

LOCAL LAW NO. "O" FOR 2016

ALBANY COUNTY CHARTER

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK,
REPEALING LOCAL LAW NO. 8 FOR 1993 AS AMENDED, ENTITLED A
LOCAL LAW IN RELATION TO THE ADOPTION OF A COUNTY
CHARTER FOR THE COUNTY OF ALBANY, AND ENACTING IN PLACE
THEREOF A REVISED ALBANY COUNTY CHARTER**

Introduced: 7/28/16

Messrs. Drake, Mauriello, Burgdorf, Mss. McLane-Lane, Cunningham,
Messrs. Dawson, Grimm, Higgins, Mayo, Mendick, O'Brien, Reinhardt and
Stevens:

BE IT ENACTED by the County Legislature of the County of Albany as follows:

SECTION 1. Pursuant to Article 4 of the Municipal Home Rule Law of the State of New York, the present Albany County Charter is hereby repealed, and a revised Albany County Charter is hereby enacted in place thereof, to read as follows:

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ARTICLE 1

ALBANY COUNTY AND ITS GOVERNMENT

- Section 101. Title and purpose.
102. County status, powers and duties.
103. Charter effect on State laws.
104. Charter effect on local laws, ordinances and resolutions.
105. Construction of words used in this Charter.
106. Definitions.

Section 101. Title and purpose. This Charter, together with any and all amendments, shall provide for and constitute the form of government for Albany County and be known as the “Albany County Charter.” Among the purposes of this Charter are the separation of County legislative and executive functions and responsibilities; the coordination of planning and economic development; the securing of the greatest possible County home rule; the encouragement of inter-governmental cooperation among the cities, towns and villages throughout the County; and the increase of efficiency, economy and responsibility in Albany County government.

Section 102. County status, powers and duties. Albany County shall be and remain a municipal corporation and exercise all of the rights, privileges, functions and powers conferred upon it by this Charter and any other applicable law not inconsistent with this Charter. Albany County shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent with this Charter, including all powers necessarily incidental to, or which may be fairly implied from, the powers specifically conferred upon it.

Section 103. Charter effect on State laws. This Charter provides a form and structure of County government in accordance with the provisions of Article 4 of the Municipal Home Rule Law of the State of New York, and all special laws relating to Albany County and all general laws of the State of New York shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Albany County by enactment and adoption of this Charter. Within the limitations prescribed in Article 4 of such Municipal Home Rule Law, wherever and whenever any State law, general, special or local in effect, conflicts with this Charter or is inconsistent with this Charter, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by this Charter insofar as Albany County and its government are affected.

Section 104. Charter effect on local laws, ordinances and resolutions. All local laws, ordinances and resolutions of the County Legislature previously adopted, and all of the laws of the State relating to the towns, cities, villages or districts of Albany County 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 Albany County by the enactment and adoption

of this Charter. All local laws, ordinances, and resolutions of the County Legislature previously adopted which remain in effect and hereinafter adopted shall be part of the County's Administrative Code as set forth in this Charter.

Section 105. Construction of words used in this Charter. All singular words used in this Charter shall be deemed to include the plural, and all plural words shall be deemed to include the singular.

Section 106. Definitions. Whenever used in this Charter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

ADMINISTRATIVE CODE

The Albany County Administrative Code adopted by the County Legislature as mandated by this Charter.

ADMINISTRATIVE UNIT

Any department, division, bureau, office, board or commission or other agency of County government, or any subordinate part of any of the foregoing.

ADMINISTRATIVE UNIT HEAD

The head of any administrative unit.

CAPITAL PROGRAM

The plan of capital projects proposed to be undertaken by the County during a five (5) year period, the estimated cost of such projects, and the proposed method of financing, in accordance with the provisions of Article 6 of this Charter.

CAPITAL PROJECT

Any project involving:

- A. any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired;
- B. any preliminary studies and surveys relating to any physical betterment or improvement;
- C. fixed assets;

- D. land or rights in land; or
- E. any combination of A, B, C or D.

CHAIRPERSON

The Chairperson of the County Legislature.

CHARTER or COUNTY CHARTER

The Albany County Charter and all amendments thereto.

CLERK

The Clerk of the County Legislature

COUNTY

The County of Albany.

COUNTY EXECUTIVE

The elective chief executive officer of the County, who shall govern according to those powers provided for in this Charter, or under any other provision of applicable law.

COUNTY LEGISLATURE

The elective legislative, appropriating and policy determining body of the County. Whenever the term “County Board,” Board of Supervisors,” “County Governing Board,” or “elective governing body of the County,” is referred to in any law it shall be deemed to mean and refer to the County Legislature.

DEPARTMENT

The administrative unit which is the primary level of County government.

DEPARTMENT HEAD

The administrative head of any Department, and may also be referred to herein as a Commissioner or Director.

DIVISION

The administrative unit which is the secondary level of County government.

FINAL ANNUAL BUDGET

The final annual budget of the County, as adopted pursuant to Section 604 of Article 6 of this Charter.

FIXED ASSETS

An asset or assets of a long-term tangible character which are intended to continue to be held or used, such as land, buildings, improvements, machinery and equipment.

LEGISLATIVE BUDGET REPORT

The report by the County Legislature containing proposed changes to the proposed budget.

LEGISLATIVE DISTRICT

A geographical area of Albany County which is entitled to elect a County Legislator.

LEGISLATIVE OPERATIONAL BUDGET

The operational budget for the County Legislature and its staff.

POLITICAL PARTY COMMITTEE

Any committee of a political party, as defined under Section 1-104 of the Election Law of the State of New York.

PROPOSED BUDGET

The annual proposed budget proposed for the County by the County Executive for submission to the County Legislature.

PUBLIC OFFICE

Any office of federal, state or local government whether elected or appointed.

QUORUM

A majority of the whole number of the membership of the County Legislature, other group of persons or officers charged with any County public power, authority or duty to be performed or exercised by them jointly.

WHOLE NUMBER

The total number of persons which the County Legislature or other group of persons would have were there no vacancies and none of the persons disqualified from acting.

ARTICLE 2

LEGISLATIVE BRANCH

- Section 201. County Legislature; members.
202. Qualifications.
203. Terms of office.
204. Powers and duties.
205. Organizational meeting; officers; committees.
206. Monthly and special meetings; notice.
207. Clerk of the County Legislature.
208. Counsel to Majority and Minority; appointment; qualifications; duties; qualifications; other staff.
209. Compensation and expenses.
210. Confirmation of appointments.
211. Submission of enactments for executive approval; veto and veto override.
212. Administrative Code.
213. Local laws; definitions; power to adopt, amend and repeal; effect on legislative acts; procedure; referenda; effective date.
214. Filing and publication of local laws; judicial notice.
215. Resolutions; adoption, amendment and repeal.
216. Ordinances.
217. Vacancies.
218. Legislative Districts.
219. Commission on Reapportionment.

Section 201. County Legislature; members.

1. The legislative branch of the government of the County shall consist of an elective governing body, which shall be known as the Albany County Legislature.

2. The County shall be divided into districts to be known as “Legislative Districts,” as provided in this Charter, from each of which Legislative Districts shall be elected one (1) person to be a member of the County Legislature. Such persons while holding office shall be known as “Legislators.”

Section 202. Qualifications. Each County Legislator shall be a resident elector of the Legislative District he or she represents for at least one (1) year preceding the election and throughout the term of office. A County Legislator shall be a resident elector of the

Legislative District he or she represents if appointed to fill a vacancy and throughout the term of office. However, in the case of an election immediately following the reapportionment of Legislative Districts, the incumbent County Legislator representing a Legislative District redrawn in such reapportionment shall be eligible for nomination for election in either the Legislative District of residence, or any newly drawn Legislative District, provided that the County Legislator shall become a resident of the Legislative District represented prior to taking office. Members of the County Legislature shall be nominated at the primary election in the same manner other County officers are nominated pursuant to the provisions of the Election Law of the State of New York. The elections for County Legislators shall be conducted at the general election of 2015 and at general elections every fourth (4th) year thereafter.

Section 203. Terms of office. The terms of office of the members of the County Legislature shall be for four (4) years, beginning on the first (1st) day of January following their election.

Section 204. Powers and duties. The County Legislature shall be the legislative, appropriating and policy determining body of the County and shall have and exercise all of the powers and duties of the County now or hereafter conferred or imposed on the County Legislature by applicable law and any and all powers necessarily implied or incidental thereto, together with such powers and duties as are provided for in this Charter and Administrative Code. In addition to all powers conferred by the foregoing or other provisions of this Charter and Administrative Code, the County Legislature shall have the power, among others:

- A. To determine policy for the County and to adopt all necessary rules and regulations for its conduct and procedure;
- B. To make appropriations, levy taxes, and incur indebtedness;
- C. To equalize real property taxes consistent with standards prescribed by State law and on the basis of information supplied by the New York State Board of Real Property Tax Services and the County Real Property Tax Service Agency;
- D. To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts, ordinances or resolutions, subject to the veto of the County Executive;
- E. To enact and amend an Administrative Code pursuant to the provisions of this Article;
- F. To establish, subject to the Constitution and general laws of the State of New York, a schedule of compensation for officers and employees paid from County funds. This schedule of compensation may establish a minimum and maximum for any class of employees, and an increase in compensation, within the limits provided for by any class of

employees, as may be granted at any time by the County Executive or other appointing authority;

G. To fix the amount of bonds of officers and employees paid from County funds;

H. To legalize and validate any act had and taken in connection with a lawful municipal 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 227 of the County Law of the State of New York;

I. To exercise legislative oversight of County programs and administrative units;

J. To adopt a budget in the manner set forth in this Charter;

K. To confirm administrative unit heads appointed by the County Executive and other County employees when expressly authorized by this Charter;

L. By local law to create, alter, combine or abolish administrative units not headed by elective officials;

M. To approve contracts for the purchase and sale of real property, contracts for intergovernmental services and collective bargaining agreements, and those contracts subject to and in accordance with Article 7 of this Charter;

N. To determine and make provision for any matter of County government not otherwise provided for;

O. To prepare a legislative operational budget;

P. To designate on an annual basis, official newspapers for the publication of all enactments, notices and other matters required by law to be published;

Q. To adopt by resolution all necessary rules and regulations for its own conduct and procedure; and

R. To adopt by resolution the Capital Program pursuant to Section 609 of this Charter.

Section 205. Organizational meeting; officers; committees.

A. The organizational meeting of the County Legislature shall be conducted on or before the eighth (8th) day of January following its election, and in each even numbered year thereafter, at the time and place designated in a written notice to be given each Legislator by the Clerk of the County Legislature not later than five (5) days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or his or her inability

or failure to act in accordance with the provisions of this Section, notice shall be given by the County Clerk.

B. At this organizational meeting, the members of the County Legislature shall elect from among its members a Chairperson and such other officials as are required. The Clerk of the County Legislature shall preside at all of its meetings until such time as a Chairperson has been elected. Within twenty (20) days of the Chairperson's election, he or she shall appoint members of the County Legislature to serve on such committees as are provided by the rules of the County Legislature. The rules of the County Legislature shall indicate the proportionate make-up of majority and minority members of committees. The failure to elect a Chairperson or appoint committee members shall not prevent the County Legislature from transacting its ordinary business.

C. In the event of vacancy in the office of Chairperson, the County Legislature shall fill that office in the manner provided by its rules. Should the County Legislature fail to select a Chairperson within thirty (30) days after that office shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as Chairperson for the balance of the calendar year.

Section 206. Monthly and special meetings; notice. The County Legislature shall fix by rule the time and place of its regular meetings, which shall be conducted at least once each calendar month. No prior notice of such meetings shall be required. Special meetings may be conducted at such times and places and upon such conditions and notice to all members as the County Legislature by rule may provide.

