

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

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

County  
~~CITY~~  
~~TOWN~~  
~~Village~~

of ----- Niagara -----

Local Law No. ----- 5 ----- of the year 20 02

A local law Establishing the Office of County Manager  
*(Insert Title)*

Be it enacted by the ----- Legislature ----- of the  
*(Name of Legislative Body)*

County  
~~CITY~~  
~~TOWN~~  
~~Village~~

of ----- Niagara ----- as follows:

**A LOCAL LAW ESTABLISHING THE OFFICE OF COUNTY MANAGER**

There is hereby created pursuant to § 204 of the County Law the full-time position of County Manager who shall be directly responsible to the Niagara County Legislature and perform the functions of a chief administrative officer of the County, fully accountable and responsible for the cost-efficient and effective delivery of County government services. The County Manager shall:

1. Appointment, Suspension and Removal. Be appointed by the County Legislature for a four year term at an annual salary to be set by the County Legislature. A majority of the whole membership of the County Legislature shall be required to appoint the County Manager. The County Manager may be suspended or removed by a two-thirds majority of the whole membership of the County Legislature.
2. County Manager Screening Committee. Upon adoption of this local law and in the event of a permanent vacancy in the office of County Manager, an Ad Hoc Committee shall be formed for the purpose of identifying suitable candidates and recommending preferred candidates to the County Legislature. The Ad Hoc County Manager Screening Committee shall be composed of eight (8) members. Both the Majority Party and Minority Party Leaders shall each present four (4) individuals comprised of three (3) legislators and one (1) citizen member to the Chairman of the Legislature for placement on the Ad Hoc County Manager Screening Committee for confirmation by the Legislature. The two (2) citizen

(If additional space is needed, attach pages the same size as this sheet, and number each.)

representatives on the Screening Committee shall serve only in an advisory capacity and shall not be voting members for purposes of selecting the qualified candidates to be presented to the Administration Committee of the County Legislature for consideration. The citizen representatives shall be residents of the County of Niagara, shall serve as unpaid volunteers and shall be familiar with public and/or private administration. The Selection Committee shall present up to five (5) qualified candidates to the Administration Committee of the County Legislature for consideration for the position of County Manager.

3. Qualifications. At the time of appointment the County Manager shall possess either a Masters Degree in Public Administration, a Masters Degree in Business Administration or an appropriate equivalent degree from an accredited college or university, and at least five (5) years of experience or training, or a combination thereof, in the field of public or business administration, or other educational training or professional experience or a combination thereof, and shall be appointed on the basis of these and such other qualifications as may be required for the responsibilities of the office. If a non-resident of the County of Niagara at the time of appointment, the County Manager shall obtain residency within the County of Niagara within ninety (90) days of appointment and maintain such residency during the remaining term of employment. The time period for obtaining residency may be extended upon the request of the County Manager for good cause shown. Failure to maintain residency shall be grounds for dismissal.
4. Annual Performance Review. The Administration Committee of the County Legislature shall prepare and present an annual written evaluation of the performance of the County Manager which shall become a permanent part of the County Manager's employment record. As part of the evaluation process, all County legislators may provide input to the Administration Committee by supplying their written responses to an evaluation form to be provided by the Administration Committee. The County Manager may respond in writing to the annual written evaluation by the Administration Committee, and the response shall become part of the employment record. The first performance review will take place six (6) months from the original date of appointment of the County Manager and then be undertaken annually on the anniversary date of appointment.
5. No Concurrent Employment. Not hold any other public or political office nor be concurrently employed in or by any other private or governmental entity.
6. Powers and Duties. Without curtailing, diminishing or transferring the powers of any elected county official, the County Manager shall be responsible for the overall administration of county government and shall provide and coordinate staff services to the County Legislature, the Chairperson of the Legislature and the committees of the Legislature. The County Manager shall perform all the duties now and hereafter conferred or imposed upon the office by law and directed by the County Legislature and shall have all powers and perform all duties necessarily implied or incidental thereto. Among such powers and duties but not by way of limitation, are as follows:

- (a) To serve as the Chief Executive Officer and Administrative Director of County Government;
- (b) To exercise supervision and control over the activities of County department directors and supervise the administration of all units of County government to most effectively implement the directives of the Legislature in accordance with applicable law, but shall not exercise administrative control over the County Auditor, the County Treasurer, the County Attorney, the District Attorney, the County Sheriff, the Public Defender, the County Clerk, or any other publicly elected official;
- (c) To determine which employees of the County shall perform particular duties not clearly defined by law or this Local Law;
- (d) To execute and enforce all Local Laws, legalizing acts, ordinances and resolutions of the County Legislature and all other acts required by law;
- (e) To serve as an advisor to the County Legislature and develop policy and procedural recommendations for consideration of the Legislature;
- (f) To undertake research and submit to the County Legislature reports and recommendations regarding governmental operations as may be deemed appropriate or the County Legislature may request, and provide such assistance to the Legislature and its committees as may be requested by the Legislature;
- (g) To serve as liaison between the County Legislature and the boards, commissions, agencies, and advisory committees established by the Legislature;
- (h) To maintain liaison and represent the County Legislature in contacts with political subdivisions, State and Federal officials and agencies;
- (i) To make appointments for the heads of units of County government listed below, subject to the confirmation of the County Legislature:

1. Director of the Office of the Aging
2. Commissioner of Public Works
3. Director of Central Data Processing
4. Director of Human Resources
5. Director of Employment and Training
6. Fire Coordinator and Director of Emergency Services
7. Commissioner of Parks and Recreation
8. Director of Planning, Development, and Environmental Services
9. Director of Probation
10. Director of Real Property Tax Services
11. Sealer of Weights and Measures
12. Commissioner of Social Services
13. Director of Veterans Services
14. Youth Bureau Director
15. County Historian
16. Risk & Insurance Services
17. Civil Service Personnel Officer
18. Director of the Office of Management and Budget

- and such other officers, department heads and employees as the County Legislature shall designate by Local Law or Resolutions;
- (j) examine and approve for payment all contracts, purchase orders and other documents by which the County incurs financial obligations, having ascertained before approval that moneys have been duly appropriated for, provided for, and allotted to meet such obligations and will be available when such obligations shall become due and payable, and record such obligations of the respective appropriations for which such obligations are to be paid;
  - (k) proscribe the form of receipts, vouchers, bills or claims to be filed by all administrative agencies, departments, offices or officials, institutions and other agencies of the county;
  - (l) assist the budget director of the county with the preparation and administration of the budget and shall be responsible for presenting the budget to the County Legislature for approval;
  - (m) assist the budget director in developing and recommending a budget program that includes both long-range capital budgeting and annual operating capital budgets under the direction of the Legislature;
  - (n) manage the plan for Niagara County Self-Insurance Program;
  - (o) recommend to the Legislature the placement of all county insurance which shall be deemed necessary with the business and property of the County within appropriations set by the County Legislature;
  - (p) provide for the administration of supporting services and facilities for various units of county government, including the supervision of central reproduction, mail room and telephone operations;
  - (q) establish and maintain as its agent, a uniform purchasing system to provide for the purchase, sale, rental and servicing of all supplies, materials, equipment and services for the county and all its units, including inspection, supervision and determination as to quality and conformity with specifications, and be responsible for compliance therewith;
  - (r) participate in the conduct of collective negotiations with organized employee representatives;
  - (s) in the absence or unavailability of the Chairperson, execute and deliver documents and contracts authorized by the County Legislature;
  - (t) have such other powers and perform such other duties as may now or hereafter be conferred or imposed by the County Legislature.

7. Acting County Manager. Within thirty (30) days of taking office, the County Manager shall designate in writing one or more appointive department or executive office heads to perform the duties of the County Manager during the latter's temporary inability to perform the duties of the office by reason of disability or absence from the County as determined by the County Legislature. Such designation, with the order of succession specified, shall be filed with the Clerk of the County Legislature. Any such designation may be revoked by the County Manager at any time by filing a notice of revocation with the Clerk of the County Legislature. In no event, may a person serve as acting County Manager for a period

greater than sixty (60) days in any calendar year unless authorized by the County Legislature. If a vacancy occurs in the office of the County Manager, the acting County Manager shall serve until the vacancy is filled through an appointment by the County Legislature pursuant to law and the appointee shall qualify to assume that office.

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

8. Separability. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.
9. Effective Date. This Local Law shall take effect sixty (60) days following the date of adoption and compliance with the requirements of law.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_<sup>5</sup>\_\_\_\_\_ of 20<sup>02</sup>\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_~~\_\_\_\_~~ \_\_\_\_\_<sup>Niagara</sup>\_\_\_\_\_ was duly passed by the \_\_\_\_\_~~\_\_\_\_\_~~ \_\_\_\_\_<sup>Niagara County Legislature</sup>\_\_\_\_\_ on \_\_\_\_\_<sup>August 6</sup>\_\_\_\_\_ 20<sup>02</sup>\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

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

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

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

*Paul R. Bates*

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: August 8, 2002

(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.

*[Signature]*  
\_\_\_\_\_  
Signature

Niagara County Attorney  
\_\_\_\_\_  
Title

County  
~~CITY~~ of Niagara  
~~TOWN~~  
~~VILLAGE~~

Date: August 7, 2002