

(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. 1 of the year 19 77

A local law in relation to the adoption of an Administrative Code for the
(Insert title)
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~~

ADMINISTRATIVE CODE FOR THE
COUNTY OF NIAGARA
NEW YORK }

NIAGARA COUNTY ADMINISTRATIVE CODE

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LL-2-97

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,
and Powers Not Transferred, Altered or Impaired

Section 106. Contracts with Public Corporations and Public
Authorities

Section 107. Definitions

Section 108. County Seal

Section 101. Title and Purpose

This code together with any and all amendments hereto, if any, shall be known and may be cited as the "Niagara County Administrative Code". The purpose of this code is to set forth the details of administration of the Niagara County Government consistent and in harmony with the purposes, intent, and provisions of the Niagara County Charter.

Section 102. County Status, Power and Duties

Niagara County, upon adoption of this code, 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 the charter, code, or 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 with the charter or code, including all powers specifically conferred upon such county.

Section 103. Effect on State Laws

The charter and code provide 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 to the extent that such laws have been repealed, amended, modified,

Article 1, Section 103 (con't.)

or superseded in their application to Niagara County by enactment and adoption of the 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 the charter or code or is inconsistent therewith, such law shall be deemed to the extent of such conflict or inconsistency, to be superseded by the charter and code insofar as the County of Niagara and its government are affected.

Section 104. Effect on Local Laws and Resolutions

All local laws and resolutions of the County 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 the charter and code.

Section 105. Local Government Functions, Facilities, and 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 and 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 code, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

- (a) "county" shall mean the County of Niagara.

Article 1, Section 107 (con't.)

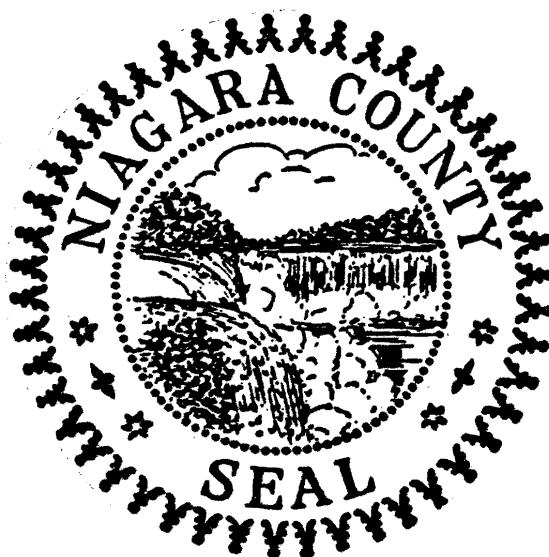
- (b) "charter" and "county charter" shall mean the Niagara County Charter and all amendments thereto.
- (c) "code" shall mean the Niagara County Administrative Code and all amendments thereto.
- (d) "county legislature" shall mean elective legislative body of the County of Niagara.
- (e) "administrative 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 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 1, Section 107 (con't.)

- (j) "days" - when a period of time is prescribed or allowed and is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this section, "legal holiday" includes New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veterans' Day, Thanksgiving Day, Christmas Day and any other day appointed as a holiday by the President or the Congress of the United States, or by the State of New York.

Section 108. County Seal

The following design is hereby adopted as the official and standard design of the seal of the County of Niagara:



Such seal shall be used for all authorized and requisite purposes.

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. The County Legislature & Term of Office

There shall be a County Legislature to be elected as provided by law. The Legislators, when lawfully convened, shall constitute the County Legislature.

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 the 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 enactment, 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 the charter, code or by other applicable law.

Article II, Section 202 (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 the charter, and which code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, resolutions, rules and regulations consistent with the 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 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 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.

Article II, Section 202 (con't.)

- (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 limited to, any necessary matter involved in the transition to the charter form of government.
- (m) The chairman of the county legislature shall have the power to designate and authorize any member, officer or employee of the legislative division and any other officer or employee paid from county funds, except officers or employees of the executive branch, to attend an official or unofficial convention, conference or school for the betterment of county government. Within the appropriation therefor and when so authorized according to the guidelines established by the legislature, all necessary and actual expenses including but not limited to a registration fee and mileage shall be paid from county funds.

Section 203. Local Laws; Definitions; Power to Adopt, Amend and Repeal; Effect on Legislative Acts

A local law is a law adopted pursuant to the charter within the power granted by the Constitution, act of the legislature or provision of the code, 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 or parenthesis and the new matter underscored or italicized.

Article II, Section 204 (con't.)

Except as may otherwise be provided in the 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 and 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 therefore a compensation as fixed by the County Legislature. The term of office shall begin with the first day of January 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 the charter and code, to supervise and direct the internal structure and organization of each department. Except as may otherwise be provided in the 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.

Article III, Section 302 (con't.)

In addition to any other powers and duties, the County Executive shall have the following duties and functions:

- (a) The County Executive to the extent to which organization of his office, or of any administrative unit, the head of which he has the power to appoint, is not prescribed by law, may organize or supervise and direct the organization of any such administrative unit into such divisions, bureaus, sections, or other subordinate parts and make such assignments of powers and duties among them, and from time to time change or supervise and direct the changes in such organizations or assignments, as he may consider advisable. He shall also have the power to transfer employees temporarily between administrative units of the County unless that transfer is prohibited by law or employee agreement.
- (b) On or before the first day of November in each year, after reviewing the proposed county tax equalization rates submitted to him by the Commissioner of Finance, and after obtaining such additional information or holding such hearings thereon as he may deem necessary or advisable, the County Executive shall determine and fix the real property tax equalization rates among the various tax districts of the County for County purposes. He shall file the same together with an abstract of evidence upon which the rates are based, with the County Legislature and the same shall be binding and conclusive on the Legislature, except where otherwise changed, altered or revised pursuant to a final determination in an appeal therefrom as provided by applicable law. The documentary evidence used in determining the County equalization rates shall be preserved by the County Executive and an abstract of the same shall be published with the County equalization rates in the proceedings of the County Legislature.
- (c) The County Executive shall not be an officer, director or stockholder of any depository or depositories designated by him pursuant to paragraph "c" of Section 302 of Article III of the charter.

Article III, Section 302 (con't.)

- (d) Approve or disapprove sufficiency of sureties on official bonds and undertakings.
- (e) In addition to the annual report to the County Legislature required by paragraph "e" of Section 302 of Article III of the Charter, the County Executive shall present to the County Legislature from time to time, such information concerning the affairs of the County as he may deem necessary or the Legislature by resolution may request, and shall recommend such measures in connection therewith as he shall deem necessary.
- (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 or resolution of the Niagara County Legislature.
- (h) The County Executive shall have such implied and incidental powers as are necessary to perform and exercise the duties and functions of the office.
- (i) The County Executive shall have the power to determine what county officer shall perform a particular power or duty not otherwise clearly defined by the charter, code, local law or resolution of the Niagara County Legislature or any applicable provision of any act of the Legislature, not inconsistent with the charter or code.
- (j) The County Executive shall have the power and authority to designate in writing, in connection with any study or investigation, any county officer who may administer oaths or affirmations, examine witnesses in any such hearing, receive evidence and preside at or conduct any such study or investigation and report the results of same to the county executive, together with any recommendations

Article III, Section 302(j) (con't.)

or suggestions which the designated county officer may be considered to be required or advisable as a result of such study or investigation. A copy of every such report together with any recommendations or suggestions shall be filed with the county legislature.

- (k) The county executive shall have the power and authority to subpoena and compel the attendance and the production of books, records, and papers of any administrative unit, officer or employee under his jurisdiction, for the purpose of ascertaining facts in connection with any study or investigation of the affairs, functions, accounts, methods, personnel, or agency of any such administrative unit, officer or employee. In case any person fails or refuses to obey any subpoena or fails to appear, produce books, records, or other evidence required by the subpoena or to testify, he shall be subject to the order of a court of record in contempt proceedings. The county executive may, within the appropriations provided therefor, employ all personnel necessary to conduct such hearing.
- (l) The county executive shall have the power to designate and authorize any officer or employee of the executive division to attend an official or unofficial convention, conference, or school for the betterment of county government. Within the appropriations provided therefor and when so authorized, all necessary and actual expenses including but not limited to a registration fee, not exceeding the amount as fixed by Section 77-b of the General Municipal Law and mileage as fixed by the county legislature shall be paid from county funds.
- (m) That the county executive, within ten (10) days of receipt by him, shall file with the Majority and Minority Leaders of the county legislature a copy of all monthly and annual reports, audits, including tentative budget or budgets, required to be filed in his office by county officers and employees pursuant to the provisions of the Niagara County charter and code.
- (n) In the event of the occurrence of an emergency

Article III, Section 302 (n) (con't.)

effecting the life, health or safety of inhabitants of Niagara County, the County Executive, except as otherwise provided by law, shall have the power to declare the same an emergency and to perform all acts which are necessary for the protection of such inhabitants and to sign all necessary papers to carry this authorization into effect.

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.

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 the 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.

Article III (con't.)

Section 306. Division of Purchase

- (a) The purchasing director shall be the head of the division of purchase and shall have the powers and duties set forth in Section 306, Article III of the charter. He shall in addition to his powers and duties set forth in the charter or code, perform such other and related duties as the County Executive may require.
- (b) The purchasing director shall:
 - 1. establish and maintain a central purchasing system;
 - 2. establish and enforce standard specifications with respect to supplies, materials, equipment and services;
 - 3. inspect or supervise, or otherwise provide for the inspection of all deliveries of supplies, materials and equipment and determine their quality, quantity and conformance to contract;
 - 4. establish and maintain necessary contact and conformance with the division of central services, including but not limited to procedure for coordinating the controls as set forth relating to the disbursement and transfer of supplies, materials and equipment under the custody of the division of central services to any county administrative unit;
 - 5. sell or lease any surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by resolution of the county legislature;
 - 6. upon the request of any city, town, village, school district or other unit of local government, act as purchasing agent for the same for pooled purchases and for any other part of its purchases upon such conditions as may be prescribed by the county legislature;

7. except as otherwise provided in the charter or code, and subject to the approval of the county executive, approve and execute all contracts on behalf of the county with respect to the buying, selling or leasing of any supplies, materials, equipment and services other than personal services for any amount not more than such sum as shall be fixed by the county legislature. The County Executive shall execute all other contracts on behalf of the county as provided by the charter;
8. The division of purchase shall control the selling or leasing of any surplus, obsolete or unused supplies, materials or equipment. Periodically, the division of purchase shall obtain listings of obsolete or unused equipment from each county department. The division of purchase may fill requisitions from surplus lists, publicize for disposal bids, or declare of no value and dispose of as junk.
9. perform under the direction of the county executive, all other duties of a county purchasing agent under the laws of the State of New York, not inconsistent with the provisions of this code;
10. prepare procedural regulations to amplify the provisions of this section and submit such regulations to the county executive for approval and, upon such approval, promulgate and enforce compliance with such regulations.

(c) Purchasing procedure.

1. The division of purchases shall make all purchases and contracts for supplies, materials, equipment and services for the county legislature or any administrative unit for the payment of which the County shall be liable. The county legislature shall fix a sum not to exceed limitations set forth in Section 103 of the General Municipal Law as the limit above which any such purchase or contract of purchase shall not be made without publishing an advertisement in an official daily newspaper published in the County of Niagara and having a general circulation in the County of Niagara, which advertisement shall invite sealed bids for the same. The purchase of perishable foodstuffs, drugs and medical supplies, may be made without public advertisement when expressly permitted by written order of the County Executive.