Section 207. Clerk of the County Legislature . On the first day of the year following the election of a County Legislature, or as soon thereafter as practicable, the County Legislature shall appoint a Clerk who shall serve at the pleasure of the County Legislature and until his or her successor is appointed and qualified, and, from time to time, the Clerk shall appoint at least one (1) deputy and such additional personnel as are required, within budgetary limitations.

Section 208. Counsel to the Majority and Minority; appointment; qualifications; duties; qualifications; other staff.

A. There shall be a Counsel to the Majority and a Counsel to the Minority, each of whom shall be appointed in accordance with the rules of the County Legislature. At the time of their appointments, and throughout their terms of office, the Majority Counsel and Minority Counsel shall be duly admitted to practice law in the State of New York. The persons appointed to such positions shall serve at the pleasure of their respective appointing authorities. They shall be appointed on the basis of their legal experience and other qualifications for the responsibilities of their respective offices.

B. The Majority Counsel shall prepare local laws, resolutions, legalizing acts, ordinances or other legislation or memoranda and opinions regarding these and perform other duties as required and assigned by the Chairperson of the County Legislature.

C. The Minority Counsel shall generally provide legal advice and assistance to the members of the County Legislature belonging to the political party holding the second largest number of seats in the County Legislature. The Minority Counsel shall perform other duties as required and assigned by the Minority Leader of the County Legislature.

D. The rules of the County Legislature shall provide for the method and procedure of the appointment and retention of other staff and employees of the County Legislature within the limits of appropriation. Funding for staff and employees appointed by the respective appointing authorities of the party in the majority and minority, as provided in the rules of the County Legislature, shall be included in the County Legislature's operating budget in amounts to be allocated proportionately based upon the number of seats held, respectively, by the caucuses of the Chairperson and the Minority Leader.

Section 209. Compensation and expenses.

A. The County Legislature shall have the power to fix the compensation of its members and the Chairperson, which compensation shall be a stated annual salary to be paid in equal monthly installments by the Commissioner of the County Department of Management and Budget. The compensation of the members and the Chairperson shall not be increased nor decreased during their term of office.

B. Expenses actually incurred by any County Legislator in the performance of his or her duties under the authority or direction of the County Legislature, may be paid in the manner as other County charges, but no claims for expenses shall be audited or allowed which are not fully itemized and verified by affidavit of the claimant in the manner prescribed by law.

C. The Clerk, Deputy Clerk, and any counsels and other employees of the County Legislature shall each receive a stated annual salary, which shall be fixed by the County Legislature and paid in the same manner as other County salaries are paid.

D. The County Legislature shall have sole responsibility for the organization, appointment and removal of its staff. The County Legislature shall also have responsibility for the compensation to be paid for such legislative staff positions within the appropriations approved by the County Executive for such staff.

Section 210. Confirmation of appointments. A proposed appointment to County office by the County Executive that requires confirmation by the County Legislature under provisions of this Charter shall be presented by the County Executive to the Clerk of the County Legislature in writing in sufficient time to allow the Clerk to inform the full County Legislature of the proposed appointment at least two (2) weeks prior to the County

Legislature's next scheduled meeting. If the County Legislature fails to confirm such proposed appointment within sixty (60) days after filing with the Clerk, the appointment shall be deemed confirmed. When an appointment is rejected by the County Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive without the approval of the County legislature.

Section 211. Submission of enactments for executive approval; veto and veto override.

A. Except as otherwise provided in this Charter, the County Executive shall have power, within ten (10) days after its presentation to him or her by the Clerk, to veto any legislation passed by the County Legislature, except local laws and any such legislation which relates to the internal organization and operation of the County Legislature, and appointments made by the Legislature. A copy of such legislation shall immediately after its passage be separately certified by the Clerk and filed by the Clerk with the County Executive within five (5) days after its passage.

B. If the County Executive approves it, he or she shall sign it and return it to the Clerk, and the legislation shall thereupon take effect. If the County Executive vetoes it, he or she shall return it to the Clerk with his or her objections stated, in writing, and the Clerk shall present the same with such objections to the County Legislature at its next regular or special meeting called for that purpose, and such objections shall be entered upon its record, journal or minutes of the proceeding.

C. Except as otherwise provided in this Charter, the County Legislature, within forty-five (45) days after its return to the Clerk, may, by a three-fifths ($3/5$) vote of the whole number of its members, override such veto. Only one (1) vote shall be had to override such veto, which shall be taken by roll call and entered upon its record, journal or minutes of the proceeding. Wherever, as provided for in this Charter, a three-fifths ($3/5$) or a two-thirds ($2/3$) vote of the whole number of the County Legislature's members is required to override a certain action taken by the County Executive, if a fraction exists in the computation of such three-fifths ($3/5$) or two-thirds ($2/3$) vote, then it will be required to round up to the next whole number for determination of such three-fifths ($3/5$) or two-thirds ($2/3$) vote, whichever the case shall be.

D. If any of such legislation shall not be returned by the County Executive within ten (10) days after it shall have been presented to him or her, or if it shall be returned within such period without the County Executive's approval or veto, it shall be deemed to be adopted with like effect as if he or she had approved and signed it.

E. The procedures to be followed and the powers of the County Executive and County Legislature relative to the passage and veto of local laws shall be governed by and in accordance with Article 3 of the Municipal Home Rule Law of the State of New York.

Section 212. Administrative Code. The County Legislature shall enact and amend an Administrative Code organizing the administration of County government, and setting forth the details thereof, consistent with the provisions of this Charter. The Administrative Code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this Charter or amendments thereto. It shall be the responsibility of the County Clerk to compile, publish, and disseminate the Administrative Code, and recommend revisions thereto, in a continuing program to provide greater efficiency and economy in the operation of government.

Section 213. Local laws; definitions; power to adopt, amend and repeal; effect on legislative acts; procedure; referenda; effective date.

A. A local law is a law adopted pursuant to this Charter within the power granted by the New York State Constitution, act of the Legislature or provision of this Charter and shall not include a resolution, ordinance or legalizing act.

B. The County Legislature may adopt, amend or repeal local laws by a majority vote of the whole number of its members. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the exercise of such power, and within the limitations provided by Article 4 of the Municipal Home Rule Law of the State of New York, the County may change, supersede or amend any act of the State Legislature.

C. Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of local laws, including the conduct of mandatory or permissive referenda in connection therewith, shall be as provided in the Administrative Code or other applicable law.

D. Every local law shall become effective when filed in the office of the Secretary of State of the State of New York, or on such later date as may be provided in the local law.

Section 214. Filing and publication of local laws; judicial notice. The filing and publication of local laws shall be as provided by Section 27 of the Municipal Home Rule Law of the State of New York, and the court shall take judicial notice of all local laws and of rules and regulations adopted pursuant thereto. Within five (5) days after the taking of effect of a local law, the Clerk shall file a certified copy thereof in the office of the County Clerk, and three (3) copies in the office of the Secretary of State. Such certified copy shall contain the text only of the local law without the brackets and the matter within the brackets, or the italicizing or underscoring, if any, to indicate the changes made by it. At the same time the Clerk shall cause to be published at least once as a County charge in the designated official newspaper a notice that such local law was adopted, a brief description of such local law and that the full text of such local law may be examined during regular business hours in the office of the Clerk of the County Legislature, provided that failure to do so shall not affect the validity of such local law.

Section 215. Resolutions; adoption, amendment and repeal.

A. The County Legislature may adopt, amend and repeal resolutions by a majority vote of the whole number of its members. Each resolution shall embrace only one (1) subject and may relate to property or any other subject of County concern not required by this Charter or applicable law to be provided by local law. Resolutions shall not be subject to referenda.

B. Except as otherwise provided in the Charter, all procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Administrative Code or applicable law.

Section 216. Ordinances . Ordinances may be adopted by the County Legislature, and the procedure shall be the same as herein provided for the adoption of local laws, except that an ordinance shall not be subject to referendum, mandatory or permissive, except also for any filing requirements. An ordinance may provide for any subject matter of County concern not required to be provided by local law, legalizing act or resolution of the County Legislature. Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment of violations by civil penalty or by fine or imprisonment or by two (2) or more such penalties or punishments. Ordinances and their application, including particular subjects and form, may be further provided in the Administrative Code.

Section 217. Vacancies. A vacancy in the County Legislature other than by expiration of a term shall be filled by a majority vote of the whole number of members thereof, within forty (40) days of the vacancy, who shall appoint a qualified person to fill the vacancy having the same political party affiliation as the person last elected to that office. The person so appointed shall serve until the first (1st) day of January following the next general election, at which election such vacancy shall be filled for the unexpired term. Any successor so appointed or elected shall possess all the qualifications required of members of the County Legislature as set forth in this Charter.

Section 218. Legislative Districts.

Section 219. Commission on Reapportionment.

A. Upon publication of the results of the federal decennial census for Albany County, a Commission on Reapportionment shall be established to make recommendations to the County Legislature on whether and how the County Legislature should be reapportioned.

B. The Commission shall consist of seven (7) members who are County residents, are eligible to register to vote and are not public officers or employees. The Commission's members shall include representatives of the two (2) principal political parties and reasonably reflect the demographic composition of the County.

C. To establish a pool from which members will be appointed, no later than three (3) months prior to the anticipated first meeting of the Commission, the County Executive shall widely solicit interest in serving on the Commission through such means as direct mail and e-mail contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website.

D. Initial appointments to the Commission from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than sixty (60) days after the census data becomes available, with two (2) members appointed by the Chairperson of the County Legislature and two members by the Minority Leader of the County Legislature.

E. These four (4) appointed Commissioners shall select the additional three (3) Commission members from the pool previously established no later than seventy (70) days after the census data becomes available. In the event that the additional three (3) Commission members are not appointed by the prescribed deadline, the appointment of the initial four (4) members will no longer have force and effect and these members will no longer be eligible to serve on the Commission. The Chairperson and Minority Leader of the County Legislature will make alternative appointments in the manner prescribed in this Section, and the four (4) newly appointed Commissioners will select three (3) additional Commissioners so as to allow the Commission to convene no later than six (6) months after the census data becomes available. If, for any reason, the alternate Commissioners fail to timely select one or more of the additional members as herein required, the County Executive shall make such number of selections from such pool as shall be necessary to fully constitute the Commission.

F. The Commission shall be guided by the goal of equal and fair representation of all people in Albany County, consistent with established state and federal law as interpreted by courts of appropriate jurisdiction. Factors to consider are:

1. minimization of population variance among districts;

2. compactness of districts;
3. practicable consistency with existing municipal boundaries and neighborhoods within Albany County; and
4. balance and reasonableness for the diversity of citizens residing in all parts of the County.

G. The Commission will reapportion in accordance with a process that allows timely input from the County Legislature and its members and the maximum of public participation and comment, and in accord with a calendar it adopts for itself after consideration of the Election Law of the State of New York.

H. The Commission shall submit its final report to the County Legislature within eight (8) months after the census data become available. At any time prior to the expiration of this term, the County Legislature may extend such term once, for a period not to exceed thirty (30) days.

ARTICLE 3

EXECUTIVE BRANCH

- Section 301. County Executive; election; term; qualifications; compensation.
302. Powers and duties.
303. Appointment of department heads, officers and employees.
304. Deputy County Executive.
305. Acting County Executive; how designated; when to act.
306. Removal of County Executive.
307. Vacancy in the office of County Executive.

Section 301. County Executive; election; term; qualifications; compensation. There shall be a County Executive elected from the County at large. The County Executive's term of office shall be four (4) years, beginning on the first (1st) day of January following his or her election. The County Executive shall have been a resident of the County continuously for at least one (1) year preceding his or her election, and throughout his or her term of office, be a qualified elector of the County. The County Executive may not hold any other public office or the position of chair, vice-chair, secretary, treasurer or other comparable office of a County political party committee. The County Executive shall receive such compensation for his or her duties as fixed by the County Legislature. The compensation of the County Executive shall not be increased nor decreased during his or her term of office.

