

LOCAL LAW NO. 3-1968
CHAUTAUQUA COUNTY

A Local Law Providing a County Charter for the County of Chautauqua

BE IT ENACTED, by the Board of Supervisors of the County of Chautauqua as follows:

ARTICLE I

CHAUTAUQUA COUNTY AND ITS GOVERNMENT

Section

- 1.01 Title and purpose
- 1.02 County status, powers and duties
- 1.03 Effect of charter on state law
- 1.04 Effect of charter on local laws and resolutions

Section 1.01 Title and purpose

This charter and all amendments hereto shall constitute a form of government for Chautauqua County and shall be known and cited as the "Chautauqua County Charter". Among the purposes of this charter are the providing of county services and facilities with the highest degree of efficiency and economy, the securing of all possible county home rules and the separation of county executive and legislative functions.

Section 1.02 County status, powers and duties.

The County of Chautauqua shall continue to be a municipal corporation under the same name and with the same boundaries, and shall have and exercise all of the rights, privileges, functions and powers and discharge such duties as are imposed or conferred on it by this charter, an administrative code adopted hereunder, or applicable law.

Section 1.03 Effect of charter on state law

Within the limits prescribed in article 4 of the municipal home rule law, wherever and whenever any state law, general, special or local in effect, is inconsistent with this charter or administrative code adopted hereunder, such law shall be deemed to the extent of such inconsistency to be superseded by this charter insofar as the County of Chautauqua and its government are affected.

Section 1.04 Effect of charter on local laws and resolutions.

Except to the extent inconsistent with this charter or an administrative code adopted hereunder, all existing laws and resolutions heretofore adopted by the board of supervisors of the County of Chautauqua shall continue in force until amended, superseded or repealed as provided herein.

ARTICLE II

THE COUNTY LEGISLATURE

Section

- 2.01 County legislature; composition
- 2.02 County legislators; term of office; qualifications
- 2.03 Districts; apportionment
- 2.04 Vacancies
- 2.05 Officers and committees of the county legislature
- 2.06 Clerk of the county legislature
- 2.07 County legislature; powers and duties

Section 2.01 County legislature; composition

The legislative branch of the government of Chautauqua County shall consist of an elective body which shall be known as the County Legislature. It shall consist of twenty-nine members who shall be known as county legislators and who shall be elected from twenty-three districts into which Chautauqua County shall be divided as more particularly hereinafter set forth.

Section 2.02 County legislators; terms of office; qualifications

Every county legislator shall be an elector of Chautauqua County and shall have been a resident of the county continuously for at least one year preceding his election. Each county legislator shall reside in the district from which he is elected at the time of his taking office and shall continue to be a resident of the county and of the district which he represents for his entire term of office, provided, however, that an incumbent otherwise eligible to continue in office shall not be made ineligible to continue in office by reason of change in boundaries of his district. No county legislator shall hold at the same time any other elective county, city, town, or village office.

Except as otherwise provide by law, the term of office of county legislators shall be three years and shall begin on the first day of January following their election.

Section 2.03 Districts.

For the purpose of electing county legislators, Chautauqua County is hereby divided into 23 districts. One county legislator shall be elected to the county legislature from each single member district hereinafter described, and there shall be elected to the county legislature from each of the multimember districts hereinafter described the number of county legislators respectively set forth. All references to towns and cities apply to that territory contained in each of the towns or cities of the County of Chautauqua bounded as of April 1, 1968. The districts shall be as follows:

- a) Single member districts:

District one shall consist of the area contained within the boundaries of the Towns of Ripley, Mina, and Sherman.

District two shall consist of the area contained within the boundaries of the Town of Westfield.

District three shall consist of the area contained within the boundaries of the Town of Portland and that part of the Town of Stockton outside the village of Cassadaga.

District four shall consist of the area contained within the boundaries of the Town of Arkwright, that part of the Town of Pomfret outside the Village of Fredonia and within the boundaries of the Village of Cassadaga.