Article III, Section 306 (c) (con't.)

2. Such advertisements shall contain a statement of the time when and the place where all bids received pursuant to such notice will be publicly opened and read. At least five (5) days shall elapse between the first publication of such advertisement and the date specified therein for the opening and reading of bids. The purchasing director or the person designated by him to open the bids at the time and place specified shall make a record of such bids in such form and detail as the purchasing director shall prescribe. The contract shall be awarded to the lowest responsible bidder furnishing and required security. If any submit identical bids as to price, the purchasing director may award the contract to any of such bidders. The purchasing director may, in his discretion, reject all bids and readvertise for new bids in the manner provided by this section and may also waive minor informalities.
3. The purchasing director may purchase supplies, materials, equipment or services to be rendered by contract without the advertisement required by paragraphs "1" and "2" of this Section in the following cases:
 - (a) When the county executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health or safety of inhabitants of the County of Niagara require immediate action which cannot await competitive bidding;
 - (b) When, by resolution adopted by a vote of at least two-thirds (2/3) of the whole number, the county legislature has determined it to be impracticable to advertise such bids;
 - (c) When through some accident or other unforeseen circumstance the heating, air-conditioning, ventilating, lighting, plumbing system, machinery, equipment or other apparatus of any of the public buildings of the County shall become

Article III, Section 306 (c) (3) (con't.)

disabled or any of such buildings or parts thereof shall be rendered untenable by reason of the sudden action of the elements or for some cause due to explosion, fire, or from generally unforeseeable events creating an emergency, and the administrative head in charge of such building shall certify in writing to the purchasing director such emergency and the necessity of immediate repair to the defect or defects, and such certificate of necessity is approved by the county executive; or

- (d) Whenever the machinery, equipment or other apparatus of the department of public works becomes disabled or worn and requires immediate repair, making necessary the immediate purchase of parts for repairs to the same, the commissioner of public works shall certify in writing, as soon as practicable, to the director of purchasing of the necessity of such immediate repair and/or replacement and such certificate of necessity is approved by the county executive.
- 4. Upon the adoption of a resolution by a vote of at least two-thirds (2/3) of the whole number of the county legislature stating that, for reasons of efficiency and economy, there is a need for a particular type of, or kind of equipment, material, services in excess of the amount fixed by the county legislature pursuant to paragraph (c) (1) of this section, bid may be awarded to the lowest responsible bidder furnishing the required security, if any, after advertisement for sealed bids therefor in the manner provided by this section. Such resolution shall contain a full explanation of the reasons for its adoption.
- 5. All required supplies which can be furnished by the State Department of Correction, and all required products made by the blind which can be furnished by any appropriate charitable non-profit making agency for the blind, incorporated under the laws of the State of New York, shall, after such purchases have been authorized, be purchased from them without competitive bidding at prices established pursuant to Section 175 (a) of the Finance Law. In addition, the purchasing director may, without the competitive bidding

Article III, Section 306 (5) (con't.)

hereinbefore required, make purchases of supplies, materials or equipment, except printed material, through the State Office of General Services, subject to such rules and regulations as may be established pursuant to Section 163 of the Finance Law or other applicable law.

6. Surplus and secondhand supplies, materials or equipment may be purchased without competitive bidding from the Federal government, the State of New York or from any other political subdivision or district.
7. Except as otherwise specifically provided, no supplies, materials or equipment shall be delivered except as specifically ordered by the division of purchase. No supplies, materials or equipment shall be delivered by such division to any administrative unit, officer or employee except upon a requisition in writing.
8. The commissioner of finance shall not audit any bill for supplies, materials, equipment or services unless it shall fully appear that such items or services were ordered by the purchasing director and the purchasing director has certified the prices at which he made the purchases. All requisitions received by the purchasing director shall be filed in his office and open to public inspection under reasonable regulations for their safety and preservation. The purchasing director shall make no purchases until he has first secured the certification of the commissioner of finance that there are unencumbered balances available for the purpose.
9. No bid for materials, supplies, equipment or services may be accepted from or contract therefor awarded to any person who is in arrears in taxes or upon debt or contract to or with the County or who has defaulted as surety or otherwise upon a contract or obligation to the County or who may be otherwise disqualified under any act of the legislature not inconsistent with the charter or code.

Section 307. Division of Central Services

- (a) The central services director shall be head of the division of central services and shall have the powers and duties set forth in Section 307 of the charter. He shall, in addition to his powers and duties set forth in the charter or code, perform such other and related duties as the county executive may require.
- (b) The central services director shall, under the supervision and direction of the county executive, have such powers and perform such duties in relation to and including, but not limited to, storage of supplies, materials, printing and mimeographing, mailing and data processing, and such other duties as may be authorized by the county legislature.
- (c) The central services director, and such deputies and other employees of the division of central services as are required by the county executive shall give a surety bond to the county in a sum fixed by the county legislature conditioned for the faithful performance of his duties. Such bond shall be approved as to form by the county attorney and as to sufficiency of surety by the county executive and filed with the Department of Records.
- (d) The central services director shall establish, maintain and supervise such facilities for central mailing, printing and reproduction, central storage and stockpiling of materials, supplies and equipment as may be provided by the county legislature; establish, maintain and supervise such other central service facilities as may be established by direction of the county executive, within the appropriations provided therefor.

- (e) The division of central services is responsible for the development of procedures for maintaining inventory records for all property and equipment. The procedure will also include instructions for standard nomenclature and identification numbering. At least annually, the division of central services will provide the instructions for an annual physical audit of property and equipment to be conducted within each of the departments of County government.
- (f) The division of central services is responsible for the leadership to identify the business systems needed within County government and to obtain a priority listing from the County Executive, the Commissioner of Finance and the County Legislature. The Director of Central Services will also provide or obtain the necessary programming, data processing, data storage, and data retrieval for the periodic reports required by the County Executive, heads of County departments, Commissioner of Finance, and the Legislative Branch.

1. The division of central services shall:

- (a) Maintain and operate the facilities for central mailing, printing and reproduction of and for administrative units designated by the county executive to use such facilities;
- (b) disburse and transfer the supplies, materials and equipment in the custody of the central services division among the administrative units upon receipt of properly executed orders from the division of purchase for such disbursement and transfer;
- (c) make transfers of supplies, materials, and equipment between administrative units;
- (d) prepare annually an inventory of all property in his custody; and
- (e) submit the same to the county legislature, commissioner of finance and budget director.

2. The county executive with the advice of the purchasing director shall determine and specify the supplies, materials and equipment

to be supplied by central services.

3. No disbursement and transfer of supplies, materials and equipment under its custody shall be made by central services to any administrative unit except upon receipt of a properly executed order from the division of purchase for such disbursement and transfer. For the purpose of this section an order shall be deemed to be properly executed when a requisition signed by the administrative head or by such employees as he shall designate has been received by the division of purchase and such division has secured the certification of the commissioner of finance that there are unencumbered balances of that administrative unit available for the purchase of supplies, materials and equipment, as the case may be, and such requisition and certification has been signed by the purchasing director or by an employee authorized to sign the same.

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 Section 239-b of the General Municipal 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 grant 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 of Niagara County, and his office shall be a repository 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.

Article III, Section 309

Section 309. Administrative Heads; Term; Interim Appointment;
Appointment of Other Officers and Employees

- (a) As provided by the charter or code, or applicable law not inconsistent with the charter or code, and subject to the approval of the county legislature where expressly provided, the county executive shall appoint the heads of every county department and office and the members of county boards and commissions, not administered by any elected official. The county executive may appoint one head for two or more departments or other administrative units, subject to any and all requirements as to qualifications and confirmation, or may himself serve without such confirmation and without additional salary for so serving;
- (b) All appointments by the county executive shall be in writing and filed in the office of the county legislature and the department of records within ten (10) 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 the charter or code, 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;
- (c) Each appointment by the county executive which is made in conformity with the requirements of the charter, code or other applicable law not inconsistent with the charter or code, and which is subject to confirmation by the county legislature, shall be valid until such confirmation has been voted upon by such legislature, or until forty (40) days have expired after the filing of notice of such appointment. If a majority of the whole number of such legislature shall vote in favor of confirmation, the appointment shall be deemed confirmed immediately. If a majority of the whole number of such legislature shall not vote in favor of confirmation, such vote shall constitute a rejection, the term of the appointee shall be terminated and the office of position shall be deemed vacant as of the end of the day of such vote. A person who has thus been rejected may not be appointed to the same position within the same calendar year, except after a reconsideration and reversal by the county legislature of its vote to reject.

Article III, Section 309 (c) (con't.)

If within forty calendar days after filing of written notice of appointment with the county legislature, no vote shall have been taken, the appointment shall be deemed to have been confirmed as of the fortieth day after such filing.

- (d) Unless otherwise provided by the charter or code, each administrative head, when such positions are authorized by the county legislature and within the appropriations provided therefor, and in accordance with the civil service law, shall have the power to appoint all deputies, other officers and employees in his respective administrative unit. He shall designate in writing, the relative rank of such deputies, including the order of temporary succession to the duties of the administrative head during absence or disability or in the event of a vacancy prior to the filling of such vacancy by the county executive, and delegate among them such of his powers and duties as he may determine. A copy of all such designations and delegations shall be filed with the department of personnel, the county executive and on request with the county legislature.
- (e) If the county executive appoints one head for two or more administrative units, such person shall receive the salary for one such position as the county executive shall designate in the written appointment filed with the county legislature. The county executive shall notify the commissioner of finance in writing of such salary designation.
- (f) Within the appropriations provided therefor, the county executive shall 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.
- (g) The county executive, except as herein provided, or as otherwise provided by law, may remove or suspend any officer or employee appointed by him under the authority of the charter or code by written notice of such suspension or removal and the effective date thereof, served on such officer or employee personally or by

Article III, Section 309 (g) (con't.)

registered mail sent to his last known address. Whenever a person shall be suspended, such suspension shall be without pay unless otherwise determined by the board of review hereinafter provided. In case of those administrative heads or members of boards and commissions appointed for a definite term or balance thereof, or whose appointment is subject to confirmation by the county legislature, the effective date of removal shall not be earlier than ten (10) days after service of such notice. Such notice shall contain a statement of the charges or reasons therefor, and no removal shall be made prior to the end of such ten day period.

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 the power within ten (10) days after the passage by the 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 it 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 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.

Article III, Section 311(b)(con't.)

- (b) Line Item Veto Power. The executive, within five (5) days after the receipt by him of a certified copy of the law or resolution, 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 taken by roll call vote at its next regular or special meeting held after the return of the veto to the clerk 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 404. Seal of the Commissioner of Finance

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

The department of finance shall be headed by a commissioner, who shall be elected and whose term of office shall be as provided in Section 401 of Article IV and Section 2401 of Article XXIV of the charter. No person elected as commissioner pursuant to said sections during the term of his office, shall hold any other public office or public position.

Section 402. Powers and Duties

The commissioner shall:

- (a) Have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully imposed by the charter, code, local law or resolution of the county legislature, order or direction of the county executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code. Such powers, duties, obligations or liabilities shall include but not be limited to any power, duty, obligation or liability heretofore or hereafter imposed upon the commissioner under the county law or any other applicable statute, not inconsistent with the charter or code.
- (b) Examine and audit all books, records and accounts of the various administrative units, authorized agents, officers or officials paid from county funds, institutions and other agencies of the county or for which the county, its officers or agents are responsible, including bond and

Article IV, Section 402 (b) (con't.)

note registers and trust accounts, and the accrual and collection of all county revenues and receipts, and for this purpose, shall have access to all books, records and accounts at any time.