Section 302. Powers and duties. The County Executive shall be the chief executive and elective officer of the County government. Except as may be otherwise provided in this Charter, the County Executive shall have and exercise all the executive powers and duties

now or hereafter conferred or imposed upon him or her by this Charter and any applicable law upon a County executive officer or the executive branch of County government, including, but not necessarily limited to, the following:

A. Subject to confirmation by the County Legislature, where so provided in this Charter, appointing department heads or other administrative unit heads; however, should the County Executive fail to make such appointment in writing, signed and filed in the offices of the Clerk of the County Legislature and the County Clerk within a period of ninety (90) days from a vacancy in such department or administrative unit, as the case may be, the County Legislature may appoint such department head or administrative unit head. In no event, unless a default occurs in the confirmation process by the County Legislature, shall any person appointed by the County Executive enter upon his or her office unless confirmation by the County Legislature shall have been filed by the Clerk of the County Legislature in the offices of both the Clerk of the County Legislature and the County Clerk;

B. Supervising, directing and controlling the administration of all departments;

C. Supervising and directing the internal structure and organization of every administrative unit of the executive branch of County government not administered by another elective official;

D. Reporting to the County Legislature on the activities of all administrative units by the fifteenth (15th) day of March each year;

E. Approving or vetoing any local law, legalizing act, ordinance or resolution, all as provided for in Article 2 of this Charter;

F. Appointing, without confirmation by the County Legislature, such assistants, officers, and employees of the County Executive's office, within the limits provided by appropriation;

G. Serving as the chief budgetary officer of the County, and as such, preparing and submitting to the County Legislature the proposed budget, capital program, and accompanying message, all as provided for in Article 6 of this Charter;

H. Executing contracts and agreements for the County, subject to the provisions of Article 7 of this Charter, and approving and executing those contracts as authorized in this Charter;

I. Authority to promote and execute economic development in the County;

J. Exercising all executive and administrative powers in relation to any and all functions of County government not otherwise specified in this Charter;

K. Making such recommendations to the County Legislature regarding the affairs of the County and its government as he or she may deem appropriate; and

L. Possessing all necessary incidental powers to perform and exercise any of the duties and functions specified above or lawfully delegated to the County Executive.

Section 303. Appointment of department heads, officers and employees.

A. Except as otherwise provided in this Charter, the County Executive shall appoint, to serve at his or her pleasure during his or her term of service, or for such term as may be specified in this Charter, the head of every department not administered by another elective official.

B. The appointment by the County Executive of every department head shall be subject to confirmation by the County Legislature, taken at a regular or special meeting, as shall the appointment of any other administrative unit head when the Charter makes it subject to confirmation by the County Legislature.

C. The County Executive shall have sole responsibility for the organization, appointment and removal of his or her staff. The County Executive shall also have responsibility for the compensation to be paid for such positions, within appropriations made therefor.

D. All other officers and employees of each department or other administrative unit shall be appointed by the head thereof, unless otherwise provided by this Charter.

E. All appointments, whether or not subject to confirmation by the County Legislature, shall be in writing, signed by the County Executive, and filed in the office of the Clerk of the County Legislature within ten (10) days after the date of appointment. Except as otherwise provided in this Charter, no such appointee shall hold office beyond the term of the County Executive by whom the appointment was made. Unless removed, an appointee shall continue to serve until his or her successor is appointed and has qualified or until an interim appointment is made.

F. The County Executive may designate a qualified person to serve temporarily or on an interim basis for no longer than ninety (90) days as an acting department head or administrative unit head subject to confirmation, when and if such office is vacant.

G. The County Executive may appoint one person as head of two (2) or more departments or other administrative units or may serve himself or herself as the head of one or more administrative units or departments, subject to all requirements in this Charter and applicable as to qualifications.

Section 304. Deputy County Executive. The County Executive may appoint a Deputy County Executive, to serve at his or her pleasure. The Deputy County Executive

shall act for and in place of the County Executive, except that a Deputy County Executive may not exercise the power of appointment, discharge or veto.

Section 305. Acting County Executive; how designated; when to act.

A. The County Executive shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Executive to perform administrative duties of the County Executive in the event the County Executive is temporarily unable to perform the powers and duties of the office, as established either (1) by the County Executive certifying in writing and filing with the County Clerk a statement that he or she is unable to perform or exercise such powers and duties; or (2), in the event that, upon advice sought by a majority of the whole number of members elected to the County Legislature by formal action not subject to veto by the County Executive, his or her inability to serve is certified by qualified and competent medical authority designated by, and subject to judicial review of, a Justice of the New York State Supreme Court.

B. Only a Deputy County Executive and persons incumbent in County government in positions subject to confirmation by the County Legislature may be designated to any list of succession for possible service as Acting County Executive.

C. If the Office of County Executive becomes vacant in the manner provided in Section 30 of the Public Officers Law of the State of New York, the person designated as Acting County Executive shall serve in such position no longer than the earliest date at which the vacancy in the office of County Executive is filled as provided for in this Article.

D. At any time during the remainder of the term for which he or she was elected, a person elected as County Executive may file a retraction in writing with the County Clerk of his or her earlier statement of inability to perform or exercise the duties of the office and immediately resume service in that office.

E. At any time during the remainder of the term for which a County Executive was elected after he or she was found unable to perform or exercise the duties of office by competent medical authority, but prior to the time a vacancy in the office would otherwise occur in the manner provided in Section 30 of the Public Officers Law of the State of New York, that authority may file a retraction in writing with the County Clerk, and thereafter the County Executive may immediately resume service in that office.

F. The designation of an order of succession for the position of Acting County Executive shall be filled with the County Clerk and the Clerk of the County Legislature and may be revised at any time by the County Executive filing a new written designation of order of succession. In the absence of such written designation of order of succession, and in the event of the County Executive's inability to perform and exercise the powers and duties of his or her office, the County Legislature shall appoint a person then serving in a position subject to its confirmation as Acting County Executive.

G. The Acting County Executive shall have and exercise all of the powers of the County Executive.

Section 306. Removal of County Executive . The County Executive may be removed in the manner provided in the Public Officers Law of the State of New York for the removal of other county officers.

Section 307. Vacancy in the office of County Executive. In the event of a vacancy in the office of County Executive as described in Section 30 of the Public Officers Law of the State of New York, such office shall be filled by appointment of a qualified elector of the County by vote of a majority of the whole number of members of the County Legislature. The appointment shall be made within thirty (30) days after the vacancy occurs. If the appointment is not made within said thirty (30) days, a special election shall be conducted to fill the vacancy within ninety (90) days after the vacancy; provided, however, that if there shall be a general election within one hundred twenty (120) days after said vacancy occurs, the vacancy shall be filled at the general election. The person appointed shall hold office by virtue of such appointment until the commencement of the calendar year next succeeding the first annual election after the happening of the vacancy at which a successor can be elected, at which election a County Executive shall be elected for the balance of the unexpired term, if any. The Acting County Executive designated in the manner prescribed in this Article shall serve during any vacancy in the office of County Executive until such vacancy is filled.

ARTICLE 4

DEPARTMENT OF AUDIT AND CONTROL

- Section 401. Department of Audit and Control established; County Comptroller.
402. Election; term; qualifications; compensation.
403. Powers and duties.
404. Deputy and Assistant County Comptrollers and Staff.
405. Acting County Comptroller.

Section 401. Department of Audit and Control established; County Comptroller. There shall be a Department of Audit and Control headed by the County Comptroller.

Section 402. Election; term; qualifications; compensation. The County Comptroller shall be elected from the County at large. The County Comptroller's term of office shall be four (4) years, beginning on the first (1st) day of January following his or her election. The County Comptroller shall have been a resident of the County continuously for at least one (1) year preceding his or her election, and, throughout his or her term of office, be a qualified elector of the County. The County Comptroller may not hold any other public office or the position of chair, vice-chair, secretary, treasurer or comparable office of a County political party committee. The compensation of the County Comptroller shall not be increased or decreased during his or her term of office.

Section 403. Powers and duties. The County Comptroller shall:

- A. Be the chief fiscal and auditing officer of the County;
- B. Be the chief administrative officer of the Department of Audit and Control;
- C. Keep records of appropriations, funds and expenditures, and prescribe approved methods of accounting for County officers and administrative units;
- D. Examine all requisitions for the encumbering of funds for expenditure of which the County is responsible, and certify as to the availability of funds for such purposes;
- E. Audit and certify for payment all lawful claims or changes against the County or against funds for which the County is responsible;
- F. Audit the financial records and accounts of all officers and employees charged with any duty relating to County funds or funds for which the County is responsible;
- G. Procure statements from all depositories of County funds and funds for which the County is responsible, and reconcile such statements with the County accounts, and to consult with the Commissioner of the Department of Management and Budget with respect to the designation of a depository for County funds;
- H. Submit to the County Executive and the County Legislature annually, at the close of each fiscal year, or as soon thereafter as practicable, but in no event later than the fifteenth (15th) day of May, financial reports in such form and detail and at such times as may be prescribed by the County Legislature;
- I. Organize the Department of Audit and Control into such administrative units as may be required; and
- J. Have all the powers and perform all the duties conferred or imposed by law upon a County Comptroller, except as may be inconsistent with this Charter, and perform such other duties as may be required by the County Executive or the County Legislature.

Section 404. Deputy and Assistant County Comptrollers and staff. The County Comptroller shall appoint such Deputy and Assistant Comptrollers, assistants and employees of the Department of Audit and Control within appropriations made therefor. All Deputy and Assistant County Comptrollers, assistants and employees shall serve at the pleasure of the County Comptroller, subject to applicable law.

Section 405. Acting County Comptroller. The County Comptroller shall designate in writing, and in order of succession, the Deputy County Comptroller and assistants who shall be Acting County Comptroller in the event of the County Comptroller's absence from the County or inability to perform and exercise the powers and duties of his or her office. Such

designation shall be filed with the Office of the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Comptroller filing a new written designation and order of succession. The Acting County Comptroller shall have all the powers and perform all the duties of the County Comptroller. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the County Comptroller's designation of an Acting County Comptroller pursuant to this Section.

ARTICLE 5

DEPARTMENT OF MANAGEMENT AND BUDGET

- Section 501. Department of Management and Budget established; Commissioner; appointment; qualifications.
502. Powers and duties.
503. Division of Purchase established; Director; appointment; qualifications; powers and duties.
504. Real Property Tax Service Agency established; Director; appointment; qualifications; term; powers and duties.

Section 501. Department of Management and Budget established; Commissioner; appointment; qualifications. There shall be a Department of Management and Budget headed by the Commissioner of Management and Budget. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office.

Section 502. Powers and duties. The Commissioner of Management and Budget shall:

- A. Be the chief administrative head of the Department of Management and Budget;
- B. Assist the County Executive in the preparation and administration of the proposed budget, capital program, and final annual budget, and in the study of administrative efficiency and economy;
- C. Have charge of the administration of all the financial affairs of the County, except as otherwise provided in this Charter;
- D. Collect, receive and have custody of all public funds of the County or for which the County is responsible and have responsibility for the investment and management of such funds;

E. Collect all taxes, assessments, license fees and other revenues of the County or for whose collection the County is responsible, except those payable by law to the County Clerk, Sheriff, or other County official;

F. Deposit all funds coming into his or her hands in such depositories as may be designated by the Commissioner, after consultation with the County Comptroller, subject to the requirement of law as to depositories and depositories' undertakings;

G. Have responsibility for the custody, investment and management of any sinking funds provided for the payment or redemption of County debts;

H. Submit to the County Legislature, annually as required by law and at such other times as may be required by the County Legislature, a complete financial statement containing a general balance sheet for the County;

I. Perform all duties required by any law to be performed by a county treasurer, unless such duties shall have been assigned to some other administrative unit;

J. Have responsibility for the provision of management information services in support of the County's departments and administrative units;

K. Organize the Department of Management and Budget into such administrative units as may be required, with approval of the County Executive, including, but not limited to, a Division of Purchase as provided for in this Article; and

L. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 503. Division of Purchase established; Director; appointment; qualifications; powers and duties. There shall be within the Department of Management and Budget a Division of Purchase headed by a Director of Purchase. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office. The Director shall promulgate a uniform system for the procurement of goods and services by the County and all its units, and, upon its approval by the County Executive, be responsible for its implementation. In addition, and except as may otherwise be provided in the Charter, the Director may promulgate standard specifications and advertisement of the solicitation for competitive bidding as set forth by applicable law, and shall perform such other and related duties as may be required by the Commissioner of Management and Budget, the County Executive or the County Legislature.

