendments thereto.

(d) By local law to create, alter, combine or abolish County administrative units not headed by elective officials.

(e) To adopt by resolution all necessary rules and regulations for its own conduct and procedure.

(f) Subject to the constitution and general laws of the State of New York, to fix the number of hours constituting a legal day's work for all classes of county employees and grant to the appointing officer or board authority to stagger working hours.

(g) To fix compensation of all officers and employees paid from County funds.

(h) To fix the amount of bonds of officers and employees paid from County funds.

(i) To make such studies and investigations as it deems to be in the best interests of the County and in connection therewith to obtain and employ 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 or inquiry.

(j) To legalize and validate any act had and taken in

Article II con't.

. connection with a lawful municipal purpose or for a lawful municipal object or purpose by the governing board or other local body, officer, or agency of a municipality, wholly within the County, in the manner provided by Section Two-hundred Twenty-seven of the County Law.

(k) To create such positions as may be deemed necessary and in the best interests of county government.

(l) To determine and make provision for any matter of County Government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to this charter form of Government.

Section 203. Local Laws; Definition; Power to Adopt, and Repeal; Effect on Legislative Acts. A local law is a law adopted pursuant to this charter within the power granted by the Constitution, act of the legislature or provision of this charter, and shall not include a resolution or legalizing act.

The County may adopt, amend and repeal a local law.. A local law may relate to the property, affairs or government of the county. In the exercise of such power the county may change, supersede or amend any act of the New York State Legislature except as otherwise specifically prohibited by the Municipal Home Rule Law of the State of New York. Such power shall include but not be limited to whatever power is vested in any county in the State of New York or the elective governing body thereof to adopt, amend and repeal local laws granted by any provisions of general laws, special laws, charters, administrative codes, special acts or local laws.

Section 204. Form and Procedure. Every local law shall be entitled, "Local Law No. ____, Year ____" (amending, etc. or otherwise as the case may be). If a local law amends a specific state statute or specific local law, the matter to be eliminated shall be enclosed in brackets of parenthesis and the new matter

Article II con't.

. underscored or italicized.

Except as may otherwise be provided in this charter, the procedure for the adoption of a local law including referendum, mandatory or permissive, shall be as provided in the code and in the absence thereof by applicable law.

Section 205. Filing and Publication of Local Laws; Judicial Notice. The filing and publication of local laws shall be as provided by The Municipal Home Rule Law or other applicable statute and the Court shall take judicial notice of all local laws and of rules and regulations adopted pursuant thereto.

Section 206. Referendum. A local law shall be subject to mandatory or permissive referendum when required or authorized by applicable law.

Section 207. Effective Date. After adoption, every local law shall become effective when filed in the Office of the Secretary of the State of New York, or on such later date as may be provided in said local law.

ARTICLE III
EXECUTIVE BRANCH

- Section 301. County Executive; Election; Qualifications and Compensation
- Section 302. Powers and Duties
- Section 303. Removal of County Executive
- Section 304. Acting County Executive; How Designated; When to Act
- Section 305. Division of Budget
- Section 306. Division of Purchase
- Section 307. Division of Central Services
- Section 308. Division of Economic Development & Planning
- Section 309. Administrative Heads; Term; Interim Appointment; Appointment of Other Officers and Employees
- Section 310. Confirmation by County Legislature
- Section 311. Veto Power

Section 301. County Executive; Election; Qualifications and Compensation. There shall be a County Executive who shall be elected from the County at large, and who shall at all times be a qualified elector of the County. The County Executive shall hold no other public office except as otherwise herein provided; shall give his whole time to the duties of the office, and shall receive therefor a compensation as fixed by the County Legislature. The term of office shall begin with the first day of January, 1976, next following his election and shall be for four years.

Section 302. Powers and Duties. It shall be the duty of the County Executive, subject to the provisions of this charter and code, to supervise and direct the internal structure and organization of each department. Except as may otherwise be provided in this charter and subject to confirmation by the County Legislature where provided, the County Executive shall appoint the head of every County Department and Office and members of County Boards and Commissions.

In addition to any other powers and duties provided by this charter or code, the County Executive shall:

(a) Supervise and direct the internal structure and organization of each department or other administrative unit, the head of which he has power to appoint.

(b) Determine and fix real property equalization rates among the various County taxing districts for County purposes and file same with the County Legislature on or before the first day of November in each year.

(c) Designate one or several depositories located within the County for deposit of County funds, subject to approval by the County Legislature.

(d) Approve or disapprove sufficiency of sureties on official bonds and undertakings.

(e) Report to the County Legislature annually at the close of the fiscal year, or as soon thereafter as practicable but in no event later than the first day of March, and at such other times as the County Legislature shall direct, the activities of the several administrative units and departments of the County during the preceding fiscal or current year in such detail as the County Legislature shall require and direct.

(f) Appoint a member of the County Legislature to serve as Chairman of such Legislature: (1) for the remainder of the calendar year in case the County Legislature has failed to select a Chairman on or before February 1, or (2) for the unexpired term of the previous Chairman in case the County Legislature has failed to select a Chairman within thirty days after a vacancy has occurred in the office of the Chairman.

(g) Perform such other duties and have such other powers as may be prescribed for him by law, code, ordinance or resolution of the County Legislature.

(h) Have such necessary, implied and incidental powers to perform and exercise the duties and functions specified above or lawfully delegated to him.

Section 303. Removal of County Executive. The County Executive may be removed in the manner provided in the Public Officers Law for the removal of other County officers.

Article III con't. (2)

Section 304. Acting County Executive; How Designated; When to Act. The County Executive shall designate in writing one or more appointive department or executive division heads to perform the duties of the county executive during the latter's temporary inability to perform by reason of absence from the County or disability. Such appointment, with order of succession specified, shall be filed with the Clerk of the County Legislature and any such designation may be revoked at any time by the county executive filing a new designation with the Clerk of the County Legislature. If a vacancy occurs in the office of the county executive, the acting county executive shall serve until the vacancy is filled pursuant to this charter.

In the event that no acting county executive has been designated or is able to serve, the County Legislature shall designate an appointive department or executive division head to perform the duties of the office during the inability of the county executive to perform by reason of absence from the County or disability.