- (c) Audit all claims or payrolls for services rendered the county, or for salaries of any county employee or county officer. All original payrolls and claims shall be certified and filed with the commissioner.

Before such payrolls are presented to the commissioner, they shall be certified in writing by the head of the appropriate administrative unit or authorized agency to the effect that each person named therein was employed and rendered the services described; that the services and duties specified were actually performed and that the compensation stated in such payroll is correct and true. Before such claims are presented to the commissioner, they shall be certified in writing by the head of the appropriate administrative unit or authorized agency to the effect that the merchandise, materials or articles enumerated have been received and/or the services described were necessary and have been performed. Such certificate shall be in the manner and form prescribed by the commissioner.

- (d) Prepare and sign all checks for the payment of the payroll and all other lawful claims or charges against the county or against funds for which the county, its officers and agents are responsible. No fund or appropriation account shall be overdrawn nor shall any checks be drawn against one fund or appropriation to pay a claim chargeable to another. Except as may be otherwise directed by resolution of the county legislature, all county officers and employees shall be paid every two weeks, upon checks issued by the commissioner.
- (e) Make available to the county legislature, the county executive and the head of any administrative unit or authorized agency of the county,

Article IV, Section 402 (e) (con't.)

any information from the records and accounts of the department of finance which they may require to assist them in the performance of their duties.

- (f) At least once a month, procure bank statements from all depositories of county funds or funds for which the county, its officers or agents are responsible, and reconcile such statements with his records.
- (g) Prescribe with the approval of the county attorney, the procedure and form for the submission of claims and charges against the county or against funds for which the county, its officers or agents are responsible. Such forms shall be in accordance with the requirements of any law, rule or regulation applicable to the form certification or payment of such claim or charge, not inconsistent with the charter or code.

No claim or charge against the county or against funds for which the county, its officers or agents are responsible, except for a fixed salary for the regular or stated compensation of county officers and employees, witness and juror fees, judgments, county obligations including principal and interest, or payment pursuant to court order, shall be paid until:

1. Such claims shall have been certified by and on behalf of the claimant to the effect that it is just, true and correct; that the goods were of the quantity and quality stated herein; that the services were actually performed; that the prices charged are reasonable; that the charges are in accordance with the contract or agreement existing, if there be one, that no part thereof has been paid and that there are no offsets or counterclaims thereto; and
2. Such claim shall have been approved and certified in writing by the head of the administrative unit, authorized agency or officer whose action gave rise or origin to the claim; and
3. Such claim shall have been presented to the commissioner and shall have been audited and allowed by him.

Article IV, Section 402 (con't.)

The commissioner shall cause each such claim presented to him for audit to be numbered and the number, the date and amount of claim, name of claimant and belief statement of character of each claim shall be entered in a book kept for such purposes, which shall at all times during office hours be subject to public inspection and examination.

Except for a fixed salary, or for the regular and stated compensation of county officers and employees, witness or juror's fees judgments, county obligations, including principal and interest or payment pursuant to court order, no claim or charge against the county or against funds for which the county, its officers or agents are responsible shall be audited or paid until at least five days have elapsed after its presentation to the commissioner, and the commissioner shall not be required to audit a claim until twenty days have expired after the expiration of such period of five days.

When a claim has been audited by the commissioner, he shall endorse thereon or attach thereto his approval and allowance as to such audit. If he shall reject such claim in whole or in part, or to modify the same, such certificate shall include a statement of the items disallowed, rejected or reduced, and the reason or reasons for the commissioner's action. In case the commissioner audits and allows a claim at less than the amount claimed by the claimant, within three days following, he shall return paid voucher to the department of origin, together with a notice of the modification or rejection of said claim. Such claim, certificate and copy of such notice shall thereupon be filed and remain a public record in the department of finance and shall during office hours be subject to public inspection.

When the commissioner shall have audited, approved and allowed a claim or account, he shall prepare and sign a check for the amount allowed, which check shall be drawn on the fund properly charged therewith. In lieu of such signing

Article IV, Section 402 (con't.)

of checks as above provided, the use of facsimile signatures of the officer or officers authorized to sign same may be permitted.

- (h) 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.
- (i) On or before the 20th day of each month and at such other times as the county executive or the county legislature may direct, prepare and file a written report of the financial condition of the county as of the last day of the preceding month. One copy of said report shall be filed with the county executive and two copies thereof with the county legislature. Such report shall show the aggregate revenues received and anticipated for each appropriation account or fund where required by law to be expended for the purpose of such account or fund. Such report shall also show for each appropriation account, the amount appropriated, the amount encumbered but remaining unexpended, the aggregate expenditures and the unencumbered balance. The report shall also include such other information as the county executive or the county legislature may direct.
- (j) 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 not inconsistent with the charter or code.
- (k) Have charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, taxes, revenues and other funds of the county or for which the county is responsible. He shall have charge of the performance of all other duties required by law to be performed by a county treasurer or other county officer in relation to the collection of taxes, except as they may be inconsistent with the charter or code.

Article IV, Section 402 (con't.)

- (l) Submit to the county legislature annually on or before the 15th day of March, and at such other times as the legislature may require, a complete financial statement containing a general balance sheet for the county. A copy of each such report shall be filed with the county executive.
- (m) Have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law or resolution of the county legislature, by order or direction of the county executive, or by any applicable provision of any act of the legislature not inconsistent with the charter or code. Such powers, duties, obligation or liability now or hereafter required by any law to be performed by or imposed upon a county treasurer, not inconsistent with the charter or code.
- (n) Depository undertakings:
 - (1) Each depository designated by the county executive pursuant to the charter or code, shall, for the benefit of the security of the county and before receiving any such deposit, give to the county, a good and sufficient undertaking, approved as to sufficiency of surety by the county executive and as to form by the county attorney. The undertaking shall specify the maximum amount which such commissioner of finance shall be authorized to have on deposit at any one time with each depository and shall provide (a) that each depository shall faithfully keep and pay over, on the order or warrant of such commissioner of finance, or other lawful authority, such deposits and the agreed interest therein and/or (b) for the payment of such bonds or coupons as by their terms are made payable at a bank or banks for the payment of which a deposit shall be made by such commissioner of finance with such depository. The county executive may increase the maximum amount which any depository is authorized to have on deposit at any one time and require additional undertaking therefor. Each

such undertaking shall be filed by the commissioner of finance in the office of the department of records.

In lieu of such undertaking, a depository may execute its own undertaking in such form and upon such conditions as may be prescribed by law and required by the county executive. As collateral thereto, the depository shall deposit with the commissioner of finance outstanding unmatured bonds or other obligations of the United States of America, State of New York, or of any county, town, city, village or school district in the State of New York, authorized to be issued by law in the face amount at all times at least equal to the amount on deposit less the amount certified by the depository as covered by insurance under the Federal Deposit Insurance Act. The collateral shall be approved as to amount and sufficiency by the commissioner of finance accepting the same. The depository shall deposit with the commissioner of finance an assignment in blank of such collateral. The commissioner of finance shall deliver to the depository a certificate of deposit containing a description of the bonds or other securities so deposited as collateral. In the event of a default on the undertaking of any depository and the consequent necessity to complete the assignment, the commissioner of finance shall complete the assignment and shall be deemed to be the agent of the assignor for such purpose. The commissioner of finance may from time to time require the depository to increase the amount of securities deposited and may from time to time release securities whenever the amount of the balance on deposit shall be lawfully reduced. Substitution of securities shall be made only upon written authorization of the commissioner of finance. Upon withdrawal of all monies from any depository and the closing and settlement of the account thereof, the commissioner of finance shall require the surrender of the certificate of deposit and thereupon shall return the securities so deposited as collateral. Whenever, in the judgment of the commissioner of finance, it appears that additional facilities for the safeguarding of the

securities deposited with him are essential, such commissioner of finance may lease or rent a safety deposit box and the cost thereof shall be audited and paid as a county charge. The depository, with the written consent of the commissioner of finance, may deposit such securities in a safety deposit box maintained by the depository under the joint control of the depository and the commissioner of finance. If such depository has and maintains a separate trust department, it may with like consent, deliver such securities to said trust department, or may with like consent, deposit said securities in escrow in the trust department of any other bank within the state to be held by such department subject to the joint order of the depository and the commissioner of finance, and all expenses in connection therewith shall be borne by the depository.

The commissioner of finance shall not be liable for the loss of public funds of the county by reason of the default or insolvency of a designated depository, provided such funds have been deposited in accordance with the provisions of this section. However, in the event that securities have been deposited as provided in this section, such commissioner of finance, shall be liable to the extent of any loss in excess of the face amount of such securities on deposit at the time of such insolvency.

- (2) The commissioner of finance and such of his deputies, officers and employees, as the county executive may require, shall give a surety bond to the county, indemnifying the county, its officers and agents and the State of New York, in the sum fixed by the county legislature conditioned for the faithful performance of his duties. Such bond shall be approved as to form by the county attorney and as to the sufficiency of surety by the county executive and filed in the office of the department of records.
- (3) Rules and regulations: The commissioner of finance may, except where otherwise provided by the charter or code, or by law not inconsistent with the charter or code, make rules and regulations relative to the conduct of his department, including

but not limited to, the custody and investment of agency and trust funds in his charge and keeping. Such rules and regulations shall not be effective until they have been approved by the county executive and filed in the office of the department of records.

Section 403. Divisions of the Department

The commissioner of finance, within the appropriations provided therefor, shall appoint to serve at his pleasure such authorized deputies as necessary for the conduct of his office. All such appointments or revocations thereof, subject to the approval of the county legislature, shall be in writing and filed in the office of the department of records and copies thereof with the county legislature and the county executive. All such deputies shall be in the exempt class of the civil service. The commissioner shall designate in writing the order in which such deputies shall have and exercise the powers and duties of the commissioner during the temporary absence or inability of the commissioner to act. The deputy designated in such writing shall in case of a vacancy in the office of the commissioner, perform the duties of the commissioner until a successor is elected or appointed and has qualified.

- (a) Division of Audit: The division of audit shall be headed by a deputy commissioner who shall plan and supervise auditing of all books, records and accounts of all administrative units, departments, offices or officials paid by county funds. He shall audit collection and accrual of all county revenues and receipts. The deputy in charge of audit shall be a graduate from a college or university of recognized standing with major work in the field of accounting and two years of progressive responsible accounting experience, some of which will have involved supervisory responsibility or any equivalent combination of experience indicating ability to perform the duties of the office.
- (b) Division of Accounting & Payroll: The division of accounting and payroll shall be headed by a deputy commissioner who shall provide and supervise accounting services for the office of the commissioner of finance. He shall supervise the collection, receipt and distribution of all revenue sharing and shall serve as senior accounting and fiscal officer. He shall supervise the preparation of the payroll and the maintenance of court and trust funds. The deputy in charge of accounting and

Article IV, Section 403 (con't.)

and payroll shall have considerable experience as an accountant, supplemented by courses in accounting at a recognized college, university or community college, or any equivalent combination of experience and training which indicates ability to perform the duties of the office.