Section 504. Real Property Tax Service Agency established; Director; appointment; qualifications; term; powers and duties. There shall be within the Department of Management and Budget an independent Real Property Tax Service Agency headed by the

Director of the Real Property Tax Service Agency. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. At the time of the Director's appointment, and throughout his or her term of office, he or she shall possess such qualifications that conform to those prescribed by the State of New York for county directors of real property tax service agencies pursuant to Article 15-A, Section 1530 of the Real Property Tax Law of the State of New York. The Director shall be appointed on the basis of his or her administrative experience and other qualifications for the responsibilities of this office, except that if the Director is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard. The independent Real Property Tax Service Agency shall:

A. Have all of the powers and perform all of the duties conferred or imposed by Article 15-A of the Real Property Tax Law of the State of New York, including, but not limited to, the extension of real estate taxes, the issuance of tax bills, the maintenance of County assessment records, the submission to the County Executive of tax equalization rates and the rendering of assistance to assessors throughout the County in the performance of their respective responsibilities;

B Prepare tax maps for the use of the assessor of all the assessing units in the County; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law of the State of New York;

C. Perform such other and related duties as may be required by the County Executive or the County Legislature; and

D. On or before the first (1st) day of March of each year, make an annual report to the County Executive and County Legislature for the immediately preceding calendar year, covering generally the work of the Agency. The Agency shall make such other reports at such times as may be required by the County Executive, County Legislature or any applicable law. Copies of all reports shall be filed with the County Executive and the Clerk of the County Legislature.

ARTICLE 6

FINANCIAL PROCEDURES

- Section 601. Fiscal year.
602. Oversight of financial affairs.
603. Preparation of the proposed budget.
604. Legislative action on proposed budget submission; adoption of final annual budget.
605. Levy of taxes; inclusion of reserve for uncollected taxes.

- 606. Appropriations; supplemental and emergency.
- 607. Appropriations; reduction and transfer after budget adoption.
- 608. Capital program.
- 609. Legislative action on capital program.
- 610. Lapse of appropriations.
- 611. Performance of acts; scheduling.

Section 601. Fiscal year. The fiscal year of the County shall begin with the first (1st) day of January and end with the last day of December of each year.

Section 602. Oversight of financial affairs. The County Legislature shall have the authority and duty to oversee the financial affairs of the County government. To that end, the County Legislature may, at any time, cause an examination and audit of the books, records and papers pertaining to the money, funds or other property belonging to the County, or over which the County shall have control.

Section 603. Preparation of the proposed budget.

A. Preparation. It shall be the duty of the County Executive, the Commissioner of the Department of Management and Budget, or such other officer as may be designated by the County Executive, on behalf of the County Executive, to prepare and file a proposed budget for each fiscal year, in accordance with the provisions of this Charter and applicable state law.

B. Departmental estimates. On or before the first (1st) day of July, each department and administrative unit head shall submit to the County Executive and County Legislature, in writing, and through such channels and processes as specified by the County Executive, an overall estimate for that department and administrative unit and estimates by program within that department and administrative unit of expected expenses and expected revenues for the next ensuing fiscal year. These estimates shall be called “departmental estimates” and shall be organized with proposed grand totals of expenses and revenues for personnel services and other than personnel services for the department or administrative unit and proposed subtotal appropriations for personnel services and other than personnel services for each program within each department or administrative unit. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in the departmental or administrative unit submission, prepared in the same specified format for comparison purposes. Each departmental estimate of expenses and revenue by program shall be supported by such other detail and other supporting information concerning the economy, efficiency and effectiveness of departmental performance as the County Executive shall require. Departmental estimates shall be public records and shall at all reasonable times be available and open to public inspection. In the event any department or administrative unit head fails to submit an estimate by the first day of July, the Commissioner of the Department of Management and Budget shall prepare an estimate for that department or administrative unit.

C. Review of requests. The Commissioner of the Department of Management and Budget, upon receipt of the departmental estimates, shall proceed to review such estimates with the heads of the department and administrative unit heads as the Commissioner of the Department of Management and Budget deems necessary. Officers or employees of the various departments and administrative units shall furnish data and information and answer inquiries pertinent to such review. The Audit and Finance Committee of the County Legislature shall be entitled to the information developed by the various departments and administrative units.

D. Components of the proposed budget. Upon completion of his or her review, the Commissioner of the Department of Management and Budget shall prepare the proposed budget for the County Executive, which shall be filed with the Clerk on or before the tenth day of October. Upon such filing, the proposed budget submission shall become a public record, be posted on the County's website, and copies of it shall be made available by the Clerk for distribution. Components of the proposed budget submission shall be in compliance with the provisions of County Law of the State of New York and include such material as the County Executive deems desirable, or the County Legislature may require. The submitted proposed budget shall include, but not necessarily be limited to the following components:

1. Budget message. The County Executive shall submit with the proposed budget a budget message summarizing and explaining the main features of the proposed budget, including information identifying and analyzing new or changed programs, with such supporting schedules and explanatory materials as he or she may deem desirable or the County Legislature may by resolution require. The County Executive's budget message shall include a clear summary demonstration that there is a balanced relationship between the total estimated expenditures and the total estimated revenues for the next ensuing fiscal year and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the year-to-date actual and year-to-date projected total expenditures and revenues for the current fiscal year. The County Executive's budget message shall also outline the existing and any proposed financial policies of the County relating to the capital program, including a description of each capital project proposed to be undertaken in the preceding fiscal year and not yet completed. The budget message shall specify the manner in which the County Executive is overseeing management of departmental operations to assure economic, efficient, effective delivery of public services, and contain such additional information as the County Executive may deem appropriate, and shall be posted on the County's website.

2. Maintenance and operations budget. The maintenance and operations budget shall provide a complete financial plan of all County funds and activities for the ensuing fiscal year and, except as required by this Charter or applicable law, shall be in such form as the County Executive deems desirable or the County Legislature may require. Such budget shall begin with a clear general summary of its contents, show in reasonable detail all estimated revenues, and indicate the proposed property tax levy and all proposed appropriations, including debt service for the ensuing fiscal year. It shall be arranged so as to

demonstrate revenues and appropriations for each fund, account, and administrative unit by item, including but not limited to, a description of each item, the previous year appropriations or revenues, the current year amount appropriated as amended to date, the ensuing year's amounts requested by administrative units and the ensuing year amounts proposed by the County Executive. It shall indicate in separate sections:

a. the proposed objectives and appropriations for current operations during the ensuing fiscal year, detailed for each fund by administrative unit, program, purpose or activity, and the method of financing such appropriations; and

b. the estimated revenues and appropriations and appropriated fund balances for the ensuing year for each fund operated by the County. For any fund, the total of proposed appropriations shall not exceed the total of estimated revenues, plus appropriated fund balances.

3. Capital budget. The capital budget shall include the proposed capital expenditures, detailed for each fund, account, administrative unit item and the proposed method of financing each such expenditure. No capital expenditures for construction, reconstruction or acquisition of major capital projects or significant repairs, improvements or expansions, as defined in Subdivision F of Section 608 of this Charter, shall be proposed unless included in the capital program pursuant to Section 608 of this Charter, inclusive of any amendments made thereto and adopted pursuant to Subdivision B of Section 609 of this Charter.

4. Legislative operational budget. The legislative operational budget shall include an estimate of appropriations required by the County Legislature for its operations, as submitted to the County Executive by the Clerk or such other officer or employee designated by the Chairperson no later than the first day of August.

5. Proposed local laws, resolutions or other ordinances. The County Executive shall propose any local laws, resolutions or ordinances which may be required to implement the proposed budget including, but not limited to, such actions as authorizing the property tax levy, authorizing or amending other new or existing revenue sources or to restructure administrative units to carry out the purposes of the budget.

Section 604. Legislative action on proposed budget submission; adoption of final annual budget.

A. First public hearing. Not later than the twentieth (20th) day of October, the Clerk shall cause to be published on the County's website and in the official newspapers of the County, and in such other newspapers as may be designated by the County Legislature, a notice of the place and time (not less than five (5) days after such publication, nor later than the thirtieth (30th) day of October) at which the County Legislature will hold a public hearing on the proposed budget as submitted by the County Executive.

B. Legislative budget report. The Audit and Finance Committee (or other such committees as may be designated by the Chairperson) of the County Legislature may also hold public hearings or meetings with the heads of the departments and contractual agencies, as such committees deem necessary, to prepare the proposed legislative budget report containing proposed additions and deletions to the proposed budget submitted by the County Executive. The place and time of such hearings and meetings shall be published in the same manner applicable to the publication for the first public hearing as provided above in this Section. The legislative budget report shall be filed with the Clerk no later than the twentieth (20th) day of November.

C. Second Public Hearing. Not later than the twentieth (20th) day of November, the Clerk shall cause to be published in the official newspapers, and such other newspapers as may be required by the County Legislature, a notice of the place and time (not less than five (5) days after such publication, nor later than the first (1st) day of December) at which the County Legislature will hold a public hearing on the proposed legislative additions and/or deletions to the proposed budget.

D. Adoption of final annual budget.

1. After the conclusion of the public hearings, but in no event later than the eighth (8th) day of December, the Chairperson shall convene a regular or special meeting of the County Legislature to consider the proposed budget and proposed legislative additions and/or deletions if any, for the ensuing year. The County Legislature may strike items from the proposed budget appropriations or anticipated revenues from proposed maintenance and operation, capital and legislative budgets or reduce items therein, except appropriations required by law or for debt service. The County Legislature may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases or deletions shall not require County Executive approval nor be subject to County Executive veto. Capital appropriations for construction, reconstruction or acquisition of major capital projects or significant repairs, improvements or expansion thereto, as provided for in Section 608 of this Charter, shall not be adopted unless included in the capital program pursuant to Section 608 of this Charter or by an amendment thereto pursuant to Subdivision B of Section 609 of this Charter.

2. If the proposed budget, as submitted by the County Executive, is adopted by resolution of the County Legislature with no changes, or with decreases or deletions as the only changes thereto, such budget shall be deemed to have been adopted as the final annual budget without any further action by the County Executive. If the budget as adopted by the County Legislature contains any additions or increases, however, that budget shall be presented by the Clerk to the County Executive, not later than the eighth (8th) day of December, for his or her examination and consideration.

a. If the County Executive approves all such additions and increases, he or she shall affix his or her signature to a statement to that effect and return the

proposed budget together with such statement to the Clerk, and the proposed budget, together with such additions and increases, shall then be deemed adopted as the final annual budget.

b. If the proposed budget, with additions or increases, is not returned by the County Executive to the Clerk with his or her objection, if any, on or before 10:00 A.M. on the twelfth (12th) day of December, it shall be deemed adopted as the final annual budget.

3. If the County Executive objects to any one (1) or more of such added or increased items pursuant to this Section, she shall attach to the proposed budget a statement of the added or increased items to which he or she objects, setting forth his or her reason therefor and shall, not later than the twelfth (12th) day of December by 10:00 A.M., return the proposed budget with his or her objections to the Clerk, who shall present such proposed budget to the County Legislature at a meeting to be held no later than the sixteenth (16th) day of December. The County Legislature shall thereupon enter the objections upon its record, journal or minutes of the proceeding and proceed to reconsider the additions and increases to which objection is made by the County Executive. If, upon such reconsideration, two-thirds (2/3) of the whole number of the County Legislature vote to approve such additions and increases, or any of them, the proposed budget, with the additions and increases so approved, together with any additions and increases not so objected to by the County Executive, shall be deemed adopted as the final annual budget. If the County Legislature fails to act on or override such objections by a two-thirds' (2/3) vote on or before the eighteenth (18th) day of December, the objections and the proposed budget shall become final and be deemed adopted as the final annual budget, without the additions and increases objected to by the County Executive.