District five shall consist of the area contained within the boundaries of the Towns of Villenova, Cherry Creek, Charlotte and Ellington.

District six shall consist of the area contained within the boundaries of the Town of Ellery and within the Town of Gerry.

District seven shall consist of the area contained within the boundaries of the Towns of Poland and Carroll.

District eight shall consist of the area contained within the boundaries of the Towns of French Creek, Clymer and Harmony and that part of the Town of Harmony described as follows:

"Commencing at a point in the westerly shore of Chautauqua Lake where said shore line is intersected by the center line of Virginia Avenue in the Niets-Crest Allotment; thence southwesterly along the center line of said Virginia Avenue to its intersection with New York State Highway, Route 17J; thence across said Route 17J to the easterly end of the centerline of the Gardner-Bly Hill Road; thence westerly along the center line of the Gardner-Bly Hill Road and a westerly extension thereof to the center line of the Carpenter-Pringle Road; thence southerly along the center line of the Carpenter-Pringle Road to the northerly boundary line of Lot 10 of the Holland Land Company's survey for said Town of North Harmony; thence westerly along the north bounds of Lot 10, 18, 26, 34, 42, 50 and 58 of the Holland Land Company's survey to the westerly bounds of said Town of North Harmony; thence southerly along the westerly bounds of the Town of North Harmony to the southwest corner thereof; thence easterly along the southerly bounds of the Town of North Harmony to the southeast corner thereof; thence northerly along the easterly bounds thereof to the shore of Chautauqua Lake; thence westerly and northerly along the shore of Chautauqua Lake to the point of beginning."

District nine shall consist of the area contained within the boundaries of the Town of Chautauqua and that part of the Town of North Harmony not contained in district eight.

District ten shall consist of the area contained within the boundaries of the City of Jamestown described as follows: that part of the City of Jamestown lying within the following described limits; beginning at the point of intersection of the center line of North Main Street and the center line of East Eighth Street and running thence easterly along the center line of East Eighth Street to the center line of Lakeview Avenue; thence northerly along the center line of Lakeview Avenue to the center line of East Eighth Street thence easterly along the center line of East Eighth Street to the center line of Grant Street; thence northerly along the center line of

Grant Street to the center line of Falconer Street; thence northeasterly along the center line of Falconer Street to the center line of Sturges Street; thence northerly along the center line of Sturges Street to the center line of Newton Avenue; thence westerly along the center line of Newton Avenue to the center line of Sturges Street; thence northerly along the center line of Sturges Street to the center line of Buffalo Street, thence easterly along the center line of Buffalo Street to the center line of Stowe Street, thence northerly along the center line of Stowe Street to the north city line; thence westerly along the north city line to the center line of North Main Street, thence southerly along the center line of North Main Street to the point of beginning.

District eleven shall consist of the area contained within the boundaries of the City of Jamestown and lying within the city limits as described: beginning at a point of intersection of the center line of Stowe Street and the north city line and running southerly along the center line of Stowe Street to the center line to Buffalo Street; thence westerly along the center line of Buffalo Street to the center line of Sturges Street, thence southerly along the center line of Sturges Street to the center line of Newton Avenue; thence easterly along the center line of Newton Avenue to the center line of Sturges Street; thence southerly along the center line of Sturges Street to the center line of Falconer Street; thence easterly along the center line of Falconer Street to the center line of Thayer Street; thence southeasterly along the center line of Thayer Street extended to the center line of the Erie Railroad property; thence northeasterly along the center line of the Erie Railroad property to a point where it is intersected by the center line of Chapin Street extended northward; thence southerly along the center line of Chapin Street and as to extended to the center line of Benedict Avenue; thence easterly along the center line of Benedict Avenue to the center line of Chapin Street; thence southerly along the center line of Chapin Street, to the center line of Willard Street ; thence easterly along the center line of Willard Street to the center line of Ensign Street, thence southerly along the center line of Ensign Street to the center line of Reservoir Avenue extended; thence easterly on the center line of Reservoir Avenue as extended to the east city line; thence northerly along the east city line to the north city line; thence westerly along the north city line to the point of beginning.