- (c) Division of Taxation: The division of taxation shall be headed by a deputy commissioner who shall supervise the collection, receipt and distribution of all taxes, special assessments and shall supervise the enforcement of the county in rem procedure. The deputy in charge of taxation shall have considerable experience in business administration, accounting or a related field supplemented by courses in these fields at a recognized college, university or community college, together with some experience in public contact work involving record or account keeping and direct supervision of office employees, or any equivalent combination of experience and training sufficient to indicate ability to do the work.

Section 404. Seal of the Commissioner of Finance

- (a) The following design is hereby adopted as the official and standard design of the seal of the commissioner of finance:
- (b) The commissioner of finance is hereby authorized and empowered to affix such seal upon all instruments requiring the same, including, but not limited to, any instrument requiring the seal of a county treasurer.

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 Requiring 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 county shall continue the use of a line item budget and shall employ the uniform systems of accounting for counties prepared by the New York State Department of Audit and Control.

(a) Preparation of tentative operation and maintenance budget.

(1) Preparation and filing of estimates and

Article V, Section 502 (a)(1) (con't.)

appropriation requests. Not later than the 15th day of July in each year, the budget director shall furnish the head of each administrative unit or authorized agency quadruplicate forms on which to prepare and set forth an estimate of revenues and expenditures of the respective unit or agency for the next ensuing fiscal year, exclusive of capital projects. Such forms shall be prepared and completed by the head of each administrative unit or authorized agency and shall set forth among other things, but not be limited to, the actual revenues and expenditures for the last completed fiscal year; the appropriations for the current fiscal year and the unencumbered balances thereof as of July 31; sources of revenue, if any; character and object of expenditures, setting forth in item classifications, among other things, salaries, temporary help, fees and services, automotive equipment, office equipment, furniture, fixtures and other materials, supplies and expenses. These estimates shall be submitted in such form and contain such other and additional information as may be prescribed by the budget director and shall constitute in and of themselves a request for an appropriation therefor.

- (2) Not later than August 15th, immediately following, the head of each administrative unit or authorized agency shall sign such estimates and requests and file one copy thereof in each of the offices of the budget director, the county executive and the county legislature respectively. In the event of the failure of the head of any administrative unit or authorized agency to submit and file such estimate and request on or before August 15th, the budget director shall forthwith prepare and file same accordingly.
- (3) Upon receipt of the estimates and appropriation requests, the budget director shall examine, review, investigate and conduct such hearings thereon as he may deem necessary. Among other things, by notice in writing, he may require the head of each of any administrative unit or any officer or employee thereof and any

Article V, Section 502 (a)(3) (con't.)

authorized agency requesting county funds to appear before him to furnish data and information and to answer inquiries pertinent to such review or investigation.

- (4) Upon completion of such review and investigation, the budget director shall have the right to recommend in whole or in part the estimates and appropriation requests submitted, as he may deem appropriate.
- (5) On or before September 20th immediately following, the budget director shall prepare and submit to the county legislature a tentative operation and maintenance budget which shall set forth among other things, but be not limited to:
 - (a) the estimated revenues and expenditures of the county for the next ensuing fiscal year;
 - (b) the corresponding actual revenues and expenditures of the last completed fiscal year;
 - (c) the corresponding budget items of revenue and expenditures for the current fiscal year, together with such amendments and transfers as shall have been made or as are proposed to be made;
 - (d) the estimates of revenue and expenditures for the ensuing fiscal year submitted by the heads of administrative units and authorized agencies as prepared by them or by the budget director and the corresponding recommendations if any, made thereto;
 - (e) a separate statement which shall also be included as expenditures for the ensuing fiscal year setting forth:
 - (1) all sums due and payable for principal and interest in such year on all county obligations, issued or to be issued and on all judgments or obligations due for the payment of which the county shall be legally responsible;

Article V, Section 502 (5)(a)(2) (con't.)

- (2) payments due on all contracts with interest, if any, which shall become due and payable within such year.

(b) Preparation of tentative capital budget and capital program.

- (1) Preparation and filing of capital projects requests. Not later than the 15th day of June in each year, the budget director shall furnish to the head of each administrative unit or authorized agency forms on which to prepare and file a description, justification and estimate for each capital project which such administrative head or authorized agency proposes during one or more of the ensuing six (6) years.

The term "Capital Project" as used herein shall mean:

- (a) any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such betterment or improvement when first constructed or acquired, or
- (b) any preliminary studies and surveys relating to any physical betterment or improvement, or
- (c) land or rights in land, or
- (d) any combination of (a), (b) and (c).

Such capital projects requests shall be prepared and completed by the head of each administrative unit or authorized agency and shall set forth, among other things, but be not limited to:

- (a) A description of the proposed project; the estimated total cost thereof; recommended priority; estimates of costs for planning; site, right of way; construction, equipment and other features; status of plans and land acquisition; development time schedule.

Article V, Section 502 (b)(1) (con't.)

- (b) The proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the Federal and/or State governments; and the amount to be financed by the issuance of obligations, showing proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued; and recommended expenditures by years;
 - (c) An estimate of the effect, if any, upon operating costs of the county within each of the three fiscal years following completion of the project. The capital projects requests shall contain such other and additional information as the budget director may deem advisable.
- (2) Not later than July 15th immediately following the head of each administrative unit or authorized agency shall sign and shall file one copy of such capital project requests in each of the offices of the budget director, the county executive, the county legislature, commissioner of finance and the commissioner of planning, if any.

Article V, Section 502 (3)

- (3) Upon receiving a capital project request, the planning commissioner, if any, shall study the same with special reference to comprehensive plans for the county and for any affected municipality therein. He shall promptly forward his comments and recommendations regarding the proposed project to the budget director.
- (4) On or before September 20th, the budget director shall cause the tentative budget and capital program to be prepared, and shall submit them to the county executive, together with the tentative operation and maintenance budget.

The tentative capital program shall set forth a recommended capital program for development during one or more of the ensuing six (6) years and be arranged in such manner as to indicate the order of priority of each project, and to state for each project, among other things, but not limited to:

- (a) A description of the proposed project and the estimated total cost thereof;
- (b) The proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation, duly established reserve funds or any other source of county funds; the amount, if any, estimated to be received from the Federal and/or State governments; and the amount to be

Article V. Section 502 (4)(b)(con't.)

financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued;

- (c) An estimate of the effect, if any, upon operating costs of the county within each of three fiscal years following completion of the project.
- (5) The tentative capital budget shall include the amount proposed for the capital program to be financed by direct budgetary appropriation during the fiscal year to which such tentative budget pertains, and shall indicate debt service charges for previous projects, proposed down payments and other expenditures for new projects, all proposed capital financing including but not limited to reserve funds, sinking funds, current revenues, temporary borrowing, bond sales, Federal and State grants, loans or advances.
- (6) The proposed budget shall be prepared and submitted by the county executive and adopted by the county legislature, as hereinafter set forth and described and except as otherwise specifically provided:
 - (a) The capital program shall be adopted by separate resolution of the county legislature by the affirmative vote of a majority of its total membership.
 - (b) The capital budget shall be adopted by separate resolution of the county legislature by the affirmative vote of a majority of its total membership.

Article V, Section 502 (6) (con't.)

- (c) The operation and maintenance budget shall be adopted by separate resolution of the county legislature by the affirmative vote of a majority of its total membership;
- (d) At any time after the adoption of the capital program as herein-after provided, the county legislature by the affirmative vote of 2/3 of its total membership, may amend the capital program by adding, modifying, or abandoning the projects, altering the priorities thereof, or by modifying the methods of financing. No capital project shall be authorized or undertaken unless it is included in the capital program as adopted or amended.

Section 503. Proposed Budget and Capital Program by County Executive

The county executive shall submit to 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 year, and a capital program for the next six fiscal years.

Upon its submission, the proposed budget and capital program budget message hereinafter provided shall become a public record in the office of the clerk of the county legislature. Copies of the proposed budget shall be placed in all City Clerk and Town Clerk offices in the County and the eleven municipal libraries in the County on or before October 5th.

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 revenues, and shall include: (1) an operation and maintenance budget and (2) a capital budget covering debt service, down payments and other current capital financing, and proposed borrowing, if any. Unencumbered balances at the end of each completed fiscal year, unless otherwise prescribed by statute and except where appropriated for a capital improvement or other authorized continuing project, shall be treated as revenues for the county budget of the ensuing fiscal year.

Section 504. Budget Message

The county executive shall also submit with

Article V, Section 504 (con't.)

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 and the projected operation and maintenance expense.

Section 505. Review of Proposed Budget; Capital Program and Message

The county legislature, or a committee designated by such legislature shall review the proposed budget, the capital program and the 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 or newspapers 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, or a committee designated by such legislature.

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.

Article V, Section 507 (con't)

- (b) If a budget has not been adopted, as herein provided, 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) 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 of the adopted budget shall be placed in all City Clerk and Town Clerk offices in the County and the eleven municipal libraries in the County.

Section 508. Levy of Taxes; Inclusion of Reserve for Uncollected Taxes

The net county tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget, shall be levied in advance on or before December 31st immediately following, 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 being 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 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, as of the first day of January of the fiscal year for which levied remain a lien until paid.

Section 509. Appropriations; Supplemental and Emergency

If during any fiscal year there are available for appropriation (1) revenues received from sources not anticipated in the budget for that year or (2) revenues received from anticipated sources but in excess of the budget estimates therefor, the county legislature may make

Article V, Section 509 (con't.)

supplemental appropriations for the year not in excess however, of such additional revenues.

To meet a public emergency affecting life, health or property, the county legislature may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the county legislature may authorize the issuance of obligations pursuant to the Local Finance 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 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 the 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.

Article V, Section 511

Section 511. Certain Resolutions of the County Legislature
Requiring 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 note 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 a capital improvement 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 the amendment thereof.

Section 514. Summary of Receipts and Expenditures

The monthly summary of receipts and expenditures must be submitted by the 10th day of the month succeeding the end of the month relating to the report. The annual report must be submitted by January 31st of the year following the end of the year which relates to the report.

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 II, Sections 1530-1536 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. Within the appropriations provided therefor 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 within the appropriations provided therefor shall award all contracts for the construction, reconstruction, repair, maintenance or alteration 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 a contract for public works involves the expenditure of more than \$2,500, the contract shall be awarded to the lowest responsible bidder by sealed bids or proposals made in compliance with a 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. Such advertisements shall contain a statement of the time when and place where all bids received pursuant to such notice will be publicly opened and read. The members of the board of acquisition and contract or their designated representatives shall open the bids at the time and place specified and shall make a record of such bids in form and detail prescribed by the board of acquisition and contract. 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. In cases where two or more responsible bidders furnishing the required security, submit identical bids as to price, the board of acquisition may award the contract to any of such bidders.

Article VII, Section 702 (con't.)

In addition, the director of purchasing shall notify the respective legislative committee chairman prior to bid openings affecting their committees.

The board of acquisition may in their discretion, by majority vote, reject all bids and readvertise for new bids in the manner prescribed by this section. No bid for contracts for the construction, reconstruction, repair, maintenance or alteration of any public works or improvements may be accepted from or contract therefor awarded to any person who is in arrears in taxes or upon debt or contract to or with the county, or who has defaulted as surety or otherwise upon a contract or obligation of the legislature not inconsistent with the charter or code. 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 or resolution, other than the annual appropriation act, upon which the right to make such contract rests.