4. If the budget has not been adopted as herein provided on or before the twentieth (20th) day of December, then the proposed budget, plus all deletions, additions and increases to which the County Executive has failed to object, shall constitute the final annual budget for the ensuing fiscal year.

E. Certification and availability. Four (4) copies of the final annual budget as adopted, shall be certified by the County Executive and the Clerk, and one (1) each of such copies shall be filed in the office of the County Executive, the Department of Audit and Control, the Department of Management and Budget and with the Clerk. The final annual budget as certified shall be a public record and be printed or otherwise reproduced and copies shall be made available to the public on the County's website and at suitable places in the County.

Section 605. 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 appropriations as set forth in the adopted final annual budget, shall be levied in advance by the County Legislature on the taxable real property of the several tax districts of the County. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes," which shall be a County charge. The County Legislature shall fix the

amount of such sum as it may deem sufficient to produce in cash from the collection of taxes and other revenues during the year monies required to meet the estimated appropriations of such year; provided, however, that such reserve for uncollected taxes shall not be less than the face amount of unpaid taxes for the preceding completed fiscal year. The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the County Legislature shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first (1st) day of January of the fiscal year for which levied and shall remain a lien until paid.

Section 606. Appropriations; supplemental and emergency.

A. Recommendation and adoption. If, during any fiscal year, there are available for appropriation revenues received from sources not anticipated in the budget for that year or revenues received from anticipated sources but in excess of the budget estimates therefor, the County Legislature may, upon the written request of the County Executive or upon its own initiative, make supplemental appropriations to meet a public emergency affecting life, health or property. 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 of the State of New York.

B. Executive vetoes and legislative overrides. If the County Executive approves such supplemental appropriations, he or she shall affix his or her signature to a statement to that effect and return the resolution to the Clerk, and it shall then be deemed adopted. If the County Executive objects to such appropriation, he or she shall append to such resolution a statement setting forth the reason therefor and return it to the Clerk. The County Legislature shall thereupon enter the objections upon its record, journal or minutes of proceedings and proceed, should it so desire, to reconsider the appropriation to which objection is made by the County Executive. If upon reconsideration, two-thirds (2/3) of the whole number of the County Legislature votes to approve such appropriation, the resolution shall be deemed adopted. If the County Legislature fails to act on or override such objections by two-thirds (2/3) of the County Legislature, the objections shall become final, and the resolution shall be deemed adopted.

Section 607. Appropriations; reduction and transfer after budget adoption.

A. If, at any time during the fiscal year, it appears that a deficit exists, or is likely to exist in any budget classification, the County Executive shall report to the County Legislature without delay the estimated amount of the deficit, remedial action taken by him or her, and his or her 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, the County Legislature may, by resolution, reduce one (1) 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 County Legislature may also, if it so determines, borrow temporarily

pursuant to the Local Finance Law of the State of New York in any amount not greater than such deficit for that purpose.

B. 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 fifty thousand dollars (\$50,000) annually, during the fiscal year in any one (1) line item in the budget as adopted, (2) would affect any salary rate or salary total except as expressly permitted by this Charter or the Administrative Code, (3) would represent an annual total of greater than five percent (5%) of the appropriation total for a given administrative unit, or (4) would transfer funds between administrative units. Upon written request by the County Executive, or upon resolution adopted on its own initiative, the County Legislature may transfer part or all of any unencumbered appropriation balance from one (1) administrative unit to another provided that no such transfer shall be made from appropriations for debt service and no appropriation shall be reduced below any amount required by law to be appropriated. If the County Executive approves such transfer, he or she shall affix his or her signature to a statement to that effect and return the resolution to the Clerk of the County Legislature, and such resolution shall be deemed adopted. If the resolution is not returned by the County Executive within four (4) days of its receipt, it shall be deemed adopted and the transfer then may be made immediately. If the County Executive objects to such transfer, he or she shall attach a statement to the resolution setting forth the reasons for his or her objection and return the resolution to the Clerk of the County Legislature. The County Legislature thereupon shall enter the objections upon its record, journal or minutes of the proceeding and proceed, should it so desire, to reconsider the transfers to which objection is made by the County Executive. If upon such reconsideration, two-thirds (2/3) of its whole number votes to approve such transfer, the resolution shall be deemed adopted and the transfer then may be made immediately. If the County Legislature fails to act on or override such objections by two-thirds (2/3) of its whole number, the objections shall become final and the resolution, without the transfers objected to, shall be deemed adopted.

C. A monthly report of all transfers of unencumbered appropriation balances between classifications of expenditures within the same administrative unit shall be filed with the County Legislature by the County Executive.

Section 608. Capital program. All capital projects of the County shall be included in a capital program. The County Executive shall prepare and submit to the County Legislature a five (5) year capital program no later than the first (1st) day of July. The capital program shall include:

A. a clear summary of its contents;

B. a list of all capital projects and other capital expenditures proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for each;

C. cost estimates and recommended time schedules for each capital project and other capital expenditure;

D. the proposed method of financing for each capital project and capital expenditure, indicating:

1. the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds;

2. the amount, if any, estimated to be received from the federal and/or state governments; and

3. the amount to be 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;

E. the estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and

F. identification of those portions of the capital program for the construction, reconstruction or acquisition of major capital projects. A “major capital project” shall be defined as (1) a building, capital facility or system comprising a component of the general fixed assets of the County which has a replacement cost of at least two hundred fifty thousand dollars (\$250,000) and has a period of probable usefulness of at least six (6) years, or (2) any significant repairs, improvements or expansions to new or existing capital assets of the County, which have a cost of at least two hundred fifty thousand dollars (\$250,000).

The above shall be revised and extended each year with regards to capital projects still pending or in the process of construction or acquisition.

Section 609. Legislative action on capital program.

A. Notice and hearing. The County Legislature shall publish on the County’s website and in the official newspapers of the County, and such other newspapers as it may designate, a summary of the capital program, and a notice stating:

1. the times and places where copies of the capital program are available for inspection by the public; and

2. the time and place (which shall be not less than two (2) weeks after such publication) for a public hearing on the capital program.

B. Adoption. The County Legislature shall adopt by resolution the capital program, with or without amendment after the public hearing, and on or before the first (1st) day of September.

Section 610. Lapse of appropriation. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Section 611. Performance of acts; scheduling. The scheduling for the performance of an act may be changed by the Administrative Code, if adopted by the County Legislature.

ARTICLE 7

BOARD OF CONTRACT ADMINISTRATION

- Section 701. Board of Contract Administration established.
702. Powers and duties.
703. Other Contract Approvals.
704. Other Responsibilities.

Section 701. Board of Contract Administration established. There shall be a Board of Contract Administration, for the purpose of simplifying, clarifying and centralizing the approval process for contracts. The Board shall be composed of the County Executive, the Chairperson of the County Legislature and the County Clerk.

Section 702. Powers and duties. The Board of Contract Administration shall:

- A. Approve contracts for execution by the County Executive in amounts of fifty thousand dollars (\$50,000) or more, but not greater than one hundred fifty-five thousand dollars (\$155,000), or such higher amount as may be established by local law; and
- B. Report monthly to the County Legislature, detailing the contracts approved by it.

Section 703. Other Contract Approvals. The County Executive shall be empowered to approve and execute contracts in an amount less than fifty thousand dollars (\$50,000). The County Legislature shall be empowered to approve contracts for execution by the County Executive in amounts over one hundred fifty-five thousand dollars (\$155,000), in addition to those mentioned in Section 204(m) of this Charter.

Section 704. Other Responsibilities.

A. It shall also be the responsibility of the Board of Contract Administration to ensure that negotiation of contracts for public works and public purchases, including, but not limited to, such contracts executed in lease form shall be executed by the County so as to assure the prudent and economical use of public moneys for the benefit of the residents of the County and to facilitate the acquisition of facilities and commodities of maximum quality at the lowest possible cost to the taxpayers of the County.

B. All meetings of the Board of Contract Administration shall be open to the public, and the Board shall keep written minutes of its meetings, which shall be available for public inspection at all reasonable times.

C. The dollar limits set forth above in Sections 702 and 703 of this Article shall be adjusted annually on the first day of January of each year by the Consumer Price Index ("CPI") to keep pace with inflation. As shall be set forth with detail in the Administrative Code, the County's Department of Management and Budget shall use the annual CPI data for adjustment.

ARTICLE 8

DEPARTMENT OF HEALTH

- Section 801. Department of Health established; Commissioner; appointment; qualifications.
802. Powers and duties.
803. County Board of Health.
804. Sanitary Code.

Section 801. Department of Health established; Commissioner; appointment; qualifications. There shall be a Department of Health headed by a Commissioner of Health. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be a physician licensed to practice medicine in the State of New York and possess the qualifications for that office as prescribed in the New York State Sanitary Code or otherwise by the New York State Public Health and Health Planning Council.

Section 802. Powers and duties. The Commissioner of Health shall:

- A. Be the chief administrative officer of the Department of Health;
- B. Have all the powers and perform all the duties conferred or imposed upon a county health commissioner or a county board of health by law;
- C. Organize the Department of Health into such administrative units as may be required, with approval of the County Executive; and

D. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 803. County Board of Health. There shall be within the Department of Health a County Board of Health, whose members shall be appointed by the County Legislature in the manner and for the term provided for in the Public Health Law of the State of New York. The County Board of Health shall, at the request of the Commissioner of Health, and may on its own initiative, advise the Commissioner of Health, County Legislature and County Executive on matters relating to the preservation and improvement of the public health and be advisory only. The County Board of Health shall also advise the County Legislature and County Executive with respect to the qualifications of candidates appointed to the position of Commissioner of Health.

Section 804. Sanitary Code. The County Legislature shall adopt, amend or repeal all rules, regulations, orders and directions relating to health in the County in such manner and form provided in and not inconsistent with the Public Health Law of the State of New York or the State Sanitary Code. Any such rules, regulations, orders and directions so adopted, amended or repealed by the County Legislature shall be known as the “Albany County Sanitary Code” and published in the Administrative Code.

ARTICLE 9

DEPARTMENT OF MENTAL HEALTH

Section 901. Department of Mental Health established; Commissioner; appointment; qualifications.

902. Powers and duties.

903. Community Services Board; appointment; vacancies; powers and duties.

Section 901. Department of Mental Health established; Commissioner; appointment; qualifications. There shall be a Department of Mental Health headed by a Commissioner of Mental Health. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be experienced in public mental health administration and meet the qualifications for this position as specified by the State Commissioner of Mental Health and Mental Hygiene Law of the State of New York.

Section 902. Powers and duties. The Commissioner of Mental Health shall:

A. Be the chief administrative officer of the Department of Mental Health;

B. Have all the powers and perform all the duties conferred or imposed upon a commissioner or director of community mental health or community services board by law;

C. Organize the Department of Mental Health into such administrative units as may be required, with approval of the County Executive; and

D. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 903. Community Services Board. There shall be within the Department of Mental Health a Community Services Board, whose members shall be appointed by the County Legislature in the manner and for the term provided for the appointment of community mental health boards in the Mental Hygiene Law of the State of New York. Vacancies in membership occurring other than by expiration of terms shall be filled by appointment of the County Legislature for the respective unexpired terms. The Community Services Board shall recommend and suggest to the County Legislature and County Executive a program of community mental health services and facilities and exercise such other powers and duties as are prescribed in such Mental Hygiene Law. The Board shall also advise the County Legislature and County Executive with respect to the qualifications of candidates appointed to the position of Commissioner of Mental Health.