Section 305. Division of Budget. There shall be in the office of the county executive a division of the budget headed by a budget director who shall be appointed by, and serve at the pleasure of, the county executive, subject to confirmation by the County Legislature. The budget director shall assist in the preparation and administration of the operating and capital budgets and program, and in the study of administrative efficiency and economy.

Section 306. Division of Purchase. There shall be in the office of the county executive, a division of purchase, the head of which shall be a purchasing director who shall be appointed by, and serve at the pleasure, of the county executive, subject to confirmation by the County Legislature; the purchasing director shall, in accordance with the requirements as to advertising and competitive bidding, make purchases and sales of all materials, supplies and equipment and contract for rental or servicing of equipment for the County, except as otherwise provided in this charter or the code. He shall not contract for or furnish any services, equipment or other articles except upon receipt of authorized requisitions and certifications as to availability of funds.

Section 307. Division of Central Services. There shall be in the office of the county executive a division of central services headed by a central services director who shall be appointed by, and serve at the pleasure of the county executive, subject to confirmation by the County Legislature. Such director shall have such powers and perform such duties in relation to and including, but not limited to, storage of supplies and materials, printing and mimeographing, mailing and data processing as shall be prescribed in the administrative code.

Article III con't. (3)

Section 308. Division of Economic Development & Planning. There shall be in the office of the County Executive, a division of economic development and planning, headed by a director who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the County Legislature. There shall continue to be a Niagara County Planning Board as provided by law.

The director shall assist the director of the Division of Budget in the preparation and administration of the capital budget and program and shall offer grantsmanship services to the same division. The director shall assist the County Executive with other executive planning, including preparation of all county plans. The director may contract to perform professional services with any municipality or municipalities, subject to approval by the County Executive and the Legislature, and shall act as a resource service for municipalities in acquiring funds for programs from sources other than county government, and assist them in preparing necessary documents. The director shall conduct such studies relating to county government, business and affairs as the Executive or Legislature deem necessary, with recommendations for program implementation. The director shall also cooperate with organizations, agencies and individuals to secure desirable industrial and commercial development of Niagara County, and his office shall act as a clearing house for such information concerning the County, and shall make an annual report and undertake projects designed to improve communications between local and county government and between government and private business. The director shall perform such other and related duties as required by the County Executive.

Section 309. Administrative Heads; Term; Interim Appointment; Appointment of Other Officers and Employees. The County Executive may appoint one head for one or more departments or other administrative units, subject to any and all requirements as to qualifications and confirmation, or may himself so serve without such confirmation.

All appointments by the County Executive shall be in writing and filed in the Office of the Clerk of the County Legislature and the County Clerk within ten days after the date of such appointment. No such appointee shall hold office beyond the term of the County Executive by whom the appointment was made except as otherwise provided by this charter and except that unless removed he shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made.

Article III con't. (5)

Upon confirmation by the County Legislature and qualifying for the office, an appointee to the position of a head of a department or any administrative unit shall enter upon the duties thereof. In the event the County Legislature has neither confirmed nor rejected an appointment within a period of forty days after the filing thereof with the Clerk of the Legislature, such appointment shall be deemed to be confirmed. Awaiting action by the County Legislature, the County Executive may designate a qualified person to serve as such head for a period not to exceed forty days in any calendar year.

All other officers and employees of each department or other administrative unit, shall be appointed by the head thereof, within appropriations therefor. The County Executive shall, within appropriations therefor, appoint without the approval of the County Legislature such officers and employees in his own office as may be necessary for the full discharge and performance of his duties.

Section 310. Confirmation by County Legislature. Confirmation of appointment when required shall be by affirmative vote of a majority of the whole number of the members of the County Legislature taken at a regular or special meeting.

Section 311. Veto Power.

(a) General Veto Power. The County Executive shall have power, within ten (10) days after the passage by the Niagara County Legislature of a local law or resolution, to veto any local law or resolution. A duplicate of every local law shall be certified by the clerk of the legislature and filed by said clerk with the County Executive within five (5) days after its passage. If the County Executive approves it, he shall sign it and return to such clerk and it shall be deemed to be adopted. If he vetoes it, he shall return it to such clerk and must set forth his written objections thereto and the clerk shall present the same with such objections to the Legislature at its next regular or special meeting and such objections shall be entered in its journal. The Legislature, within thirty (30) days after its return to the clerk may, by a two-thirds vote of the whole number of its members, override such veto. Only one vote shall be had to override such veto, which vote

Article III con't. (6)

shall be taken by roll call and entered in the journal. If, within ten (10) days after its passage, the County Executive shall not return it either approved or vetoed to the clerk, it shall be deemed to be adopted with like effect as if he had approved and signed it.

(b) Line Item Veto Power. The Executive, within five days, may separately disapprove the sum of money appropriated by any one or more items, or parts of items in any law or resolution appropriating money for the use of the county government or any agency or commission, in any manner provided herein. The one or more separate items or parts of items disapproved shall be void to the extent that they have been disapproved, unless they shall be separately restored to the law or resolution and become effective by the vote of two-thirds of the members of the Legislature.

ARTICLE IV

DEPARTMENT OF FINANCE

Section 401. Department of Finance; Commissioner; Election; Elective Office of Treasurer Abolished.

Section 402. Powers and Duties

Section 403. Divisions of the Department

Section 401. Department of Finance; Commissioner; Election; Elective Office of Treasurer Abolished. There shall be a department of finance headed by a commissioner of finance who shall be elected from the county at large. His term of office shall be for four years beginning with the first day of January next following his election. The provisions of this section with respect to such election shall not take effect until the general election of 1976, at which time a commissioner of finance shall be elected for a four year term to commence January 1, 1977, and every commissioner of finance elected thereafter shall have a term of four years. At the time of his election and throughout his term of office he shall be a qualified elector of the county, shall devote his whole time to the duties of his office, and shall hold no other public office. The elective office of county treasurer shall be abolished as of January 1, 1977.

Section 402. Powers and Duties. Except as otherwise provided in this charter or code, the commissioner of finance shall:

ARTICLE IV - Section 402, con't.