The board of acquisition and contract may award contracts for the construction, reconstruction, repair, maintenance or alterations of any public works or improvements, without the taking of public bids required in this section in the following cases only:

- (a) when the county executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health or safety or inhabitants of the County of Niagara, require immediate action which cannot await competitive bidding;
- (b) when, by resolution adopted by a vote of at least two-thirds of the whole number, the county legislature has determined it to be impracticable to advertise for such bids; or
- (c) when through some accident or other unforeseen circumstances the heating, air-conditioning, ventilating, lighting, plumbing system machinery, equipment or other apparatus of any of the public buildings of the county shall become disabled or any of such buildings or parts thereof shall be rendered untenable by reason of the sudden action of the elements or for some other emergency, and the administrative head in charge of such building shall certify in writing to the board of acquisition and contract such emergency and the necessity of immediate repair of the defect or defects,

Article VII, Section 702 (c) (con't.)

and such certificate of necessity is approved by the county executive; and

- (d) contracts for professional and related services.

When authorized by the county legislature and within the appropriations provided therefor, the board of acquisition and contract shall contract for property, without the taking of public bids.

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 resolution of the county legislature.

ARTICLE VIII

DEPARTMENT OF PUBLIC WORKS

Section 801. Department of Public Works; Commissioner; Appointment

Section 802. Powers and Duties

Section 803. Divisions of the Department

Section 804. Rules, Regulations and Charges

Section 801. Department of Public Works; Commissioner; Appointment

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 administrative experience and qualifications for the duties of the office. Such commissioner shall be appointed by and serve at the pleasure of the county executive, subject to confirmation by the county legislature. Upon the effective date of the charter, the office of county superintendent of highways and of county engineer, if any, shall be abolished and the powers and duties of such offices shall devolve upon the department of public works.

Section 802. Powers and Duties

Except as otherwise provided in the 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, not inconsistent with the charter or code.
- (b) Have charge and supervision of the design, construction and alterations of the county buildings, parking fields, drives, walks, docks, marinas, parks and recreational facilities, preserves, beaches, erosion or reforestation projects, and such 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 alterations of buildings owned or leased by the county, parking fields, drives, walks, preserves and other lands and structures and facilities in the nature

Article VIII, Section 802 (con't.)

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, small water sheds or water supply as may be prescribed in the charter, code, or other applicable law, not inconsistent with the charter or code.
- (e) Furnish engineering and other services to the county legislature, the county executive, the department of planning, if any, and when directed by the county executive, to other county departments except as otherwise provided in the charter or code.
- (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.
- (g) The commissioner of public works may delegate to one or more of his deputies specific powers and duties of the commissioner of public works, including those which he has as a county engineer or as a county superintendent of highways, and may revoke such delegations. Such delegations and revocations shall be in writing and shall set forth the specific power or powers, duty or duties so delegated or revoked. Such written delegations or revocations shall be filed with the county executive and with the department of records and if powers or duties so delegated or revoked are those which the commissioner of public works has as a county engineer or as a county superintendent of highways, a duplicate of such written delegation or revocation shall be filed with the state superintendent of public works. The acts performed by such deputies pursuant to such delegations shall have the same effect in law as if performed by the commissioner of public works.

Article VIII, Section 802 (con't.)

- (h) Within the appropriations provided therefor, and when authorization is provided by the county executive, the commissioner of public works may employ such special engineering, architectural or other technical consultant services and incur such expenses as may be necessary for the performance of any of the duties set forth in the charter or code.
- (i) The commissioner of public works and any consultant, deputy, assistant or employee of the department when authorized by him may enter upon any public or private property within the county for the purpose of making any surveys, examinations or investigations necessary or desirable for the exercise of the powers or the performance of the duties of the department.
- (j) The commissioner of public works may contract, subject to the approval of the county executive and the county legislature, with any municipal, district or public benefit corporation for public works services. 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 803. Divisions of the Department

There shall be the following divisions within the department of public works: division of engineering and such other divisions as may be created within the department by local law or resolution of the county legislature. The commissioner shall appoint and assign a deputy to each division who shall act for and on behalf of the commissioner with respect to such division. It shall be the duty of each division head while holding such position to carry out the function of such division as provided by the charter, code, local law, directives of the commissioner or by resolution of the county legislature. Such division head shall be subject to reassignment or transfer by the commissioner to other duties within the department.

(a) Division of Highways, Bridges and Structures

- (1) The division of highways, bridges and structures shall be headed by a deputy commissioner who shall be appointed on basis of his experience in highway construction and maintenance and who shall, to the extent that the commissioner of

Article VIII, Section 803 (con't.)

public works shall designate the same in writing, have all the powers and duties vested in and imposed upon a county superintendent of highways or a county engineer by law. He shall have such other duties as may be prescribed by local law, resolution of the county legislature or by direction of the commissioner of public works.

- (2) Except as the provisions of the Highway Law conflict or are changed by the charter or code, such provisions shall apply to and define the powers, duties and obligations of the commissioner of public works, or of his designated deputy, when exercising any of the powers or performing any of the duties of a county superintendent of highways or a county engineer.
- (3) The statements and reports required to be filed with the New York State Department of Transportation or other applicable body by the Highway Law shall also be filed with the county legislature and county executive.
- (4) The commissioner of public works may, with the approval of the county executive, permit the rental, with or without operator, of highway machinery tools and equipment by the county or from another county or by, or from, any municipal, district or public benefit corporation upon such terms as may be agreed upon, but with the payment to the county of not less than the hourly rate as fixed by the Commissioner of the State Department of Transportation for the rental or hiring of such machinery, tools or equipment with or without operator by the county. All sums obtained by the county pursuant to any terms agreed upon shall be deposited in the county road machinery fund.

(b) Division of Buildings and Grounds

- (1) The division of buildings and grounds shall be headed by a deputy commissioner who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office.

Article VIII, Section 803 (con't.)

- (2) Have charge of the necessary preservation, maintenance and repair of all buildings and grounds owned or leased by the county which are held, used and operated by the county for county purposes, except: (a) lands and buildings under the jurisdiction of the division of highways, bridges and structures, and the department of parks and recreation.
- (3) Have charge and control of all janitors, caretakers, engineers and other employees connected with the care and maintenance of county buildings and grounds except as otherwise provided in this section. He may make such rules and regulations governing such employees as he shall deem proper, subject to the approval of the commissioner of public works.
- (4) Perform such other duties and make such reports as are required by the commissioner of public works.

(c) Division of Engineering

- (1) The division of engineering shall be headed by a deputy commissioner who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall be licensed by the State of New York to practice professional engineering.
- (2) Such deputy commissioner shall: (a) have charge and supervision of all officers and employees of the department of public works performing professional engineering, surveying and related engineering services for the county except division heads of said department; (b) upon the request of the commissioner of public works, assign such officers and employees from the divisions of the department of public works to work on projects designated by such commissioner; (c) upon the request of the county executive, perform such professional engineering, surveying and related engineering services as may be required by other county administrative units; (d) oversee and supervise the design and construction of all county capital projects of every name and nature.

Article VIII, Section 803 (con't.)

The authority and responsibility of such deputy commissioner to oversee and supervise the design and construction of all county capital projects of every name and nature is and shall be deemed to be a part of any contract entered into by the county or any of its administrative units or authorized agencies, including but not limited to, contracts entered into by the department of public works and any other administrative unit of the county with any other governmental unit, private contractor or any combination thereof.

- (3) Such deputy commissioner shall perform such other related duties and make such reports as are required by the commissioner of public works.

Section 804. Rules, Regulations and Charges

Except as otherwise provided, the county legislature shall have the power by resolution to establish such charges, rules and regulations as may be formulated and recommended to such board by the commissioner of public works, to provide for use by the public of facilities under the jurisdiction of the department of public works, and to provide for the enforcement thereof. Any such rules, regulations or charges so established shall become valid upon their being filed with the county executive, the commissioner of public works and the department of records.

The commissioner of public works may make such other rules and regulations necessary or desirable for the conduct of his office which shall become valid upon their being filed with the county legislature, the county executive and the department of records.

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

The department of Parks and Recreation shall be headed by a commissioner as provided in the charter.

Section 902. Deputy Commissioner

If and when a deputy commissioner is appointed, he will administer all recreational activities in any and all of the facilities mentioned in Section 903 of the charter; and such other duties as the county executive may prescribe.

Section 903. Powers and Duties

Except as otherwise provided in this code, 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. The county legislature may abandon such purposes by local law and may dispose of such property.

Section 905. County Parks Commission

Pursuant to the authority contained in Section 905 of the charter, the county executive shall appoint a Niagara County Parks Commission consisting of five (5) members. The commission shall render advice and guidance to the Parks Commissioner at his request or may make suggestions on their own initiative.

ARTICLE X

DEPARTMENT OF SOCIAL SERVICES

Section 1001. Department of Social Services; Commissioner; Appointment

Section 1002. Powers and Duties of the Commissioner

Section 1003. Executive Director and Other Appointees

Section 1004. Disposition of Unclaimed Personal Property

Section 1005. Reports

Section 1006. Welfare Rates and Charges

Section 1007. Accounting for Fees and Funds for Inmates

Section 1008. Other Duties

Section 1001. Department of Social Services; Commissioner; Appointment

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.

Section 1002. Powers and Duties of the Commissioner

- (a) The commissioner shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully imposed by the charter, code, local law or resolution of the county legislature, order or direction of the county executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code. Such powers and duties, obligations and liabilities shall include, but not be limited to, any power, duty, obligation or liability heretofore or hereafter imposed upon the county commissioner of social services under the social services law or any other applicable statute, not inconsistent with the charter or code.
- (b) Such commissioner shall manage and supervise any social service institution of the county when authorized by the county executive by resolution of the county legislature.

Article X, Section 1003

Section 1003. Executive Director and Other Appointees

The commissioner shall, when such positions are authorized by the county legislature and within the limits of the appropriations provided therefor, have the power to appoint an executive director, officers, assistants and employees as he may deem necessary for the performance of his duties. The executive director shall act for and on behalf of the commissioner and shall perform such duties as he may prescribe.

Section 1004. Disposition of Unclaimed Personal Property

All monies and articles of personal property belonging to a discharged or deceased person now or hereafter under the jurisdiction of the commissioner of social services shall, if unclaimed by such discharged person, or the legal representative of such deceased person, for a period of one year after the discharge or decease of such person, be deemed abandoned, and shall be inventoried and turned over to the commissioner of finance. The commissioner shall forthwith pay any monies so unclaimed to the county commissioner of finance who shall place the same to the credit of the county. Any personal property, other than money, remaining so unclaimed, shall be sold at public sale by the commissioner of finance and the money derived therefrom shall be credited to the county.

Section 1005. Reports

Such commissioner shall make such written reports and furnish such information to the New York State department of social services with respect to the work of the county social service district as are required by the social service law and by the state department of social services. Copies thereof shall be filed with the county legislature and the county executive.

Such commissioner shall make and file on or before the first day of February of each year an annual written report to the county legislature and the county executive concerning the work of the county public services district and additional reports at such time and covering such matters as the county executive or county legislature, by resolution, shall require.