ARTICLE 10

DEPARTMENT OF SOCIAL SERVICES

Section 1001. Department of Social Services established; Commissioner; appointment; term; qualifications.

1002. Powers and duties.

1003. Division of Aging established; Director; appointment; qualifications; powers and duties.

Section 1001. Department of Social Services established; Commissioner; appointment; term; qualifications. There shall be a Department of Social Services headed by the Commissioner of Social Services. The Commissioner shall be appointed by the County Executive for a term prescribed by the Social Services Law of the State of New York, subject to confirmation by the County Legislature. The Commissioner shall be appointed on the basis of his or her administrative experience and qualifications for the duties of office as prescribed by such Social Services Law and the rules and regulations made pursuant thereto.

Section 1002. Powers and duties. The Commissioner of Social Services shall:

A. Be the chief administrative officer of the Department of Social Services;

B. Have all the powers and perform all the duties conferred on or required of a County Commissioner of Social Services under the Social Services Law of the State of New York or other applicable law;

C. Administer all mandated and optional social service programs for needy persons throughout the County;

D. Represent the Department of Social Services in the maintenance of all contracts or communications with public or private agencies regarding aid to qualified needy persons throughout the County;

E. Publish and otherwise disseminate such information regarding administrative procedures and practices affecting the public as shall facilitate the Department of Social Service's response to the needs of the community;

F. Investigate suspected fraudulent applications for, and the receipt of, public assistance and refer cases where appropriate to the District Attorney for prosecution;

G. Organize the Department of Social Services into administrative units as may be required, with approval of the County Executive, including, but not limited to, a Division of Aging as provided for in this Article; and

H. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 1003. Division of Aging established; Director; appointment; qualifications; powers and duties. There shall be within the Department of Social Services a Division of Aging headed by a Director. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office. The Director shall:

A. Devise a comprehensive County-wide plan for services for the Aging;

B. Identify gaps in services for the aging and encourage service provision;

C. Apply for funds from all appropriate governmental and private sources for services for the aging;

D. Provide information relative to programs and services for the elderly in the County and sources of support for such programs and services;

E. Serve as liaison with existing organizations serving the needs of the elderly population of the County;

F. Recommend to and cooperate with federal, state, and local agencies in the development of public policy toward the elderly; and

G. Perform such other and related duties as may be required by the County Executive or the County Legislature.

ARTICLE 11

DEPARTMENT OF RESIDENTIAL HEALTH CARE FACILITIES

- Section 1101. Department of Residential Health Care Facilities; Director; appointment; qualifications.
1102. Powers and duties.

Section 1101. Department of Residential Health Care Facilities; Director; appointment; qualifications. There shall be a Department of Residential Health Care Facilities headed by a Director. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall have the qualifications of a nursing home administrator and be certified and licensed by the State of New York.

Section 1102. Powers and duties. The Director of the Department of Residential Health Care Facilities shall:

- A. Be the chief administrative officer of the Department of Residential Health Care Facilities;
- B. Have all powers and duties conferred on or required of a Director by this Charter, local law or resolution of the County Legislature, or by applicable law not inconsistent with this Charter, which shall be necessary to enable him or her to manage and supervise the County Nursing Home and any similar institution of the County;
- C. Report to the County Executive and the Chairperson of the County Legislature any deficiencies in the operation of the Department of Residential Health Care Facilities, and submit proposed measures to correct such deficiencies;
- D. Organize the Department of Residential Health Care Facilities into such administrative units as may be required, with approval of the County Executive; and
- E. Perform such other duties as may be required by the County Executive or the County Legislature.

ARTICLE 12

DEPARTMENT FOR CHILDREN, YOUTH AND FAMILIES

- Section 1201. Department for Children, Youth and Families established; Commissioner; appointment; term; qualifications.
1202. Powers and Duties.

1203. Youth Bureau established; Director; appointment; qualifications; powers and duties.

Section 1201. Department for Children, Youth and Families established; Commissioner; appointment; term; qualifications. There shall be a Department for Children, Youth and Families headed by a Commissioner for Children, Youth and Families. The Commissioner shall be in the unclassified class of civil service, appointed by the County Executive, subject to confirmation by the County Legislature. The Commissioner shall be appointed on the basis of his or her administrative experience and qualifications for the duties of office.

Section 1202. Powers and Duties. The Commissioner for Children, Youth and Families shall:

- A. Be the chief administrative officer of the Department for Children, Youth and Families;
- B. Establish, provide and administer a centralized intake and assessment service to address issues involving children, youth and families;
- C. Provide preventive and child protective services for children and their families within the scope of Article 6 of the Social Services Law of the State of New York;
- D. Be responsible for the functions, powers, duties and obligations concerning out-of-home placement and adoption services for children within the scope of Article 6 of such Social Services Law;
- E. Organize the Department for Children, Families and Youth into such administrative units as may be required, with approval of the County Executive; and
- F. Perform such other duties concerning children, youth and families as may be required by the County Executive or the County Legislature.

With respect to such powers and duties, the Commissioner shall be deemed a “social services official” as that term is defined under New York State law.

Section 1203. Youth Bureau established; Director; appointment; qualifications; powers and duties. There shall be within the Department for Children, Youth and Families a Youth Bureau headed by a Director of the Youth Bureau. The Director shall be appointed by the County Executive, subject to the confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be a person qualified by, at a minimum, an earned graduate degree in human services or a related field and five (5) years of experience in youth services or a related field, or the equivalent training and experience, to administer and supervise the Youth Bureau in the discharge of the powers and duties granted thereto. The Director shall:

- A. Devise, in consultation with the Youth Board established pursuant to the Executive Law of the State of New York, a comprehensive County-wide plan for services for youth;
- B. Identify gaps in youth services and encourage service provisions;
- C. Apply for funds from all appropriate governmental and private sources for services for youth;
- D. Stimulate and revise programs and services for the young;
- E. Cooperate with young residents of the County and organizations servicing or representing such individuals, and providing information relative to programs and services for youth in the County and sources of support for such programs and services; and
- F. Perform such other duties as may be required by the County Executive or the County Legislature.

ARTICLE 13

DEPARTMENT OF GENERAL SERVICES

- Section 1301. Department of General Services established; Commissioner; appointment; qualifications.
- 1302. Powers and duties.
- 1303. Division of Code Enforcement established; Director; appointment; qualifications; powers and duties.
- 1304. Division of Consumer Affairs and Weights and Measures established; Director; appointment; qualifications; powers and duties.

Section 1301. Department of General Services established; Commissioner; appointment; qualifications. There shall be a Department of General Services headed by the Commissioner of General Services. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office.

Section 1302. Powers and duties. The Commissioner of General Services shall:

- A. Be the chief administrative officer of the Department of General Services;
- B. Make all purchases of materials, supplies and equipment, and contract for rentals and servicing of equipment for the County in accordance with applicable law;

C. Provide management and maintenance services for the County's vehicle fleet with the exception of those heavy vehicles which maintain, improve and plow County highways;

D. Provide management, maintenance, custodial and security services for the County's owned and leased buildings and real property, except where inconsistent with this Charter;

E. Provide project management and engineering services in support of the County's capital program and ongoing major maintenance activities;

F. Organize the Department of General Services into such administrative units as may be required, with approval of the County Executive, including, but not limited to, a Division of Code Enforcement and Division of Weights and Measures as provided for in this Article; and

G. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 1303. Division of Code Enforcement established; Director; appointment; qualifications; powers and duties. There shall be within the Department of General Services a Division of Code Enforcement headed by a Director. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office. The Director shall enforce the New York State Uniform Fire Prevention and Building Code for all County owned buildings, premises and equipment, and perform such other and related duties as may be required by the County Executive or the County Legislature.

Section 1304. Division of Consumer Affairs and Weights and Measures established; Director; appointment; qualifications; powers and duties. There shall be a Division of Consumer Affairs and Weights and Measures headed by a Director. The Director shall be in the competitive class of the civil service and appointed by the County Executive, subject to confirmation by the County Legislature. The Director shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed upon a county sealer by applicable law and perform such other and related duties as may be required by the County Executive or the County Legislature.

ARTICLE 14

DEPARTMENT OF PUBLIC WORKS

Section 1401. Department of Public Works established; Commissioner; appointment; qualifications.

1402. Powers and duties.

Section 1401. Department of Public Works established; Commissioner; appointment; qualifications. There shall be a Department of Public Works headed by a Commissioner of Public Works. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be appointed on the basis of his or her experience and qualifications for the duties of office.

Section 1402. Powers and duties. The Commissioner of Public Works shall:

- A. Be the chief administrative officer of the Department of Public Works;
- B. Have all the powers and duties of a County engineer and a County Superintendent of Highways pursuant to the Highway Law of the State of New York and other applicable law;
- C. Have all the powers and duties of a county director of planning and conservation, or metropolitan or regional planning board, as authorized by law;
- D. Have charge and supervision of the design, construction, and alterations of the County parking fields, drives, walks, docks, marinas, parks and recreational facilities, beaches, erosion projects, and such other structures and facilities in the nature of public works under the jurisdiction of the County;
- E. Have charge and supervision of County facilities for drainage, flood control and water supply;
- F. Furnish engineering and other services to the County Legislature, the County Executive, and other County Departments except as may be otherwise provided in this Charter;
- G. Assist the County Planning Board in the performance of its duties and functions;
- H. Organize within the Department of Public Works such administrative units as may be required, with approval of the County Executive, including, but not limited to, divisions of highways, parks and recreation, and highway engineering; and an Office of Natural Resources Conservation that shall be advisory to and assist the Commissioner, the

County Executive and the County Legislature on matters related to the inventory, conservation, management, and use of the natural resources of the County and County compliance with related environmental regulations; and

I. Perform such other duties concerning County property, public works and other matters as may be required by the County Executive or the County Legislature.

ARTICLE 15

DEPARTMENT OF HUMAN RESOURCES

Section 1501. Department of Human Resources established; Commissioner; appointment; qualifications.

1502. Powers and duties.

1503. Directors of the Divisions of Labor Relations and Affirmative Action; appointment.

Section 1501. Department of Human Resources established; Commissioner; appointment; qualifications. There shall be a Department of Human Resources headed by a Commissioner of Human Resources. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be appointed on the basis of his or her experience and qualifications for the duties of office.

Section 1502. Powers and duties. The Commissioner of Human Resources shall:

- A. Be the chief administrative officer of the Department of Human Resources;
- B. Formulate and direct the County's overall human resource program;
- C. Be responsible for, and direct the coordination and centralizing of, all County human resource administrative units and functions;
- D. Organize within the Department of Human Resources such administrative units as may be required, with approval of the County Executive, including, but not limited to, Divisions of Labor Relations and Affirmative Action; and
- E. Perform such other duties as may be required by the County Executive or the County Executive.

Section 1503. Directors of the Divisions of Labor Relations and Affirmative Action; appointment. The Divisions of Labor Relations and Affirmative Action shall be headed by directors. Such directors shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive.

ARTICLE 16

DEPARTMENT OF PERSONNEL

Section 1601. Department of Personnel established; Personnel Officer; appointment; term qualifications.

1602. Powers and duties.

Section 1601. Department of Personnel established; Personnel Officer; appointment; term; qualifications. There shall be a Department of Personnel headed by a Personnel Officer, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Personnel Officer shall serve for a term as provided by Section 15 of the Civil Service Law of the State of New York. The Personnel Officer shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office.

Section 1602. Powers and duties. The Personnel Officer shall, with reference to the civil service of the County:

- A. Be the chief administrative officer of the Department of Personnel;
- B. Have the powers and duties of a County Personnel Officer as provided in the Civil Service Law of the State of New York;
- C. Be subject to such supervision and control by the State Civil Service Commission as are County Personnel Officers;
- D. Organize the Department of Personnel into such administrative units as may be required, with approval of the County Executive; and
- E. Perform such other duties as may be required by the County Executive or the County Legislature.