(a) be the chief fiscal officer and the chief accounting officer of the county;

(b) collect, receive, have custody of, deposit and disburse all fees, revenues and other funds of the county or for which the county is responsible;

(c) submit reports to the County Legislature in such form and detail and at such times as may be prescribed by the County Legislature;

(d) perform all duties now performed by a county treasurer or other county officer in relation to the collection of taxes;

(e) except as otherwise expressly provided in this charter or code, have all the powers and perform all the duties conferred or imposed upon a county comptroller under the County Law;

(f) prescribe the form of receipts, vouchers, bills or claims to be filed by all administrative units, departments, offices or officials, institutions, and other agencies of the county;

(g) audit all books, records and accounts of the various administrative units, departments, offices or officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust accounts, 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, subject to the periodic audit done by the Certified Public Accountant as herein provided;

(h) examine and approve for payment all contracts, purchase orders, and other documents by which the county incurs financial obligations, having ascertained before approval that monies have been duly appropriated or provided for and allotted to meet such obligations and will be available when such obligations shall have become due and payable, and record such obligations and encumbrances of the respective appropriations from which such obligations are to be paid.

(i) Approve all bills, invoices, payrolls and other evidence of claims, demands, or charges paid from county funds or by any county agency or payments for which the county, its officers or agents are responsible, except when payment shall be ordered by a court of competent jurisdiction, and determine the

ARTICLE IV - Section 402, Subd. (i) con't.

(i) regularity and correctness of the same;

(j) prescribe such methods of accounting for the county and its administrative units and agencies as he may deem necessary, provided the same shall have been approved by the county executive and the state comptroller;

(k) perform such other duties pertaining to the financial affairs of the county as may be directed by the county legislature, the county executive or by any law or by any officer of the state authorized to do so by law.

Section 403. Divisions of the Department. There shall be the following divisions within the Department of Finance: Division of Accounting and Payroll, Division of Taxation and Division of Audit. Each division shall be headed by a Deputy appointed by the Commissioner of Finance, subject to approval by the County Legislature.

ARTICLE V
FINANCIAL PROCEDURES

- Section 501. Fiscal Year
- Section 502. Preparation of Proposed Budget and Capital Program
- Section 503. Proposed Budget and Capital Program by County Executive
- Section 504. Budget Message
- Section 505. Review of Proposed Budget; Capital Program and message
- Section 506. Public Hearing
- Section 507. Adoption of Budget

- Section 508. Levy of Taxes; Inclusion of Reserve for Uncollected Taxes
- Section 509. Appropriations; Supplemental and Emergency
- Section 510. Appropriations: Reduction and Transfer After Budget Adoption
- Section 511. Certain Resolutions of the County Legislature require a Two Thirds Vote
- Section 512. Certain Obligations and Payments Prohibited
- Section 513. Performance of Acts: Scheduling
- Section 514. Summary of Receipts and Expenditures
- Section 515. Independent Audit

Section 501. Fiscal Year. The fiscal year of the county shall begin with the first day of January and end with the last day of December of each year.

Section 502. Preparation of Proposed Budget and Capital Program. The budget director shall prepare a proposed budget and capital program for submission to the County Executive in such manner and form as shall be prescribed by this charter or the code.

Article V con't.

Section 503. Proposed Budget and Capital Program by County Executive. The County Executive shall submit to the clerk of the county legislature, on or before the 5th day of October of each year, for consideration by such legislature, a proposed budget for the ensuing fiscal year, and a capital program for the next six fiscal years.

Upon its submission, the proposed budget and capital program and budget message hereinafter provided shall become a public record in the office of the clerk of the County Legislature, and copies of the same shall be made available by such Clerk for distribution.

The proposed budget shall present a complete financial plan for the county and its administrative units for the ensuing fiscal year setting forth proposed expenditures and anticipated surplus revenues, and shall include: (1) an operation and maintenance expense budget and (2) a capital budget covering debt service, down payments and other current capital financing, and proposed borrowing, if any.

Section 504. Budget Message. The County Executive shall also submit with the proposed budget, a message explaining the main features of the budget including among other things, a general summary thereof with such supporting schedules as he may deem desirable or the County Legislature may by resolution require. Such schedules shall exhibit the aggregate figures of the proposed budget in such manner as to show a balanced relationship between the total estimated expenditures and the total estimated income for the ensuing fiscal year, and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the appropriations for the current fiscal year. Such budget message shall also outline the existing and any proposed financial policies of the county relating to the capital program describing each capital improvement proposed to be undertaken within the ensuing fiscal year, showing the estimated cost, the pending or proposed method of financing it and the projected operation and maintenance

Article V - con't. (2)

. expense. The budget message shall contain such additional information or comments as are deemed advisable by the county executive.

Section 505. Review of Proposed Budget; Capital Program and Message. The county legislature and the finance committee designated by such legislature shall review the proposed budget, the capital program and budget message as submitted by the county executive and shall, not later than the 7th day of November, file with the clerk of the county legislature its report including any recommendations proposed therein.

Such report shall become a public record in the office of the clerk of the County Legislature, and copies thereof shall be made available by such clerk for distribution.

Section 506. Public Hearing. Not later than the 8th day of November, the clerk of the County Legislature shall cause to be published in the official newspaper and such other newspapers as may be designated by the County Legislature, a notice of the place and time, not less than five days after such publication nor later than the 21st day of November, at which the County Legislature will hold a public hearing on the proposed budget, the capital program, the budget message submitted by the County Executive and the report submitted by the County Legislature and a committee designated by such Legislature.

Article V - con't. (3)

Section 507. Adoption of Budget.

(a) After the conclusion of the public hearing, the County 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.

(b) If a budget has not been adopted by the County Legislature, subject to the line item veto power of the County Executive as set forth in Section 311(b) on or before the 25th day of November, then the proposed budget as submitted by the County Executive shall be the budget for the ensuing fiscal year.

(c) The budget as formally adopted should be balanced.

(d) Five (5) copies of the budget as adopted shall be certified by the Clerk of the County Legislature and one each of such copies shall be filed in the office of the County Executive, the offices of the Budget Director, the Commissioner of Finance and the Clerk of the County Legislature.

The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

Article V con't. (4)

Section 508. Levy of Taxes; Inclusion of Reserve for Uncollected Taxes. The net county tax requirement, determined by subtracting the total estimated revenues and surplus from the total proposed expenditures as set forth in the adopted budget, shall be levied in advance by the County 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 County Legislature shall fix the amount of such 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 County 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 509. Appropriations: Supplemental and Emergency. All supplemental and emergency appropriations shall be made in accordance with the provisions of the County Law or other applicable State law.