Section 1006. Welfare Rates and Charges

The commissioner shall, when submitting the estimate of revenues and expenditures for the department of social services to the budget director, include therein recommendations for rates to be paid by the county to hospitals, homes for the aged, child care facilities, nursing homes, correctional facilities and foster homes and such other rates as may be necessary or required to be paid by the county for services rendered for the care and maintenance of persons for whom the

Article X, Section 1006 (con't.)

department of social services is responsible under the requirements of the social service or any other applicable law. Such rates, if and as approved by the county legislature, shall be included in the tentative budget. The county legislature shall by resolution and as part of the budget procedure determine, fix and establish the rates to be paid by the county for such services.

Section 1007. Accounting for Fees and Funds for Inmates

All monies to which the county may be entitled under and by virtue of the laws of the State of New York, or which the commissioner may receive for official services by him or any of his deputies, assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the county and shall be collected by such commissioner, accounted for and paid over to the commissioner of finance within five days after the expiration of each month. Each such statement shall have attached thereto a certification by said commissioner to the effect that the same is in all respects a full and true statement of all such monies received by him for the preceding month. At the time of rendering any such statement, such commissioner shall pay to the commissioner of finance for the benefit of said county all monies received by him since the last preceding monthly report. Other funds or fees collected by the commissioner shall be collected, paid over, deposited and reported as above provided, except where otherwise specifically provided by statute.

Section 1008. Other duties

The commissioner shall perform such other duties as may be directed by the county legislature, the county executive or by any officer of the state not inconsistent with the charter or code.

ARTICLE XI

DEPARTMENT OF HEALTH

Section 1101. Department of Health; Commissioner; Appointment; Term

Section 1102. Powers and Duties of the Commissioner

Section 1103. Health Board; Powers and Duties

Section 1104. Sanitary Code

Section 1105. Organization of the Department

Section 1106. Mount View Health Facility

Section 1101. Department of Health; Commissioner; Appointment; Term

There shall be a department of health headed by a commissioner of health, who shall be appointed by the Niagara County Board of Health.

The commissioner of health shall be a physician licensed to practice medicine in the State of New York, shall be experienced in public health administration and shall possess such qualifications as are prescribed in the State Sanitary Code or otherwise by the Public Health Council of the State of New York.

Section 1102. Powers and Duties of the Commissioner

- (a) 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 not inconsistent with the charter or code. He shall have and exercise all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law, or resolution of the county legislature, order or direction of the county executive or any applicable provision of any act of the legislature not inconsistent with the charter or code. In addition thereto, he shall perform such other and related duties as shall be required or delegated to him by the county executive or the county legislature.

On or before February 1st in each year, the commissioner of health shall make an annual report for the immediately preceding calendar year covering generally the work of his office. Copies of each such report shall be filed with the county legislature and county executive. Such commissioner shall make such other reports at such times as may be required by the county legislature, county executive, New York State Department of Health or any other applicable law. Copies of such reports shall be filed with the county legislature and the county executive.

(b) Deputies:

- (1) The commissioner of health may, when such positions are authorized by the county legislature and within the appropriations provided therefore, appoint to serve at his pleasure except as provided in paragraph 1103 of this section, such deputies, assistant deputies and other employees as he may deem necessary for the performance of his duties and to fulfill the purposes of Article "3" of the Public Health Laws in the county or part-county health district. Such deputies, assistant deputies and other employees shall have the qualifications prescribed by the New York State Sanitary Code.
- (2) The commissioner of health shall designate a deputy or deputies qualified in accordance with the provisions of the New York State Sanitary Code to whom shall be delegated all the powers and duties of the commissioner of health when such commissioner is unable to act by reason of absence or disability. Such designation shall be in writing and filed in the department of records and copies thereof filed with the county executive and with the county legislature and in such other places as may be required by the Public Health Law or any other applicable law.

Section 1103. Health Board; Powers and Duties

The chairman of the county legislature

Article XI, Section 1103 (con't.)

shall appoint the members of the health board in accordance with the provisions of Article XI of the Charter. Such members shall be residents of the county or part-county health district. The county medical society may submit to the chairman of the legislature a list of physicians from which the chairman of the legislature may choose the members of the health board. 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.

The members of such board shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office. Such board shall be advisory only except as provided in Section 1104 of this code.

Section 1104. Sanitary Code

Any sanitary code hereafter adopted by the county board of health pursuant to the provisions of Section 1104 of Article XI of the Charter and any amendment to such sanitary code shall be published and filed in the manner and places required by the charter, code, public health law, or other applicable law not inconsistent with the charter or code.

Section 1105. Organization of the Department

There shall be a public health administrator who will be the chief administrative officer of the Health Department. As divisions of the department, there shall be the Division of Environmental Health headed by an assistant commissioner of environmental health; a Division of Public Health Nursing and Patient Services headed by a director of patient services; a Division of Physically Handicapped Children's Program supervised by a senior financial investigator; the Niagara County Laboratory governed by a board of managers which may be constituted by the Niagara County Board of Health, or governed by an independent board as designated by the county executive; a Division of Medical Assistance which shall be directed by a medical director; Mount View Health Facility which shall include Niagara County Infirmary, headed by a skilled nursing home administrator.

Section 1106. Mount View Health Facility

There shall continue to be a Mount View Health Facility operated under the jurisdiction of the Public Health

Article XI, Section 1106 (con't.)

Department. Pursuant to New York State Health Regulations (Title 10) there shall be a Public Nursing Home Advisory Board composed of nine (9) members. Four persons representing the general public shall be appointed by the county executive, subject to confirmation by the county legislature. In addition thereto, the county executive shall appoint, subject to the confirmation of the legislature, a representative of the hospitals located in the County of Niagara and a representative of the Niagara County Medical Society. These individuals shall serve at the pleasure of the county executive. Serving ex officio on the Advisory Board shall be the Public Health Commissioner of Niagara County, the Social Services Commissioner of Niagara County and the chairman of the Public Health Committee of the legislature. The advisory board shall perform such other duties as may be required by the county legislature, the county executive or the board of health.

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

The department of mental health shall be 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 2 of the Mental Hygiene Law. He shall organize divisions as may be needed for the operation of community mental health programs.

Section 1202. Powers and Duties

The director of mental health shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore and hereafter lawfully granted or imposed by the charter, code, local law, or resolution of the county legislature, order or direction of the county executive or any applicable provision or any act of the legislature not inconsistent with the charter or code. Such powers or duties, obligations and liabilities, shall include, but shall not be limited to any powers, duties, obligation or liability granted or imposed upon a director of community mental health services and upon community mental health boards except as provided by the charter or code.

The director of mental health may, when such positions are authorized by the county legislature and within the appropriations provided therefor, appoint such deputies, directors, assistant officers and employees as may be necessary for the performance of his duties.

The director of mental health shall, after submission and prior approval of the county executive or his designee, submit to the Department of Mental Health of New York State for its approval and subsequent state aid, a budget which incorporates a local service plan for the next fiscal year. The local service plan and budget shall be submitted to the county executive three weeks in advance of the annual state aid budget submission date.

Article XII, Section 1202 (con't.)

The director of mental health shall have charge of any facilities related to community mental health programs heretofore or hereafter established by the county legislature.

On or before February first in each year, the director of mental health shall make an annual report for the immediate preceding calendar year covering generally the work of his office. Copies of each report shall be filed with the county legislature and county executive. Such director shall make such other reports at such times as may be required by the county legislature, county executive, mental hygiene law, and the New York State department of mental hygiene or any other applicable law. Copies of such reports shall be filed with the county legislature and the county executive.

Section 1203. Mental Health Board

The chairman of the county legislature shall appoint a mental health board of nine (9) members, all of whom shall be residents of Niagara County, such mental health board to continue to function as provided by Section 1203 of the charter. Such board shall have the power to name a secretary from its membership.

The members of such board shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

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 be responsible for the daily administration of the department, and all federal and state grants approved in connection therewith. Additionally, he shall report in written form to the county executive the activities of his department for each year, the report to be submitted by February 1st of the following year.

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, the members of such to be appointed as follows:

- (a) Each member shall hold office for a term of five (5) years and may be appointed to a successive term of five (5) years, but in no event shall be eligible for a third successive term. This provision does not apply for members appointed to terms of less than five (5) years.
- (b) In order to have a rotating membership, the terms of the members originally appointed shall begin on their appointment, and shall be staggered so that three (3) members shall serve until December 31, 1976 and three (3) members shall serve until December 31, 1977 and three (3) members shall serve until December 31, 1978 and three (3) members shall serve until December 31, 1979 and three (3) members shall serve until December 31, 1980.

Article XIII, Section 1303 (con't.)

- (c) In addition there shall be two (2) youths serving as members for terms of three (3) years each, commencing January 1st, 1977.

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 for the aging shall be responsible for the daily administration of the department, and all federal and state grants approved in connection therewith. Additionally, he shall report in written form to the county executive the activities of his department for each year, the report to be submitted by February 1st of the following year.

Section 1403. Advisory Committee

There shall be an advisory board called the advisory committee for the department of aging to be appointed by the county executive. There shall be twelve (12) members on the board, those of which to be appointed as follows:

- (a) Members of the advisory committee must include a majority of individuals 60 years of age or older as well as representation from major public, private, and voluntary organizations in the county concerned with the interest of older persons.
- (b) The officers of the advisory committee are chairman, vice-chairman, and secretary, which officers are to be elected by a majority vote of the advisory committee; these officers are to serve and function as the executive committee of the advisory committee.
- (c) The vice-chairman is to serve in the absence of the chairman as necessary and appropriate.

Article XIV, Section 1403 (con't.)

Initially, one-third of the membership will be appointed for one year, one-third for two years, and one-third for three years; thus permitting the county executive in subsequent years to appoint one-third of the membership on a yearly basis for three year terms.

The county executive may appoint county officials to serve with no vote on the committee.

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 Continued; Civil Service Law to Apply

The Niagara County Civil Service Commission shall administer the State Civil Service Law for Niagara County. It shall follow the directives of the county executive and the county legislature unless such directives are contrary to the State Civil Service Law, State Constitution and other general laws of the State of New York.

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; shall be principal negotiator for the county with employee groups and shall furnish to the county executive and the legislature quarterly personnel reports indicating numbers of employees by department and by major categories; shall administer the Niagara County Workmen's Compensation Self-Insurance Plan under the direction and in cooperation with the Insurance Committee of the county legislature; 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.

The director of personnel shall make an annual report to the county legislature and the county executive on or before February 1st of the preceding calendar year.

ARTICLE XVI

DEPARTMENT OF LAW

Section 1601. Department of Law; County Attorney;
Appointment

Section 1602. Powers and Duties

Section 1603. Deputy and Assistant County Attorneys

Section 1601. Department of Law; County Attorney;
Appointment

The department of law shall be headed by a 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

- (a) Except as otherwise provided in the charter or code, the county attorney shall be the sole legal advisor for the county and represent the county and every agency and office thereof in county matters of a civil nature; advise and represent all county officers and employees in relation to their official duties 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; when authorized by the county executive or the county legislature, the county attorney shall prosecute and defend all proceedings of a civil nature brought against the county legislature or any county officer or employee whose compensation is paid from county funds for any official act, except as otherwise provided by the charter or code; 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 not inconsistent with the charter or code, by the county executive, or by resolution of the county Legislature.

Article XVI, Section 1602 (a) (con't.)

Whenever the interests of the county legislature of the county are inconsistent with the interests of any county officer or employee paid his compensation from the county funds, the county attorney shall represent the interests of the county legislature and the county. In such case, the officer or employee may at his own expense, employ an attorney-at-law.