District twelve shall consist of the area contained within the boundaries of the City of Jamestown and lying within the following described limits; beginning at the intersection of the center line of Reservoir Avenue extended easterly and the east city line running thence westerly along the center line of Reservoir Avenue as so extended to the center line of Ensign Street; thence northerly along the center line of Ensign Street to the center line of Willard Street; thence westerly along the center line of Willard Street to the center line of Chapin Street; thence northerly along the center line of Chapin Street to the center line of Benedict Avenue; thence westerly along the center line of Benedict to the center line of Chapin Street; thence northerly along the center line of Chapin Street and the extension northerly thereof to the center line of the Erie Railroad lands; thence southwesterly along the center line of the Erie Railroad lands to the intersection thereof with the center line of Thayer Street extended southerly; thence northwesterly along the center line of Thayer Street and the extension thereof to the center line of Falconer Street, thence westerly along the center line of Falconer Street to the center line of Winsor Street; thence southeasterly along the center line of Winsor Street to the center line of the Erie Railroad lands; thence westerly along the center line of the Erie Railroad lands to the center line of Foote Avenue; thence southerly along the center line of Foote Avenue to the center line of Allen Street; thence easterly along the center line of Allen Street to the center line of Pullman Street; thence southeasterly along the center line of Pullman Street to the center line of Ellicott Street; thence southerly along the center line of Ellicott Street to the center line of Shaw Avenue;

thence easterly along the center line of Shaw Avenue to the center line of Oak Street; thence southerly along the center line of Oak Street to the center line of Camp Street; thence westerly along the center line of Camp Street to the center line of Park View Avenue; thence southerly along the center line of Park View Avenue to the center line of Cole Avenue; thence southwesterly along the center line of Cole Avenue to the center line of Foote Avenue; thence southeasterly along the center line of Foote Avenue to the south city line; thence easterly along the south city line to its intersection with the east City line; thence northerly along the east city line of the point of beginning.

District thirteen shall consist of the area contained within the boundaries of the City of Jamestown within the following described limits: beginning at the point of intersection of the center line of Foote Avenue and the center line of Cole Avenue and running thence easterly along the center line of Cole Avenue to the center line of Park View Avenue; thence northerly along the center line of Park View Avenue to the center line of Camp Street; thence easterly along the center line of Camp Street to the center line of Oak Street; thence northerly along the center line of Oak Street to the center line of Shaw Avenue; thence westerly along the center line of Shaw Avenue to the center line of Ellicott Street; thence northerly along the center line of Ellicott Street to the center line of Pullman Street; thence northwesterly along the center line of Pullman Street to the center line of Allen Street; thence westerly along the center line of Allen Street to the center line of Foote Avenue; thence northerly along the center line of Foote Avenue to the center line of the Erie Railroad property; thence westerly along the center line of the Erie Railroad property to a point where said center line intersects the center line of West Second Street; thence southerly along the center line of West Second Street to the point where West Second Street becomes Sprague Street; thence southerly along the center line of Sprague Street to the center line of Baker Street; thence easterly along the center line of Baker Street to the center line of Colfax Street; thence southerly along the center line of Colfax Street to the center line of McKinley Avenue; thence easterly along the center line of McKinley Avenue to the center line of Sampson Street; thence southerly along the center line of Sampson Street to the center line of Dearborn Street; thence easterly along the center of Dearborn Street to the center line of Barrett Avenue; thence southerly along the center line of Barrett Avenue to the center line of Forest Avenue; thence northerly along the center line of Forest Avenue to the center line of Newland Avenue; thence easterly along the center line of Newland Avenue to the center line of Foote Avenue; thence southeasterly along the center line of Foote Avenue to the point of beginning.