Section 510. Appropriations; Reduction and Transfer After Budget Adoption. 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 County Legislature without delay the estimated amount of the deficit; remedial action taken by him, and his recommendations as to further action. The County 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 legislature may also if it so desires borrow temporarily pursuant to the local finance law in an amount not greater than such deficit for such purpose.

The County Executive may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer (1) would result in an increase exceeding one thousand dollars annually, or such larger amount as may be prescribed by local law, during the fiscal year in any one line item in the budget as adopted, or (2) would affect any salary rate or salary total except as expressly permitted in this charter or code. If the County Executive requests in writing, the County Legislature by resolution effective immediately may transfer part or all of any unencumbered

. appropriation balance from one county administrative unit to another provided however, that no such transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

Section 511. Certain Resolutions of the County Legislature Require a Two-Thirds Vote. A resolution of the County Legislature for any of the following specified purposes shall be passed by not less than a 2/3 vote of the whole number of the members of the County Legislature: (a) a supplemental or emergency appropriation; (b) the issuance of budget notes or notes in anticipation of the collection of taxes or revenues; and (c) the issuance of bonds, bond anticipation notes or capital notes.

Section 512. Certain Obligations and Payments Prohibited. No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made, or except as permitted otherwise by the local finance law; provided that this shall not be construed to prevent contracting for capital improvements to be financed by borrowing, or entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.

Section 513. Performance of Acts: Scheduling. Whenever the scheduling of the performance of an act shall be fixed by this article the same may be changed by the code or an amendment thereof.

Section 514. Summary of Receipts and Expenditures. The Commissioner of Finance shall submit to the county legislature a monthly summary of receipts and expenditures compared with the budgeted receipts and expenditures. Annually, the Commissioner shall submit a complete financial statement showing receipts and expenditures vs. budget and total assets and liabilities of the county.

Section 515. Independent Audit. The county legislature must provide for an annual independent audit by certified public accountants.

ARTICLE VI

DEPARTMENT OF ASSESSMENT

Section 601. Department of Assessment; Director of Real Property Tax Services; Appointment

Section 602. Powers and Duties

Section 601. Department of Assessment; Director of Real Property Tax Services; Appointment. There shall be a department of assessment, the head of which shall be the director of real property tax services, who shall be appointed on the basis of his qualifications for the duties of the office. Such director shall be appointed by the County Executive, subject to confirmation by the County Legislature for a six year term.

Section 602. Powers and Duties. Except as otherwise provided in this charter or code, the director of real property tax services shall perform all of those duties required of him pursuant to Title 11, Sections 1530-1535 of the Real Property Tax Law of the State of New York, or other statute supplementary or amendatory thereto, and

(a) keep a record of the transfer of title to real property and immediately notify the town or city assessors of all such transfers in each town or city as the case may be.

(b) make available a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices.

(c) submit annually to the county executive on or before the 1st day of September, proposed county tax equalization rates consistent with standards prescribed by the legislature of the State of New York.

(d) perform all duties in relation to the extension of taxes and such other related duties in connection therewith as shall be prescribed by the county executive or county legislature;

(e) perform such other and related duties as shall be required or delegated to him by the County Executive or the County Legislature.

ARTICLE VII

BOARD OF ACQUISITION AND CONTRACT

Section 701. Board Created; Powers and Duties

Section 702. Execution of Contracts

Section 703. Prequalification of Bidders

Section 701. Board Created; Powers and Duties. There shall be a board of acquisition and contract which shall consist of the County Executive, Commissioner of Public Works, and the Chairman of the County Legislature. The Board of Acquisition and Contract shall contract for and acquire by purchase or condemnation, all lands, buildings and other real property, the acquisition of which has been authorized by the County Legislature, and shall award all contracts for the construction, reconstruction, repair or alterations of all public works or improvements, subject to the approval of the County Legislature.

Section 702. Execution of Contracts. All contracts except for the purchase of supplies, materials, equipment and services incidental thereto shall be executed on behalf of the County by the County executive in accordance with the provisions of this Article. Whenever such contract involves the expenditure of funds in excess of those set forth in the General Municipal Law or other applicable state law, except contracts for the acquisition of real property, the contract shall be awarded to the lowest responsible bidder by sealed bids or proposals made in compliance with the public notice published at least once in a newspaper designated by the Board of Acquisition and Contract at least 10 days prior to the day on which such sealed proposals are to be opened. The bids or proposals shall be opened publicly in the presence of at least two members of the Board of Acquisition and Contract or their representatives. The successful bidder must give security for the faithful performance of his contract, the adequacy and sufficiency of which shall be approved by the Board of Acquisition and Contract. No contract shall be executed by the county executive on behalf of the county until the same has been approved as to form by the county attorney. A copy of each contract when executed, shall be filed with the Commissioner of Finance, together with a copy of any act, other than the annual appropriation act, upon which the right to make such contract rests.

Section 703. Prequalification of Bidders. The Board of Acquisition and Contract may require the prequalification of bidders on any contract, subject to such conditions or procedure as shall be established by the County Legislature.

ARTICLE VIII

DEPARTMENT OF PUBLIC WORKS

Section 801. Department of Public Works; Commissioner; Qualifications

Section 802. Powers and Duties

Section 803. Divisions of the Department

Section 801. Department of Pulbic Works; Commissioner; Qualifications. There shall be a department of public works, the head of which shall be the commissioner of public works, who shall be appointed on the basis of his experience and qualifications for the duties of the office. Such commissioner shall be appointed by the County Executive, subject to confirmation of the County Legislature. Upon the effective date of this charter, the county department of highways and the department of engineering, if any, shall be divisions of the department of public works.

Section 802. Powers and Duties. Except as otherwise provided in this charter or code, the commissioner of public works shall:

(a) Have all the powers and duties of a county engineer and a county superintendent of highways, pursuant to the highway law or other applicable law.

(b) Have charge and supervision of the design, construction and alteration of the county buildings, parking fields, drives, walks, preserves, beaches, erosion projects and other structures and facilities in the nature of public works under the jurisdiction of the county.

(c) Have charge and supervision of maintenance, repair and alteration of buildings owned or leased by the county, parking fields, drives, walks, preserves, beaches and other structures and facilities in the nature of public works under the jurisdiction of the county including custodial care, unless otherwise provided in the code.

(d) Have such powers and duties in relation to county facilities for drainage, flood control, sanitation, sewerage, or water supply as may be prescribed in this charter, code or other applicable law.