- (b) The county attorney shall have all the powers and duties and shall be subject to all obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law or resolution of the county legislature, order or direction of the county executive or any applicable provision of any act of the legislature not inconsistent with the charter or code.
- (c) The county attorney may, within the limits of the appropriations provided therefor, employ special counsel, professional, technical or other consultant services and incur such expenses in connection therewith as he may deem necessary for the performance of his duties.
- (d) The county attorney shall prepare annually a supplement if any, to the charter or code which shall indicate all additions to, repeals and amendments of the charter or code.
- (e) On or before February 1st of each year, the county attorney shall make an annual report written for the immediately preceding calendar year, covering generally the work of his office. Copies of each such report shall be filed with the county legislature and county executive.

Section 1603. Deputy and Assistant County Attorneys

The deputy county attorney and assistant county attorneys appointed by the county attorney pursuant to Section 1603 of Article XVI of the charter shall perform such duties pertaining to the office as may be directed by the county attorney. Every appointment of a deputy or assistant county attorney shall be in writing and filed with the department of records and copies thereof with the county legislature and the county executive. Any such appointment may be revoked by the county attorney at any time by filing a written revocation with the department of records and copies thereof with the

Article XVI, Section 1603 (con't.)

county legislature and the county executive. If more than one deputy or assistant county attorney shall be appointed, the county attorney may designate in writing and file with the department of records, the county executive and the county legislature the order in which such deputies and/or assistants may exercise the powers and duties of the county attorney in the event of a vacancy or the absence or inability of such county attorney to perform the duties of his office.

All such deputy and/or assistant county attorneys shall be duly admitted to the practice of law in the State of New York and residents of the County of Niagara.

ARTICLE XVII

DEPARTMENT OF RECORDS

Section 1701. Department of Records; County Clerk; Election

Section 1702. Powers and Duties

Section 1703. Deputy County Clerks

Section 1704. Accounting for Fees

Section 1705. Seal of the Department of Records

Section 1701. Department of Records; County Clerk; Election

The department of records shall be headed by the county clerk who shall be elected and whose term of office shall be as provided in Section 1701 of Article XVII and Section 2401 of Article XXIV of the charter.

Section 1702. Powers and Duties

The county clerk shall have and exercise all the duties and shall be subject to all the obligations and liabilities heretofore granted or imposed by the charter, code, local law, or resolution of the county legislature, order or directive of the county executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code.

On or before February 1st of each year, the county clerk shall make an annual report in writing for the immediately preceding calendar year covering generally the work of his office. Copies of each such report shall be filed with the county legislature and the county executive.

Section 1703. Deputy County Clerks

The county clerk may, within the appropriations provided therefor, appoint to serve at his pleasure such deputy county clerks as he deems necessary for the conduct of his office. All such appointments or revocations thereof shall be in writing and filed in his office, and copies thereof shall be filed with the county legislature and the county executive. All such deputies shall be in the exempt class of the civil service. The county clerk shall designate in writing filed in his office copies of which shall be filed with the county legislature and the county executive, the order in which

Article XVII, Section 1703 (con't.)

such deputy county clerks shall have and exercise the powers and duties of the county clerk during the temporary absence or inability of the county clerk to act. The deputy as designated in such writing shall, in case of a vacancy in the office of the county clerk serve until a successor is elected or appointed and has qualified.

Section 1704. Accounting for Fees

All monies to which the county may be entitled under and by virtue of the laws of the State of New York, or which the county clerk may receive for all and any official services by him, or by any of his deputies, assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the county and shall be collected by such clerk, accounted for and paid over within five days after the first day of each and every month to the commissioner of finance. Said county clerk shall make a full and true statement for each calendar month of all monies received each day by him, his deputies, officers or employees in his or their official capacity and shall transmit and deliver such statements to the commissioner of finance within five days after the expiration of such month. Each statement shall have attached thereto a certification by said county clerk to the effect that the same is in all respects a full and true statement of all monies received by him as herein required. At the time of rendering any such statement, such clerk shall pay to the commissioner of finance for the benefit of said county all monies received by him during the last preceding month. Other funds or fees received or collected by the county clerk shall be collected, paid over, deposited, and reported as above provided, except where otherwise specifically prescribed by statute.

Section 1705. Seal of the Department of Records

The seal of the County of Niagara shall be the seal of the department of records and shall be in the custody of the county clerk.

The county clerk shall affix or imprint such seal upon any and all instruments requiring the same.

ARTICLE XVIII
DISTRICT ATTORNEY

Section 1801. Election

Section 1802. Powers and Duties

Section 1803. Assistant District Attorneys and Confidential Criminal Investigators

Section 1801. Election

The qualifications, election and term of office of the district attorney shall be as provided in Section 1801 of Article XVIII and Section 2401 of Article XXIV of the charter.

Section 1802. Powers and Duties

The district attorney shall have and exercise all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law or resolution of the county legislature, order or direction of the county executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code.

The district attorney shall make an annual report at the close of each fiscal year, and shall submit such report in writing not later than the first day of February to the county legislature and county executive covering generally the work of his office.

Section 1803. Assistant District Attorneys and Confidential Criminal Investigators

Within the appropriations provided therefor, the district attorney may appoint such number of assistant attorneys and confidential criminal investigators as shall be determined and fixed by resolution of the county legislature. Every such appointment shall be in writing and filed with the department of records and copies thereof with the county legislature and the county executive. Any such appointment may be revoked by the district attorney at any time by filing a written revocation with the department of records, and copies thereof with the county legislature and the county executive. All such assistants so appointed shall receive such salary as shall be determined and fixed by the county legislature. The district attorney may designate, in writing, filed with the department of records, the order in which such assistants shall exercise the powers and duties of the office in the event of the absence or temporary inability of such district attorney to perform the duties of his office. Such designation may be revoked or changed by the

Article XVIII, Section 1803 (con't.)

district attorney in writing filed with the department of records, county legislature and county executive.

The deputy or deputies as designated in such writing shall, in the case of vacancy in the office of district attorney, perform the duties of the district attorney until a successor is elected or appointed and has qualified.

All such assistant district attorneys shall be duly admitted to the practice of law in the State of New York and residents of the County of Niagara. Due to the confidential relationship between the district attorneys and the confidential criminal investigators, the latter shall be in the exempt class of the civil service and shall serve at the pleasure of the district attorney.

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 public defender shall have and exercise all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law or resolution of the county legislature, order or direction of the county executive or any applicable provision of any act of the legislature not inconsistent with the charter or code.

The public defender shall make an annual report at the close of each fiscal year, and shall submit such report in writing not later than the first day of February to the county legislature and county executive, covering generally the work of his office.

Section 1903. Deputy and Assistant Public Defenders

The deputy public defender and assistant public defenders appointed by the public defender, pursuant to Section 1903 of Article XIX of the charter, shall perform such duties pertaining to the office as may be directed by the public defender. Every appointment of a deputy or assistant public defenders shall be in writing and filed with the department of records and copies thereof with the county legislature and the county executive. Any such appointment may be revoked by the public defender at any time by filing a written revocation with the department of records and copies thereof with the county legislature and the county executive. If more than one deputy or assistant public defender shall be appointed, the public defender may designate in writing and file with the department of records, the county executive and the county legislature, the order in which such deputies and/or assistants may exercise the powers and duties of the public defender in the event of a vacancy or the absence or inability of such public defender to

Article XIX, Section 1903 (con't.)

perform the duties of his office.

All such deputy and/or assistant public defenders shall be duly admitted to the practice of law in the State of New York and residents of the County of Niagara.

ARTICLE XX

SHERIFF

Section 2001. Sheriff; Election

Section 2002. Powers and Duties

Section 2003. Appointment of Undersheriff and Staff

Section 2004. Emergency Provisions

Section 2005. Disbursements

Section 2006. Board and Lodging for Jurors

Section 2007. Accounting for Fees

Section 2001. Sheriff; Election

The election and term of office of the sheriff shall be as provided in Section 2001 of Article XX in the charter.

Section 2002. Powers and Duties

The sheriff shall have all the powers and duties and shall be subject to all the obligations heretofore or hereafter lawfully granted or imposed by the charter, code, local law or resolution of the county legislature, order or direction of the county executive, constitution, or any applicable provision of any act of the legislature not inconsistent with the charter or code.

The sheriff shall make an annual report at the close of each fiscal year, and shall submit such report in writing not later than the first day of February to the county legislature and county executive, covering generally the work of his office and including a financial report of all monies received during the preceding fiscal year.

Section 2003. Appointment of an Undersheriff and Staff

- (a) The sheriff shall appoint an undersheriff and may, when such positions are authorized by the county legislature appoint such deputies, other clerks and employees within the limits of the appropriations provided therefor, as he deems necessary for the conduct of his office. Such undersheriff and deputies shall serve at the pleasure of the sheriff and shall attend upon the terms and sittings of all courts of record in the county as the sheriff shall direct and perform such

Article XX, Section 2003 (a) (con't.)

other duties as the sheriff may direct.

- (b) The undersheriff shall execute the powers and duties of the office in the absence or inability of the sheriff to act. In the event a vacancy occurs in the office of the sheriff, the undersheriff shall execute the said powers and duties until a new sheriff has been elected or appointed and has qualified.
- (c) The sheriff may appoint, within the appropriations provided therefor, jailors, matrons and such other officers and employees as may be necessary to operate the county jail facilities. The matron shall have sole charge of the female prisoners and of that portion of the jail facilities in which the female prisoners are detained subject to the directions of the sheriff or jailor. A matron shall be in attendance at all times when females are confined in the jail facilities.
- (d) The sheriff may deputize by written instrument any person to perform specified functions of his office.
- (e) Each appointment or revocation thereof made pursuant to this article shall be in writing and filed with the department of records, and copies thereof shall be filed with the county legislature and the county executive. All the persons appointed pursuant to this article shall serve during the pleasure of the sheriff.
- (f) Before the appointment by the sheriff of any person other than a person temporarily deputized to perform a particular specified act, such person shall be fingerprinted by the sheriff and the sheriff shall cause such fingerprints to be compared with fingerprints filed with the division of criminal identification of the state department of correction and the Federal Bureau of Investigation.
- (g) The sheriff may, within the limits of the appropriations provided therefor, employ such number of part time deputies, who shall be paid such compensation as the county legislature may determine. Such

Article XX, Section 2003 (g) (con't.)

deputies shall be appointed in the manner as regular deputies and shall have only those powers and duties authorized by the sheriff.

- (h) The sheriff may in his discretion deputize the peace officers of cities, towns and villages within the county and agents of societies incorporated for the purpose of prevention of cruelty to children or animals, for the purpose of authorizing arrest without a warrant outside the territorial limits of such city, town or village when such crime or infraction was committed within such territorial limits in the presence of such peace officer or agent. Such person so deputized shall be deemed to be an agent for the sheriff.

Section 2004. Emergency Provisions

For the protection of human life and property during an emergency, the sheriff may temporarily deputize orally or in writing, such number of additional deputies as he deems necessary. If he is unable to continue the services of such special deputies without compensation, the sheriff may pay the compensation of any such special deputies in such amount as the county legislature may determine for each day that such special deputy is actually engaged in assisting the sheriff in the performance of his duties. If the county legislature shall fail to fix the compensation of such special deputies, the sheriff may, subject to the approval of the county executive, fix such compensation at a rate not exceeding the rate set forth by law for each special deputy. The compensation and expenses of any special deputy so appointed shall be audited and paid as a county charge.