ARTICLE 17

DEPARTMENT OF LAW

Section 1701. Department of Law established; County Attorney; appointment; qualifications.

1702. Powers and duties.

1703. Assistant County Attorneys and staff.

Section 1701. Department of Law established; County Attorney; appointment; qualifications. There shall be a Department of Law headed by the County Attorney. The County Attorney shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The County Attorney shall be a qualified resident of the County and duly admitted to practice law in the State of New York.

Section 1702. Powers and duties. The County Attorney shall:

- A. Be the chief administrative officer of the Department of Law;
- B. Be the legal adviser for the County;
- C. Advise all County officers and employees in all County legal matters of a civil nature;
- D. Prosecute and defend all actions or proceedings of a civil nature by or against the County;
- E. Prepare resolutions, legislation, legalizing acts, local laws and ordinances to be presented for action by the County Legislature, together with notices and other items in connection therewith;
- F. Organize the Department of Law into such administrative units as may be required, with approval of the County Executive; and
- G. Have all the powers and perform all the duties conferred or imposed by law upon a County Attorney, except as may be inconsistent with this Charter, and perform such other and related duties required by the executive branch of County government.

Section 1703. Assistant County Attorneys and staff. The County Attorney shall appoint such confidential Assistant County Attorneys, officers and employees of the Department of Law within appropriations made therefor. All Assistant County Attorneys shall be duly admitted to practice law in the State of New York, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York, be in the exempt class of the civil service, and serve at the pleasure of the County Attorney, subject to applicable law.

ARTICLE 18

DEPARTMENT OF PROBATION

Section 1801. Department of Probation established; Commissioner; appointment; qualifications.

1802. Powers and duties.

Section 1801. Department of Probation established; Commissioner; appointment; qualifications. There shall be a Department of Probation headed by the Commissioner of Probation. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, in accordance with Article 12-A of the Executive Law of the State of New York. The Commissioner shall meet qualifications as prescribed by the Department of Personnel in conjunction with the New York State Office of Probation and Correctional Alternatives and be appointed on the basis of his or her administrative experience and qualifications for the duties of office.

Section 1802. Powers and duties. The Commissioner of the Department of Probation shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not limited to, the following:

- A. Be the head and chief administrative officer of the Department of Probation;
- B. Organize the Department of Probation into such administrative units as may be required, with approval of the County Executive; and
- C. Perform such other duties as may be required by the County Executive or the County Legislature.

ARTICLE 19

PUBLIC DEFENDER

- Section 1901. Public Defender; appointment; term; reappointment; qualifications.
- 1902. Powers and duties.
- 1903. Deputy and Assistant Public Defenders and Staff.
- 1904. Alternate Public Defender; appointment; term; reappointment; qualifications; requirements; powers and duties.

Section 1901. Public Defender; appointment; term; reappointment; qualifications.

A. There shall be a Public Defender who shall be appointed by the County Executive, subject to confirmation by the County Legislature, chosen in the following manner: Upon the vacancy of the office of Public Defender, the County Executive shall choose a new Public Defender, subject to confirmation by the County Legislature, from a list submitted by a Merit Selection Committee. The Merit Selection Committee shall advertise, accept applications and interview candidates for the position of Public Defender. After completing its interview process, the Merit Selection Committee shall submit to the County Executive a list of at least three (3) candidates in order of preference unless it determines that there are fewer than three (3) candidates who are qualified for the position. In that event, the

Merit Selection Committee will submit the names of those candidates it determines are qualified. The Merit Selection Committee's decisions will be based on a simple majority.

B. The Merit Selection Committee shall be comprised of the following individuals:

1. Three (3) members of the Albany County Bar Association, to be chosen by the Board of Directors of the Albany County Bar Association;

2. Three (3) members to be appointed by the County Executive; said members shall not be officers or employees of this County; and

3. One (1) representative from the Albany County Legislature, appointed by its Chairperson.

C. The County Executive shall convene the Merit Selection Committee and it shall select a Chair at its first meeting.

D. The Public Defender shall be appointed to serve a term of five (5) years. The first six (6) months of such term shall constitute a probationary period, during which time the Public Defender may be removed at the pleasure of the County Executive. After the probationary period, the Public Defender may be removed only in accordance with the provisions of Section 75 of the Civil Service Law of the State of New York. This provision is not intended to convey civil service status upon the position of Public Defender. In the event that there is a vacancy in the office of the Public Defender prior to the expiration of the term, a new Public Defender shall be chosen pursuant to the merit selection process. Such new Public Defender shall be appointed for a full five (5) year term commencing from the date of appointment.

E. Upon the expiration of the term of a sitting Public Defender, the County Executive, in his or her discretion, may reappoint such Public Defender, subject to confirmation by the County Legislature, for a succeeding term without undergoing the merit selection process. If the County Executive decides not to reappoint the Public Defender, then a new Public Defender shall be chosen pursuant to the merit selection process. No later than three (3) months prior to the expiration of the term of the Public Defender, the County Executive shall notify the Public Defender as to whether the term will be renewed. Notice of this decision shall also be given to the Chairperson of the County Legislature and the President of the Albany County Bar Association. Upon notification of the decision not to reappoint the Public Defender, the Merit Selection Committee shall commence its selection process. Nothing herein shall preclude the Public Defender from being renewed for more than one (1) successive term.

F. The Public Defender shall have been a resident of the County continuously for at least one year preceding his or her appointment, and, throughout his or her term of office, be a qualified elector of the County, duly admitted to practice law in New York State for at

least five (5) years. The Public Defender may not hold any other public office or the position of chair, vice chair, secretary, treasurer or other comparable office of a County political party committee.

Section 1902. Powers and duties. The Public Defender shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not limited to, the following:

- A. Be the head and chief administrative officer of the Office of Public Defender;
- B. Provide legal representation, without charge, as requested by a court of competent jurisdiction, to persons whom the court has determined are financially unable to retain private counsel and who are charged with a crime as defined in Section 722-a of the County Law of the State of New York, or who are entitled to assigned counsel pursuant to the Family Court Act of the State of New York or other statutory provision;
- C. Organize the Office of the Public Defender into such administrative units as may be required; and
- D. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 1903. Deputy and Assistant Public Defenders and staff. The Public Defender shall appoint such Deputy and Assistant Public Defenders, investigators and employees of the Office of Public Defender within appropriations made therefor. At the time of their appointment, and throughout their service in office, all Deputy and Assistant Public Defenders shall be duly admitted to practice law in New York State, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant Public Defenders, investigators and employees shall serve at the pleasure of the Public Defender.

Section 1904. Alternate Public Defender; appointment; term; reappointment; qualifications; requirements; powers and duties. There shall be an Alternate Public Defender to provide representation for indigent- defendants who qualify for representation by the Office of Public Defender under the law of New York State, but where a conflict of interests precludes the Office of Public Defender from providing such representation. The Alternate Public Defender shall be appointed by the County Executive, subject to confirmation by the County Legislature, chosen pursuant to the same merit selection process as the Public Defender. The Alternate Public Defender shall have the same term of office, qualifications and attributes and possess the same powers and duties as the Public Defender. The Alternate Public Defender may be reappointed by the County Executive in the same manner as applicable to the reappointment of the Public Defender. The Alternate Public Defender shall appoint such Deputy and Assistant Public Defenders, investigators and employees of the Office of Alternate Public Defender within appropriations made therefor. At the time of their appointment, and throughout their service in office, all Deputy and Assistant Public

Defenders shall be duly admitted to practice law in New York State, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant Public Defenders, investigators and employees shall serve at the pleasure of the Alternate Public Defender, subject to applicable law.

ARTICLE 20

DISTRICT ATTORNEY

- Section 2001. District Attorney; election; term; qualifications; compensation.
2002. Powers and duties.
2003. Deputy and Assistant District Attorneys and staff.
2004. Acting District Attorney.
2005. Absence of restriction.

Section 2001. District Attorney; election; term; qualifications; compensation. There shall be a District Attorney elected from the County at large. The District Attorney's term of office shall be for four (4) years, beginning on the first (1st) day of January following his or her election. The District Attorney shall have been a resident of the County continuously for at least one (1) year preceding his or her election, and, throughout his or her term of office, be a qualified elector of the County, duly admitted to practice law in the State of New York. The District Attorney may not hold any other public office or the position of chair, vice chair, secretary, treasurer or other comparable office of a County political party committee. The compensation of the District Attorney shall be as provided in §183-a of the Judiciary Law of the State of New York or other applicable State law.

Section 2002. Powers and duties. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not necessarily limited to, the following:

- A. Be the head and chief administrative officer of the Office of District Attorney;
- B. Prosecute crimes and offenses of a criminal nature for the people;
- C. Assist in the investigation of crimes committed in the County;
- D. Present evidence to the Grand Jury and serve as its legal counsel;
- E. Devise programs which assist in the prevention of crime, respond to the needs of victims thereof, and educate the public in regard to the law and Office of District Attorney;
- F. Organize the Office of the District Attorney into such administrative units as may be required; and

G. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 2003. Deputy and Assistant District Attorneys and staff. The District Attorney shall appoint such Deputy and Assistant District Attorneys, investigators and employees of the Office of District Attorney within appropriations made therefor. All Deputy and Assistant District Attorneys shall be duly admitted to practice law in the State of New York, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant District Attorneys, investigators and employees shall serve at the pleasure of the District Attorney, subject to applicable law.

Section 2004. Acting District Attorney. The District Attorney shall designate in writing, and in order of succession, the Deputy and Assistant District Attorneys who shall be Acting District Attorney in the event of the District Attorney's absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the District Attorney filing a new written designation and order of succession. The Acting District Attorney shall have all the powers and perform all the duties of the District Attorney. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the District Attorney's designation of an Acting District Attorney pursuant to this Section.

Section 2005. Absence of restriction. Nothing in this article shall be construed to limit the powers and duties of the office of District Attorney, as provided by the New York State Constitution and other laws.

ARTICLE 21

SHERIFF

- Section 2101. Sheriff; election; term; qualifications; compensation.
2102. Powers and duties.
2103. Undersheriff, Deputy Sheriffs and staff.
2104. Acting Sheriff.
2105. Absence of restriction.

Section 2101. Sheriff; election; term; qualifications. There shall be a Sheriff elected from the County at large. The Sheriff's term of office shall be four (4) years, beginning on the first (1st) day of January following his or her election. The Sheriff shall have been a resident of the County continuously for at least one (1) year preceding his or her election, and, throughout his or her term of office, be a qualified elector of the County. The Sheriff may not hold any other public office or the position of chair, vice-chair, secretary, treasurer

or other comparable office of a County political party committee. The compensation of the Sheriff shall not be increased or decreased during his or her term of office.

Section 2102. Powers and duties. The Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not necessarily limited to, the following:

- A. Be the head and chief administrative officer of the Office of Sheriff;
- B. Organize and maintain a trained and operational law enforcement staff to protect and otherwise serve the needs of the County and cooperate with other law enforcement agencies within and outside the County in furtherance thereof;
- C. Manage the County Correctional Facility and provide for the care and custody of persons committed to the Sheriff's custody by competent courts or by intergovernmental agreement;
- D. Manage the Department of Natural Disaster Preparedness and Emergency Management Services within the Office of Sheriff and assist the County Executive and County Legislature in developing and implementing disaster preparedness programs and coordinating emergency response functions and such other functions and related duties as shall be authorized or required pursuant to provisions of the New York State Executive Law and other law;
- E. Perform the civil duties specified in applicable law;
- F. Organize the Office of the Sherriff into such administrative units as may be required; and
- G. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 2103. Undersheriff, Deputy Sheriffs and staff. The Sheriff shall appoint an Undersheriff, Deputy Sheriffs, attorney, and such assistants and employees of the Office of Sheriff within appropriations made therefor. Such Undersheriff, Deputy Sheriffs, attorney, assistants and employees shall serve at the pleasure of the Sheriff, subject to applicable law.