(e) Furnish engineering and other services to the County Legislature, the County Executive, the Department of Planning and other county departments except as otherwise provided in this charter or code.

Article VIII - con't.

(f) Have charge of and have the duty of performing such other functions concerning county property, public works and other matters as the County Legislature or the County Executive may, from time to time, direct.

Section 803. Divisions of the Department. There shall be the following divisions within the Department of Public Works: Division of Highways, Bridges and Structures, Division of Buildings and Grounds, Division of Engineering, and such other divisions as may be created within the department by local law or resolution of the County Legislature. Each division shall be headed by a deputy who shall be appointed by the Commissioner of Public Works, subject to approval of the County Legislature. It shall be the duty of each division head while holding such position to carry out the functions of such division as provided by the code, local law or by directives of the Commissioner, or by resolution of the County Legislature.

ARTICLE IX

DEPARTMENT OF PARKS AND RECREATION

Section 901. Department of Parks and Recreation; Commissioner.

Section 902. Deputy Commissioner.

Section 903. Powers and Duties.

Section 904. County Parks and other Recreational Facilities.

Section 905. County Parks Commission

Section 901. Department of Parks and Recreation; Commissioner. There shall be a department of parks and recreation headed by a commissioner, who shall be appointed by the county executive, subject to confirmation by the county legislature.

Section 902. Deputy Commissioner. If and when the county legislature shall establish and create such position, there shall be a deputy commissioner of parks and recreation whose duties will be to plan and schedule all recreational activities in any and all of the facilities mentioned in section 903. He shall be appointed by the commissioner of parks and recreation, subject to confirmation by the county legislature. He shall perform such additional and related duties as the county executive may prescribe.

Section 903. Powers and Duties. Except as otherwise provided in this charter, the commissioner shall have supervision and control over the design, construction, operation, maintenance and repair of all county-owned and operated properties and facilities for the following purposes: parks and recreation facilities therein, docks and marinas, beaches, zoological and botanical gardens, forest lands and golf courses, together with buildings, structures, roads, parking areas, utilities, equipment and appurtenances. He shall perform such additional and related duties as the county executive may prescribe.

Section 904. County Parks and other Recreational Facilities. The county legislature is hereby authorized on behalf of the county to accept by gift and to acquire by purchase, condemnation, lease or otherwise, real property for the purposes set forth in Section 903 hereof. The county legislature may abandon such purposes by local law and may dispose of such property.

Section 905. County Parks Commission. There shall be a Niagara County Parks Commission appointed by the County Executive, to render advice and guidance to the parks commissioner, as provided in the Administrative Code.

ARTICLE X . . .

DEPARTMENT OF SOCIAL SERVICES

Section 1001. Department of Social Services; Commissioner

Section 1002. Powers and Duties of the Commissioner

Section 1001. Department of Social Services; Commissioner.
There shall be a department of social services headed by a commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, pursuant to the Social Services Law of the State of New York.

Section 1002. Powers and Duties of the Commissioner.
Except as otherwise provided in this charter and code, the commissioner of social services shall:

(a) Have all powers and perform all the duties conferred on or required of a county commissioner of social services under the Social Services Law or other applicable law;

(b) Manage and supervise the Niagara County Infirmary, and any other public welfare institutions of the county when authorized by the county executive and approved by resolution of the County Legislature; and

(c) Perform such other and related duties as shall be required or delegated to him by the county executive and/or the County Legislature.

ARTICLE XI

DEPARTMENT OF HEALTH

Section 1101. Department of Health; Commissioner; Qualifications

Section 1102. Powers and Duties of Commissioner

Section 1103. Board of Health; powers and Duties

Section 1104. Sanitary Code

Section 1105. Organization of the Department

Section 1101. Department of Health; Commissioner; Qualifications. There shall be a department of Health headed by a commissioner of health who shall be appointed by the Board of Health of the County of Niagara, pursuant to applicable State statutes.

Section 1102. Powers and Duties of Commissioner.

Except as otherwise provided in this charter, the commissioner of health shall have all the powers and perform all the duties conferred or imposed upon county or part-county health commissioners and/or county or part county boards of health by law. In addition thereto, he shall perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature.

Section 1103. Board of Health; Powers and Duties. There shall be in the department, a county Board of Health, the members of which shall be appointed by the Chairman of the County Legislature. The composition of such board in relation to the number of members and the professional, governmental or other representation, and the terms of such members shall be as provided in the public health law for a county board of health.

Section 1104. Sanitary Code. The Board of Health may formulate, promulgate, adopt and publish rules, regulations, orders and directions relating to health in the County, which shall not be inconsistent with the Public Health Law or the State Sanitary Code. Such rules, regulations, orders and directions shall be known as the County Sanitary Code. Any and all provisions of the Niagara County Sanitary Code in effect at the time of the adoption of this Charter shall remain in full force and effect until amended or repealed by the Board of Health.

Article XI - con't. (2)

The provisions of the County Sanitary Code shall have the force and effect of law. Penalties and violations of all non-conformance with such Code shall be as provided by such Code or other applicable law. Certified copies of such code shall be received in evidence in all courts and proceedings in the State.

Section 1105. Organization of the Department. The department of health shall be organized into such divisions and bureaus as shall be prescribed in the administrative code.

ARTICLE XII

DEPARTMENT OF MENTAL HEALTH

Section 1201. Department of Mental Health; Director; Qualifications

Section 1202. Powers and Duties

Section 1203. Mental Health Board

Section 1201. Department of Mental Health; Director; Qualifications. There shall be a department of mental health headed by a director who shall be appointed by the Mental Health Board, qualified according to the standards fixed by the State Commissioner of Mental Hygiene, in accordance with the provisions of Article 8(A) of the Mental Hygiene Law.

Section 1202. Powers and Duties. Except as otherwise provided in this charter, the director of mental health shall have all the powers and perform all the duties now or hereafter conferred or imposed upon a director of community mental health and/or community mental health boards by law. He shall perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature.

Section 1203. Mental Health Board. The Chairman of the County Legislature shall appoint a mental health board, such board to recommend and suggest to the County Executive a program of community mental health services and facilities and rules and regulations concerning the rendition or operation of services and facilities in the community mental health program.