If, in the protection of human life and property, the sheriff shall deem it necessary to hire any equipment or apparatus together with the operator thereof, he may, subject to the approval of the county executive, hire the same during the period of an emergency or catastrophe at a reasonable charge therefor. The same shall be audited and paid as a county charge.

The county legislature shall have the power to appropriate and set aside a fund for the purpose of paying in advance of audit expenditures of the sheriff in an emergency or catastrophe for services and expenses of

Article XX, Section 2004 (con't.)

temporary special deputies and for the hiring of equipment and apparatus and the operators thereof. The county executive may authorize the sheriff to issue orders on the commissioner of finance for the payment thereof. The county executive may further direct the rendering by the sheriff to the commissioner of finance, of an accounting of such expenditures with verified or certified vouchers attached. The claimant and the sheriff shall be jointly and severally liable for any items of expenditures for other than a lawful purpose and disallowed upon a final audit. Such expenditures so disallowed shall be recovered in an action brought in the name of the county.

Section 2005. Disbursements

Whenever the sheriff is required by law to transport a prisoner or any other person and the cost of such travel and transportation is made a county charge by law, the sheriff or person deputized by him shall, within the appropriation provided therefor, be entitled to his necessary and actual disbursements incurred for travel, lodging, and food.

Section 2006. Board and Lodging for Jurors

Whenever it shall be necessary to keep together the members of a jury, during their deliberations, the court may direct the sheriff to furnish specified meals and/or lodging to such jury. The claim for expenses thereof shall be presented to the commissioner of finance. Such claims must bear the approval of the sheriff, undersheriff or other person designated by the sheriff to approve the same and of the judge, court or clerk of the court for which the said jury served and shall be audited and paid as a county charge.

Section 2007. Accounting for Fees

All monies to which the county may be entitled under and by virtue of the laws of the State of New York, or which the sheriff may receive for official services by him, or by the undersheriff, or by any of his deputies, assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the county and shall be collected by such sheriff, accounted for and paid over to the commissioner of finance within five days after the expiration of each month. Each such statement shall have attached thereto a certification by said sheriff to the effect that the same is in all respects a full and true statement of all such monies received by him for the preceding month. At the time of rendering any such statement, such sheriff shall pay to the commissioner of finance for the benefit of said county all monies received or collected

Article XX, Section 2007 (con't.)

by him during the preceding month. Other funds or fees received or collected by the sheriff shall be collected, paid over, deposited and reported as above provided, except where otherwise specifically provided by statute.

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 office of coroner shall remain in effect in Niagara County as presently constituted. The remainder of this section is reserved for future use if the office of medical examiner is created.

Section 2102. Medical Examiner, Appointment and Qualifications

Reserved for future use if office of medical examiner is created.

Section 2103. Powers and Duties

Reserved for future use if office of medical examiner is created.

ARTICLE XXII

OTHER COUNTY BOARDS, OFFICES, INSTITUTIONS AND FUNCTIONS

Section 2201. Board of Elections

Section 2202. Probation Office; Director

Section 2203. Certain Boards; How Appointed

Section 2204. Fire Coordinator; How Appointed

Section 2205. Other Boards; How Appointed

Section 2206. Additional Appointments by County Executive

Section 2207. Miscellaneous Administrative Functions

Section 2201. Board of Elections

The board of elections shall have and exercise all the powers and duties conferred or imposed upon it by the election law or any other applicable law. The appointment of the members of such board shall be as provided by the election law. All purchases and contracts for all primary or election supplies and services necessary for the operation of its office and the performance of its duties shall be made pursuant to 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. The director of probation shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by the charter, code, order or direction of the county executive, by Section 256 (5) of the Executive Law as head of a county probation department, and by any other applicable section thereof or by any other applicable law not inconsistent with the charter or code.

Section 2203. Certain Boards; How Appointed

The terms of office and duties of the members of the board of trustees of the Niagara County Community College shall continue as provided by law except that the power of appointment residing in the county legislature or in the chairman thereof is transferred to and shall be exercised on and after January 1, 1976, by the county executive, subject to confirmation by the county legislature. 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

Article XXII, Section 2203 (con't.)

legislature.

Except as otherwise provided in the charter or code, other appointments to boards and like units shall be made by the county executive subject to confirmation by the county legislature. The director or administrator of workman'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 2204. 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 2205. Other Boards; How Appointed

All other boards shall continue as provided by law.

Section 2206. Additional Appointments by County Executive

Subject to confirmation by the county legislature and except as otherwise provided in the charter or code, the county executive shall appoint the head of any other or additional administrative unit of the county, including but not limited to the director of civil defense, director of veterans' service agencies, sealer of weights and measures, county historian, all of whom shall be residents of the County of Niagara and serve at the pleasure of the county executive. The county legislature as provided in the charter or code may continue, consolidate or abolish any of the above units and upon written recommendation of the county executive may be given departmental status by resolution by the county legislature.

- (a) The office of civil defense shall be headed by a director who shall be appointed as set forth in the preceding paragraph. He shall have and exercise all the powers and duties heretofore and hereafter lawfully conferred or imposed upon him by the charter, code, local law, and resolutions of the county legislature, by the New York State Defense Emergency Act being Chapter 784 of the Laws of 1951, as amended, and by any other applicable law not inconsistent with the charter or code.

Article XXII, Section 2206 (con't.)

- (b) The county veterans' service office shall be headed by a veterans' service officer who shall be appointed by the county executive subject to confirmation by the county legislature on the basis of his administrative experience and qualifications for the duties of his office, and upon consideration of the recommendation of the veterans' service agencies in the county. He shall have the duties imposed upon him by the charter, code, order or direction of legislators by Section 225 (a) of the County Law, and by any other applicable law not inconsistent with the charter or code.

Section 2207. Miscellaneous Administrative Functions

Administrative functions not otherwise assigned by the charter or code shall be assigned by the county executive to an administrative unit. All other agencies, officers and employees thereof shall be appointed and possess all the powers and duties pursuant to applicable law except as the same shall be inconsistent with the charter, code or local law.

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

- (a) 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.
- (b) Except as otherwise provided in the charter or code, every other board, the members of which are appointed, shall be an advisory board. The members thereof shall be appointed for such terms as are or may be provided in the charter or code. Wherever provision is made in the 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 the 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,

Article XXIII, Section 2302 (con't.)

for or with any other public corporation. All such contracts shall be executed by the county executive. No contract shall be executed by the county executive until the same has been approved as to form by the county attorney. Copies of such contract when executed, shall be filed with the commissioner of finance and the county legislature when approval of said legislature is required for such contract.

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

The civil service status 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 the charter or code.

Except as otherwise provided by the charter or code, the terms of all county officers whose appointment under the charter is vested in the county executive shall terminate on December 31, 1979, and every four years thereafter, provided that any 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 by the county executive 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: (a) elective officers; (b) heads of departments; (c) members of all boards, commissions and committees; (d) the medical examiner; (e) the commissioner of jurors; (f) all officers and employees of the county legislature; (g) all members, officers and employees of the board of elections; (h) all persons employed in the public service as superintendents, principals, teachers or by any title whatsoever whose principal functions are teaching or the supervision of teaching in the public school, academy, college or university; (i) all other persons as specifically prescribed by statute.

Article XXIII, Section 2304 (con't.)

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 and planning shall be deemed to be the heads of departments.

The following positions in the classified service shall be included in the exempt class: (a) deputies who are authorized to act generally for and on behalf of their principals; (b) the confidential secretary to any officer or department head; (c) calendar clerk, personnel officer; (d) assistant district attorneys and confidential criminal investigators; (e) deputy and assistant county attorneys; (f) deputy and assistant public defenders; (g) contractors engaged to perform specific services and their employees; and (h) all other persons as specifically provided by statute.

Notwithstanding any other provision of this code or charter, wherever the appointment of a deputy is authorized, such deputy is hereby authorized to act generally for and in place of his principal and the same shall be deemed to be in the exempt class of the classified service of civil service.

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. 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 the office shall be filled for the balance of the unexpired term, if any.

Section 2306. Filling Other Vacancies

Except as otherwise provided in the charter or code, a vacancy in the office of the head of any administrative unit, the head of which by virtue of the 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 the 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.

Article XXIII, Section 2307.

Section 2307. Power to Administer Oaths and Issue Subpoenas

The chairman of the county legislature, commissioner of finance, county executive and such other county officers as may be authorized by the 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 CODE

Section 2401. Adoption of Code; When Effective

Section 2402. Amendment of Code

Section 2403. Terms of Certain Elective County Officers

Section 2404. Continuity of Authority, Completion of
Unfinished Business

Section 2405. Separability

Section 2406. Code to be Liberally Construed

Section 2407. Charter Review Board; Establishment; Members;
Term

Section 2408. Charter Review Board; Powers and Duties

Section 2401. Adoption of Code; When Effective

This code shall become effective on and after January 1, 1977. 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 term of four years, 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 the charter and code for the elective office of commissioner of finance, county clerk, district attorney and sheriff respectively.

Section 2402. Amendment of Code

This code may be repealed or amended in whole or in part in the manner provided by law. Except as otherwise provided by the charter or code, 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 changes 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 the charter or code or the power of an appointive county officer in the executive branch shall be enacted before January 1, 1976.

Article XXIV, Section 2403

Section 2403. Terms of Certain Elective County Officers

The terms of office for the county executive and commissioner of finance shall be four years, except as otherwise provided in the charter. The terms of office for the county clerk, district attorney and sheriff shall be three years.

Section 2404. Continuity of Authority; Completion of Unfinished Business

The performance of functions pursuant to the provisions of the charter or code 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, action or rights of action or other business undertaken or commenced prior to the effective date of this code may be conducted and completed by the county officer or administrative unit responsible therefor under the charter or code.

The code 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 code 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. Code to be Liberally Construed

This code 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 the charter, the County legislature shall appoint a charter

Article XXIV, Section 2407 (con't.)

review board consisting of seven (7) legislators and five (5) lay persons, to review the Niagara County government charter in accordance with the General Municipal Home Rule Law.

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 review 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 review board shall have full access to all necessary records of all branches and agencies of the county government, except those prohibited by law. The 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 (60) 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. 4 of 19 76
County
of the ~~City~~ of Niagara was duly passed by Niagara County Legislature
~~Town~~ (Name of Legislative Body)
~~Village~~
on December 28, 19 76 and was approved by the County Executive
~~repassed after disapproval~~ Elective Chief Executive Officer
and was deemed duly adopted on January 6, 19 77, 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. of 19
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19 and was approved by the
not disapproved Elective Chief Executive Officer
repassed after disapproval
on 19 Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive
general
thereon at the special election held on 19 , in accordance with the appli-
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 and was approved by the on
not disapproved Elective Chief Executive Officer
repassed after disapproval
..... 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} ~~§ 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 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 2 above.


Clerk of the ~~Board of Supervisors, City, Town or Village Board or Officer~~
~~designated by Local Legislative Body~~ Legislature

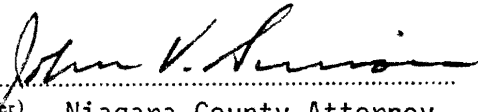
Date: January 6, 1977

(Seal)

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

STATE OF NEW YORK
COUNTY OF NIAGARA

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) Niagara County Attorney
County
~~City~~ of Niagara
~~Town~~
~~Village~~

Dated: January 6, 1977