Section 2104. Acting Sheriff. The Sheriff shall designate in writing, and in order of succession, the Undersheriff, Deputy Sheriffs and Assistants who shall serve as Acting Sheriff in the event of the Sheriff's absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Sheriff filing a new written designation and order of succession. The Acting Sheriff shall have all the powers and perform all the duties of the Sheriff. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in

public office shall remain applicable notwithstanding the Sheriff's designation of an Acting Sheriff pursuant to this Section.

Section 2105. Absence of restriction. Nothing in this article shall be construed to limit the powers and duties of the office of Sheriff, as provided by the New York State Constitution and other laws.

ARTICLE 22

COUNTY CLERK

Section 2201. County Clerk; election; term; qualifications; compensation.

2202. Powers and duties.

2203. Deputy County Clerks and staff.

2204. County Historian.

2205. Acting County Clerk.

2206. Absence of restriction.

Section 2201. County Clerk; election; term; qualifications; compensation. There shall be a County Clerk elected from the County at large. The County Clerk's term of office shall be four (4) years, beginning on the first (1st) day of January following his or her election. The County Clerk shall have been a resident of the County continuously for at least one (1) year preceding his or her election, and, throughout his or her term of office, be a qualified elector of the County. The County Clerk may not hold any other public office or the position of chair, vice-chair, secretary, treasurer or other comparable office of a County political party committee. The compensation of the County Clerk shall not be increased or decreased during his or her term of office.

Section 2202. Powers and duties. The County Clerk shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not necessarily limited to, the following:

A. Be the head and chief administrative officer of the Office of the County Clerk;

B. Serve as the County's records management officer, or such successor office as may be established under State law, with all powers and duties of such office;

C. Operate the County Hall of Records and provide central management of the County's records and archives, within such appropriations as shall be made annually by the County Legislature;

D. Serve as the County's contact person for records access as described in Article 6 of the Public Officers Law of the State of New York;

E. Organize the Office of the County Clerk into such administrative units as may be required; and

F. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 2203. Deputy County Clerks and staff. The County Clerk shall appoint such Deputy County Clerks, assistants and employees of the Office of County Clerk within appropriations made therefor. All such appointees shall serve at the pleasure of the County Clerk, subject to applicable law.

Section 2204. County Historian. The role and duties of the County Historian are directly linked to the historical records maintained by the County Clerk. The County Executive shall appoint the County Historian pursuant to the Arts and Cultural Affairs Law of the State of New York, subject to confirmation by the County Legislature. Compensation for the County Historian shall be fixed by the County Legislature, except that, in the event that an employee of the County is appointed to such office, he or she shall serve without additional compensation.

Section 2205. Acting County Clerk. The County Clerk shall designate in writing, and in order of succession, the Deputy County Clerk and assistants who shall be Acting County Clerk in the event of the County Clerk's absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designation shall be filed with the Office of the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Clerk filing a new written designation and order of succession. The Acting County Clerk shall have all the powers and perform all the duties of the County Clerk. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the County Clerk's designation of an Acting County Clerk pursuant to this Section.

Section 2206. Absence of restriction. Nothing in this article shall be construed to limit the powers and duties of the office of County Clerk, as provided by the New York State Constitution and other laws.

ARTICLE 23

CORONERS

- Section 2301. Election.
2302. Powers and Duties.
2303. Vacancy.
2304. Certification.

Section 2301. Election. There shall be four Coroners who shall be elected from the County at large. Their terms of office shall be four years, beginning with January 1st following their election. At the time of the election of a Coroner and throughout his/her term of office he/she shall be a qualified elector of the County and hold no other Public Office. Commencing January 1st, 1995, he/she shall not hold the position of chair, vice chair, secretary or treasurer of a County Political Party Committee. He/she shall have been a resident of the County continuously for at least one year preceding his/her election.

Section 2302. Powers and Duties. The Coroners shall have and exercise all powers and duties now or hereafter conferred or imposed upon coroners by any applicable law and perform such other and related duties as shall be required or delegated to them by the County Legislature.

Section 2303. Vacancy. A vacancy, other than one occurring by expiration of a term in the office of a County Coroner, shall be filled by appointment by a qualified elector of the County by the County Legislature within 45 days from the time the vacancy occurs. The appointee shall hold office by virtue of his/her appointment until the January 1st following the next general election at which election a County Coroner shall be elected for the balance of the unexpired term, if any. Any successor who shall be so appointed or elected shall possess all of the qualifications required for the office of County Coroner as set forth in this Charter.

Section 2304. Certification. Within two years of taking office, a person elected as Coroner must become certified as a Death Investigator by an accredited association or body legally authorized to issue such certification and approved by the County Legislature. Such two year period may be extended by vote of the County Legislature for up to six months. Failure to become certified shall be cause for removal from office by the County Legislature. A person so removed shall be ineligible for election to such office unless and until they have become certified as set forth above.

ARTICLE 24

OTHER COUNTY BOARDS, OFFICES, INSTITUTIONS AND FUNCTIONS

- Section 2401. Additional appointments by the County Executive.
2402. Miscellaneous administrative functions.
2403. Power to administer oaths and issue subpoenas.
2404. Board of Elections.
2405. County Sewer District.
2406. Ethics Commission.
2407. Human Services Advisory Board.
2408. County Planning Board.

Section 2401. Additional appointments by the County Executive. The County Executive shall appoint the head of any other administrative unit not provided for in this Charter as it may be amended from time to time. All such appointees shall serve at the pleasure of the County Executive and have such powers and duties as shall be provided by law, except where such law shall be inconsistent with this Charter.

Section 2402. Miscellaneous administrative functions. Administrative functions not otherwise assigned by this Charter shall be assigned by the County Executive to an administrative unit.

Section 2403. Power to administer oaths and issue subpoenas. The Chairperson of the County Legislature, in accordance with Section 209 of the County Law of the State of New York, and the County Executive and such other County officers as may be authorized by this Charter, local law, 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 in connection with such hearing or investigation.

Section 2404. Board of Elections. There shall be a County Board of Elections. The Board shall administer applicable provisions of such Election Law and perform such other duties as may be set forth in the Administrative Code, and as may be required by other laws.

Section 2405. County Sewer District. There shall be a County Sewer District as provided by law. The County Legislature shall appoint any head, board or agency in relation to a County sewer, water, or any other County District of a similar nature.

Section 2406. Ethics Commission. There shall be an Ethics Commission established pursuant to Article 18 of the General Municipal Law of the State of New York. The membership, powers and duties shall be established by local law.

Section 2407. Human Services Advisory Board . There shall be a Human Services Advisory Board whose members shall be appointed by the County Legislature and include representation of client groups and the community at large. The Human Services Advisory Board shall:

A. Offer advice designed to promote and coordinate the delivery of human services by the County;

B. Advise the County Legislature and the County Executive with respect to the qualifications of candidates appointed to the positions of administrative head of the

Department of Social Services and Division of Aging, the Department of Residential Health Care Facilities, the Department for Children, Youth and Families and the Youth Bureau; and

C. Report from time to time to the County Legislature and the County Executive on progress in the coordination of the delivery of human services.

Section 2408. County Planning Board. There shall be a County Planning Board composed of the following members: the Commissioner of Public Works, the Commissioner of Management and Budget and the County Comptroller, each of whom shall be an ex-officio member; and five (5) persons who shall be appointed by and serve at the pleasure of the County Legislature. The County Planning Board shall be advisory to and assist the County Legislature and the County Executive on matters related to comprehensive metropolitan, regional, county and municipal planning and in performing the duties and responsibilities conferred upon a County Planning Board by Article 12-B of the General Municipal Law of the State of New York and on such other related matters as may be required by the County Executive or the County Legislature.

ARTICLE 25

SERVICE RELATIONSHIPS

Section 2501. Local Government functions, facilities and powers.

2502. Contracts with public corporations and public authorities.

Section 2501. Local government functions, facilities and powers. 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.

Section 2502. Contracts with public corporations and public authorities. The County shall have power to contract (a) with any public corporation, including, but not limited to, a municipal, district or public benefit corporation, public authority or combination of the foregoing, and (b) for the establishment, maintenance and operation of any facility or the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for themselves. The costs and expenses incurred, as well as charges for central facilities and administrative services relating to such entities, shall be borne proportionately by each such contracting party, as agreed upon by the parties.

ARTICLE 26

GENERAL PROVISIONS

Section 2601. Civil service rights continued; status of certain County officers previously elected or appointed.

- 2602. Member of County Legislature filling vacancy in County service.
- 2603. Filling vacancy in elective office of Comptroller.
- 2604. Acting administrative unit head.
- 2605. Officers and employees engaging in other transactions.

Section 2601. Civil service rights continued; status of certain County officers previously elected or 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 this Charter. Nothing contained in this Charter shall affect the terms of office of the County Legislature, County Executive, Comptroller, County Clerk, District Attorney, and Sheriff as presently constituted. The terms of office shall be fixed for four (4) years, and shall begin on the first (1st) day of January next following their election.

Section 2602. Member of County Legislature filling vacancy in County service. A person, otherwise qualified, who is a member of the County Legislature at the time a vacancy occurs in an office or position in County government service may be appointed to fill such vacancy provided that he or she shall have resigned prior to such appointment.

Section 2603. Filling vacancy in elective office of Comptroller. A vacancy, otherwise than by expiration of term in the elective office of Comptroller shall be filled by appointment, by the County Executive, subject to confirmation by the County Legislature, of a qualified elector of the county. The person so appointed shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first (1st) annual election after the happening of the vacancy, at which election a Comptroller shall be elected for the balance of the term, if any.

Section 2604. Acting administrative unit head. Except as otherwise provided in this Charter, each administrative unit head, subject to confirmation by the County Legislature, shall designate in writing, and in order of succession, the person or persons within their respective administrative unit who shall serve as its acting administrative unit head in the event of the administrative unit head's inability to perform and exercise the powers and duties of his or her office. This designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the administrative unit head filing an approved new written designation and order of succession. If the powers and duties of an administrative unit head's office are exercised by an acting administrative head for more than one (1) year, such office shall be deemed vacant.

Section 2605. Officers and employees engaging in other transactions. No officer or employee of the County or member of the County Legislature shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.

ARTICLE 27

APPLICATION OF CHARTER

Section 2701. Amendment of Charter.

2702. Continuity of authority; completion of unfinished business.

2703. Severability.

2704. Dates.

2705. Charter to be liberally construed.

Section 2701. Amendment of Charter. This Charter may be amended in the manner provided by the Municipal Home Rule Law of the State of New York. A proposal to amend this Charter must be enacted by a local law passed by a two-thirds (2/3) vote of the whole number of the County Legislature, subject to referendum as provided in such Municipal Home Rule Law. Any proposed amendment that would (a) create or abolish an elective County office, (b) change the power or method of removing an elective County officer during his or her term of office, (c) abolish, curtail or transfer to another County office or agency any power of an elected County officer, or (d) change the form or composition of the County Legislature, but not include decennial reapportionment, shall be subject to a mandatory referendum.

Section 2702. Continuity of authority; completion of unfinished business. The performance of functions pursuant to the provisions of this Charter shall be deemed and held to constitute a continuation of such functions for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible therefor under this Charter or Administrative Code. This Charter shall not be deemed to invalidate any obligations previously issued by the County 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.

Section 2703. Severability. If any clause, sentence, paragraph, section, or Article of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or Article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 2704. Dates. If any date specified in this Charter, falls, in any year, on a Saturday, Sunday or legal County holiday, then such date shall be deemed to refer to the next succeeding date which is not a Saturday, Sunday or legal County holiday.

Section 2705. Charter to be liberally construed. This Charter shall be liberally construed to effectuate its objectives and purposes.

Referred to Law Committee. 8/8/16