ARTICLE XIII

DEPARTMENT FOR YOUTH

Section 1301. Department for Youth; Director

Section 1302. Powers and Duties of the Director

Section 1303. Niagara County Youth Board

Section 1301. Department for Youth; Director. There shall be a Department for Youth headed by a director for youth who shall be appointed by the county executive, subject to confirmation by the county legislature.

Section 1302. Powers and Duties of the Director. The Director for Youth shall have all the powers and duties heretofore or hereafter imposed or conferred by the laws of the State of New York, and such other related duties as shall be required or delegated to him by the county executive or the county legislature.

Section 1303. Niagara County Youth Board. There shall be an advisory board called the Niagara County Youth Board to be appointed by the county executive in the manner prescribed by the administrative code.

ARTICLE XIV

DEPARTMENT FOR THE AGING

Section 1401. Department for the Aging; Director

Section 1402. Powers and Duties of the Director

Section 1403. Advisory Committee

Section 1401. Department for the Aging; Director. There shall be a Department for the Aging, headed by a director who shall be appointed by the county executive, subject to confirmation by the county legislature.

Section 1402. Powers and Duties of the Director. The director shall have all the powers and duties heretofore conferred or imposed by the laws of the State of New York, and such other related duties as shall be required or delegated to him by the county executive or the county legislature.

Section 1403. Advisory Committee. There shall be an advisory board called the Advisory Committee to the Department for the Aging, to be appointed by the county executive in the manner prescribed by the administrative code.

ARTICLE XV

DEPARTMENT OF PERSONNEL

Section 1501. Application of Article XV; Niagara County Civil Service Commission Continued; Civil Service Law to Apply

Section 1502. Department of Personnel; Director

Section 1503. Powers and Duties

Section 1501. Application of Article XV; Niagara County Civil Service Commission Continues; Civil Service Law to Apply. The Niagara County Civil Service Commission is continued for the purpose of administering Civil Service Law for Niagara County. The powers, duties and functions of the Civil Service Commission may be transferred to the Department of Personnel at the discretion of the Niagara County Legislature if found to be in the best interests of county government.

Section 1502. Department of Personnel; Director. There shall be a department of personnel headed by a director who shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office by the County Executive subject to confirmation by the County Legislature.

Section 1503. Powers and Duties. The personnel director shall prepare personnel rules for county officers and employees for adoption by the county legislature. He shall administer the personnel system of the county in accordance with such personnel rules; he shall prepare and maintain a compensation plan for all county positions providing uniform pay for like services; he shall prepare and administer a merit system; he shall maintain personnel records for all county employees; he shall conduct continuing research of all aspects of personnel administration for the purpose of improving the morale and efficiency of county employees, and he shall perform such other duties as required by the county executive.

ARTICLE XVI

DEPARTMENT OF LAW

Section 1601. Department of Law; County Attorney

Section 1602. Powers and Duties

Section 1603. Deputy and Assistant County Attorneys

Section 1601. Department of Law; County Attorney. There shall be a department of law headed by the County Attorney, who shall be appointed by, and whose term shall be the same as the County Executive. He shall be duly admitted to the practice of law in the State of New York, and a resident of the County of Niagara.

Section 1602. Powers and Duties. Except as otherwise provided in this charter or code, the County Attorney shall be the sole legal advisor for the County and every agency and office thereof on civil matters, and on its behalf in county matters of a civil nature, advise all county officers and employees 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; on request prepare resolutions, legalizing acts and local laws to be presented for action by the County Legislature, together with notices and other items in connection therewith; and perform such other and related duties as may be prescribed by law, by the County Executive or by resolution of the County Legislature.

Section 1603. Deputy and Assistant County Attorneys. The County Attorney shall have the power to appoint such deputy county attorneys, assistant county attorneys, confidential clerk, officers and employees of his department as shall be authorized by the County Legislature and within the appropriations made therefor. All deputy and assistant county attorneys shall be in the exempt class of the Civil service, and shall serve at the pleasure of the county attorney.

ARTICLE XVII

DEPARTMENT OF RECORDS

Section 1701. Department of Records; County Clerk; Election

Section 1702. Powers and Duties

Section 1701. Department of Records; County Clerk; Election. There shall be a department of records headed by a county clerk who shall be elected from the county at large. His term of office shall be for three years, beginning with the first day of January next following his election, except that the provisions of this section with respect to such election, shall not take effect until the general election of 1976, at which a county clerk shall be elected for a three year term to commence on January 1, 1977, and every county clerk elected thereafter shall have a term of three years. At the time of his election and throughout his term of office, he shall be a qualified elector of the county, shall devote his whole time to the duties of his office and shall hold no other public office.

Section 1702. Powers and Duties. Except where inconsistent with this charter, the county clerk shall appoint such deputies, officers and employees of the department as may be authorized by resolution of the County Legislature and shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law.

ARTICLE XVIII
DISTRICT ATTORNEY

Section 1801. Election

Section 1802. Powers and Duties

Section 1801. Election. There shall be a district attorney who shall be elected from the county at large. His term of office shall be for three years, beginning with the first day of January next following his election, except that the provisions of this section with respect to such election, shall not take effect until the general election of 1976, at which a district attorney shall be elected for a three year term to commence on January 1, 1977, and every district attorney elected thereafter shall have a term of three years. At the time of his election and throughout his term of office, he shall be a qualified elector of the county, and duly admitted to the practice of law in the State of New York. He shall devote his whole time to the duties of his office and shall hold no other public office.

Section 1802. Powers and Duties. The district attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law.

ARTICLE XIX
PUBLIC DEFENDER

Section 1901. Public Defender, Appointment, Term

Section 1902. Powers and Duties

Section 1903. Deputy and Assistant Public Defenders

Section 1901. Public Defender, Appointment, Term. There shall be a Public Defender who shall be appointed by the County Legislature and whose term of office shall be for four years. He shall be duly admitted to the practice of law in the State of New York and a resident of the County of Niagara.

Section 1902. Powers and Duties. The office of Public Defender shall have such powers and duties as defined in Article 18 (A) and 18 (B) of the County Law of the State of New York.

Section 1903. Deputy and Assistant Public Defenders. The Public Defender shall have the power to appoint such confidential deputy public defenders, assistant public defenders, officers and employees of his department as shall be authorized by the County Legislature and within the appropriations made therefor. All deputy and assistant public defenders shall be in the exempt class of the civil service, and shall serve at the pleasure of the public defender.

ARTICLE XX

SHERIFF

Section 2001. Election

Section 2002. Powers and Duties

Section 2001. Election. There shall be a sheriff who shall be elected from the county at large. His term of office shall be for three years, beginning with the first day of January next following his election, except that the provisions of this section with respect to such election shall not take effect until the general election of 1976, at which a sheriff shall be elected for a three year term to commence on January 1, 1977, and every sheriff elected thereafter shall have a term of three years. At the time of his election and throughout his term of office, he shall be a qualified elector of the county, shall devote his whole time to the duties of his office and shall hold no other public office.

Section 2002. Powers and Duties. The sheriff shall appoint such deputies, officers and employees of the department as may be authorized by resolution of the County Legislature and shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law.

ARTICLE XXI
MEDICAL EXAMINER

Section 2101. Application of Article XXI

Section 2102. Medical Examiner, Appointment and Qualifications

Section 2103. Powers and Duties

Section 2101. Application of Article XXI. The County Legislature shall have the power by local law, to abolish the office of coroner and create the office of appointive medical examiner. Such local law shall not be subject to mandatory referendum, but must be adopted and filed in the office of the Secretary of the State of New York at least 150 days prior to any general election. The terms of office of all coroners elected or appointed and holding office in the county at the time such local law is adopted and filed as hereinbefore provided, shall expire on the December 31st following the adoption of such local law, and at the general election to be held in such year and thereafter no coroner shall be elected and Article XXI of this charter and applicable provisions of the code shall become and be effective on and after January 1, next succeeding.

Section 2102. Medical Examiner; Appointment and Qualifications. There shall be a medical examiner who shall be appointed by and serve at the pleasure of the county executive, subject to confirmation by the County Legislature. He shall be a physician duly licensed to practice in the State of New York, qualified elector of the County, and shall have such other qualifications as may be prescribed in the code.

Section 2103. Powers and Duties. The medical examiner shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law and shall perform such other and related duties as shall be required or delegated to him by the county executive or the County Legislature.

ARTICLE XXII

OTHER COUNTY BOARDS, OFFICES, INSTITUTIONS AND FUNCTIONS

Section 2201. Board of Elections

Section 2202. Probation Office; Director

Section 2203. County Hospital; Board of Managers

Section 2204. Certain Boards; How Appointed

Section 2205. Fire Coordinator; How Appointed

Section 2206. Other Boards; How Appointed

Section 2207. Additional Appointments by County Executive

Section 2208. Miscellaneous Administrative Functions

Section 2201. Board of Elections. The Board of Elections, its powers and duties and the method of appointment of the members thereof by the County Legislature shall continue as provided by law.

Section 2202. Probation Office; Director. There shall be an office of probation headed by a probation director who shall be appointed in the manner provided by Section 256 (5) of the Executive Law of the State of New York, and shall have such powers and duties as are provided by law.

Section 2203. County Hospital; Board of Managers. The Board of Managers of Mount View Hospital, its powers and duties and the method of appointment of the members thereof shall continue as provided by law.

Section 2204. Certain Boards; How Appointed. The appointment of any board or agency in relation to a county sewer, drainage or watershed protection district, if any, or to any other county district of a similar nature, shall be by the County Legislature.

ARTICLE XII (con't.)

Section 2205. Fire Coordinator; How Appointed. The Fire Coordinator shall be appointed by the County Legislature upon recommendation of the Fire Advisory Board. The Fire Advisory Board shall continue to be appointed as set forth in the Niagara County Fire Mutual Aid Plan.

Section 2206. Other Boards; How Appointed. All other boards shall continue as provided by law.

Section 2207. Additional Appointments by County Executive. Subject to confirmation by the County Legislature, and except as otherwise provided in this charter and code, the County Executive shall appoint the head of any other or additional administrative unit of the county including among others, the director of civil defense; county historian; sealer of weights and measures; director of veterans' services, upon consideration of recommendations of the veterans' service agencies in the county.

Except as otherwise provided in this charter or code, other appointments to boards and like units shall be made by the county executive subject to confirmation of the county legislature. The administrator of the Workmen's Compensation however, shall continue to be appointed as now provided by local law and the laws of the State of New York applicable thereto.

Section 2208. Miscellaneous Administrative Functions. Administrative functions not otherwise assigned by this charter or code shall be assigned by the county executive to an administrative unit.

ARTICLE XXIII

GENERAL PROVISIONS

Section 2301. Administrative and Advisory Boards

Section 2302. Approval of Contracts

Section 2303. Civil Service Rights Continued; Status of Certain County Officers Previously Appointed; Removal of Certain County Officers Hereafter Appointed

Section 2304. Classified Service; Exemptions

Section 2305. Filling Vacancy in Elective Office of Legislator, County Executive, Commissioner of Finance, County Clerk, District Attorney or Sheriff

Section 2306. Filling Other Vacancies

Section 2307. Power to Administer Oaths and Issue Subpoenas

Section 2301. Administrative and Advisory Boards. The board of trustees of the Niagara County Community College shall have such powers and only such powers as those specified in the Education Law of the State of New York. Except as otherwise provided in this charter or code, every other board, the members of which are appointed, shall be an advisory board consisting of such members, and the members thereof shall be appointed for such terms as are or may be provided in this charter or the code. Wherever provision is made in this 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 2302. Approval of Contracts. Except as otherwise provided in this charter or code, every contract to which the county is a party shall require approval by the County 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, except as otherwise provided in this charter or the code.

Section 2303. Civil Service rights continued; status of certain county officers previously appointed; removal of certain county officers hereafter appointed. The civil service status

ARTICLE XXIII, Section 2303 (con't.)

and rights of all county employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this charter or code. Except as otherwise provided by this charter or code, the terms of all county officers whose appointment under this charter is vested in the county executive shall terminate on December 31, 1979, provided that any such officer, unless removed, shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made. Any county officer appointed by the county executive for a definite term or whose appointment is subject to confirmation by the County Legislature may be removed prior to the end of such term, after receipt of written notice from the county executive. A copy of such notice shall be filed in the office of the Clerk of the County Legislature.

Section 2304. Classified Service, Exemptions. All positions in all departments, offices, institutions and agencies of the county, shall be in 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) the medical examiner; and (5) the commissioner of jurors. For the purpose of this section the heads of the divisions within the executive branch, including but not limited to purchase, central services, budget and economic development & planning, shall be deemed to be heads of departments. The following positions in the classified service shall be included in the exempt class: (1) deputies who are authorized to act generally for and on behalf of their principals; (2) the confidential secretary to any officer or department head; (3) calendar clerk, personnel officer; (4) deputy and assistant district attorneys; (5) deputy and assistant county attorneys; and (6) contractors engaged to perform specific services and their employees; (7) assistant public defenders.

Section 2305. Filling Vacancy in Elective Office of Legislator, County Executive, Commissioner of Finance, County Clerk, District Attorney or Sheriff. A vacancy, otherwise than by expiration of term in any elective county office including but not limited to the office of Legislator, County Executive, Commissioner of Finance, county clerk, district attorney or sheriff, shall be filled in accordance with Section 400(7) of the County Law.

Article XXII, Section 2305 (con't.)

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, at which election a legislator, county executive, commissioner of finance, county clerk, district attorney or sheriff, as the case may be, shall be elected for the balance of the term, if any.

Section 2306. Filling Other Vacancies. Except as otherwise provided in this charter or code, a vacancy in the office of the head of any administrative unit, the head of which by virtue of this 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 county legislature where provided. Except as otherwise provided in this 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 2307. Power to Administer Oaths and Issue Subpoenas. The chairman of the county legislature, the commissioner of finance, the county executive, and such other county officers as may be authorized by this 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 offices. 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.

ARTICLE XXIV

APPLICATION OF CHARTER

- Section 2401. Adoption of Charter; When Effective
- Section 2402. Amendment of Charter
- Section 2403. Terms of Certain Elective County Officers
- Section 2404. Continuity of Authority; Completion of Unfinished Business
- Section 2405. Separability
- Section 2406. Charter to be Liberally Construed
- Section 2407. Charter Review Board; Establishment; Members; Term
- Section 2408. Charter Review Board; Powers and Duties

Section 2401. Adoption of Charter; When Effective. This charter shall become and be effective on and after January 1, 1976, upon approval by public referendum in the manner provided by law. The administrative code may be adopted and amended by local law at any time subsequent to the approval and adoption of this charter. The first county executive shall be elected at the general election in 1975 and shall take office on January 1, 1976. The commissioner of finance shall be first elected at the general election in 1976 and the person then elected shall, upon qualifying, take office on January 1, 1977 for a four year term, and every commissioner of finance elected thereafter shall have a term of four years. Pending election and qualifying for office, the incumbent county treasurer, county clerk, district attorney and sheriff shall have the powers and perform the duties prescribed in this charter and code for the elective office of commissioner of finance, county clerk, district attorney and sheriff respectively.

Section 2402. Amendment of Charter. This charter may be amended in the manner provided by law. Except as otherwise provided in this charter, any local law which would create or abolish an elective county office, change an elective office to appointive or an appointive office to elective or change the powers of an elective county officer shall be subject to mandatory referendum. No local law which would abolish or change an administrative unit prescribed in this charter or the power of an appointive county officer in the executive branch shall be enacted before January 1, 1976.

Section 2403. Terms of Certain Elective County Officers. The terms of office for the county executive and commissioner of finance shall be for four years except as otherwise provided in this charter. The terms of office for the county clerk, district attorney and sheriff shall be three years except as otherwise provided in this charter.

Section 2404. Continuity of Authority; Completion of Unfinished Business. The performance of functions pursuant to the provisions of this charter 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 or other business undertaken or commenced prior to the effective date of this charter may be conducted and completed by the county officer or administrative unit responsible therefor under this charter or code.

This charter shall not be deemed to invalidate any obligations heretofore issued by the County of Niagara 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.

For the purpose of this section a public authority shall not be deemed a county commission, board or agency.

Section 2405. Separability. If any clause, sentence, paragraph, section or article of this charter 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 2406. Charter to be Liberally Construed. This charter shall be liberally construed to effectuate its objectives and purposes.

Section 2407. Charter Review Board; establishment; members; Term. Within five (5) years from the effective date of this charter, the County Legislature shall appoint a Charter Review Board consisting of seven legislators and five lay persons, to review the Niagara County government charter in accordance with the General Municipal Home Rule Law.

Article XXIV - Continued

Section 2408. Charter Review Board; Powers and Duties.
The Charter Review Board shall study all aspects of the structure of the Niagara County government, and shall recommend such changes as it deems necessary to strengthen the County government and make it more efficient, effective, and responsive. The Board shall be given the full cooperation of all officials and employees of the County government, including elected officials, and members of boards and commissions. The Board shall have full access to all necessary records of all branches and agencies of the County government except those prohibited by law. The Charter Review Board, upon the completion of its study, shall present to the County Executive and the County Legislature a report and recommendations. The County Executive and the County Legislature, upon receipt of the report and recommendations of the charter review board, shall be required to submit their reactions, in writing, to the charter review board within sixty days.

(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.)

(Final adoption by local legislative body only.)

1. 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
Town (Name of Legislative Body)
Village
on 19..... in accordance with the applicable provisions of law.

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

2. 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
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No.3..... of 19.74...
County
of the City ofNiagara..... was duly passed by theNiagara County Legislature.....
Town (Name of Legislative Body)
Village
onAugust 20,.....19.74. and was approved by the
repassed after disapproval Elective Chief Executive Officer
on19...... 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 onNovember 5,.....19.74., in accordance with the appli-
annual
cable provisions of law.

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

4. 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 on
Town (Name of Legislative Body)
Village
..... 19..... not disapproved
and was approved by the on
repassed after disapproval Elective Chief Executive Officer
.....19...... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., in accordance with the applicable provisions of law.

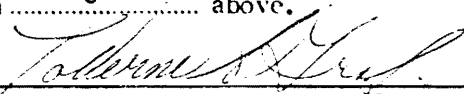
•Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

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

5. 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 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 election held on the 19 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 3 above.


Clerk of the Board of Supervisors, City, Town or Village Clerk or Notary

~~designated by Local Legislative Body~~
Niagara County Legislature

Date: November , 1974

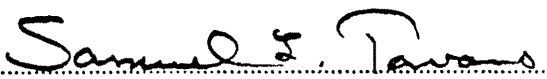
(Seal)

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

STATE OF NEW YORK

COUNTY OFNIAGARA.....

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.


(Title of Officer) County Attorney

County
City of Niagara
Town
Village

Dated: November , 1974