District fourteen shall consist of the area consist of the area contained within the boundaries of the City of Jamestown described as follows: beginning at the point of intersection of the center line of Foote Avenue and the south City line and running thence northerly along the center line of Foote Avenue to the center line of Newland Avenue; thence westerly along the center line of Newland Avenue to the center line of Forest Avenue; thence southerly along the center line of Forest Avenue to the center line of Barrett Avenue; thence northerly along the center line of Barrett Avenue to the center line of Dearborn Street; thence westerly along the center line of Dearborn Street to the center line of Sampson Street; thence southerly along the center line of Sampson Street to the center line of Hazeltine Avenue; thence westerly along the center line of Hazeltine Avenue to the center line of Chautauqua Avenue; thence southerly along the center line of Chautauqua Avenue to the south City line; thence easterly along the south city line to the place of beginning.

District fifteen shall consist of the area contained within the boundaries of the City of Jamestown and lying within the following described limits: beginning at the intersection of the center line of Chautauqua Avenue and the south City line and running thence northerly along the center line of Chautauqua Avenue to the center line of Hazeltine Avenue; thence easterly along the center line of Hazeltine Avenue to the center line of Sampson Street; thence northerly along the center line of Samson Street to the center line of McKinley Avenue; thence westerly along the center line of McKinley Avenue to the center line of Colfax Street; thence northerly along the center line of Colfax Street to the center line of Baker Street; thence westerly along the center line of Baker Street to the center line of Sprague Street; thence northerly along the center line of Sprague Street to the center line of the Erie Railroad Lands; thence northwesterly along the center line of the Erie Railroad Lands to the center line of West Third Street; thence westerly along the center line of Third Street to the intersection of said center line with the center line of Hunt Avenue; thence westerly along the center line of Hunt Avenue to the west City line; thence southerly along the west City Line to its intersection with the south City Line; thence easterly along the south City line to the point of beginning.

District sixteen shall consist of the area contained within the boundaries of the City of Jamestown and lying within the following described limits; beginning at a point of intersection of the west City line and the center line of Hunt Avenue and running easterly along the center line of Hunt Avenue to a point where it intersects the center line of West Third Street; thence easterly along the center line of West Third Street to the center line of the Erie Railroad to a point where its center line intersects the center line of the Chadakoin River; thence northerly along the center line of the Chadakoin River to a point where said center line intersects with the center line of Eleventh Street; thence easterly along the center line of Eleventh Street to the center line of North Main Street; thence northerly along the center line of North Main Street to the north City line; thence westerly along the north City line to a point where the north City line intersects the west City line; thence southerly along the West City line to a point of beginning.

District seventeen shall consist of the area contained within the boundaries of the City of Jamestown and lying within the following described limits; beginning at the point of intersection of the center line of North Main Street and the center line of East Eighth Street and running thence easterly along the center line of East Eighth Street to the center line of Lakeview Avenue; thence northerly along the center line of Lakeview Avenue to the center line of East Eighth Street thence easterly along the center line of East Eighth Street to the center line of Grant Street; thence northerly along the center line of Grant Street to the center line of Falconer Street; thence easterly along the center line of Falconer Street to the center line of Winsor Street; thence southerly along the center line of Winsor Street to the center line of Erie Railroad property; thence westerly along the center line of the Erie Railroad property to a point where said center line intersects the center line of the Chadakoin River; thence northerly along the center line of the Chadakoin River to a point where said center line intersects the center line of Eleventh Street extended westerly; thence easterly along the center line of Eleventh Street and as extended to the center line of North Main Street; thence southerly along the center line of North Main Street to the point of beginning.

b. Multimember districts

District eighteen from which two county legislators shall be elected at large shall consist of the area contained within the boundaries of the Village of Fredonia.

District nineteen from which two county legislators shall be elected at large shall consist of the area contained within the boundaries of the Towns of Sheridan and Hanover.

District twenty from which two county legislators shall be elected at large shall consist of the area contained within the boundaries of the Towns of Busti and Kiantone.

District twenty-one from which two county legislators shall be elected at large shall consist of the area contained within the boundaries of the Town of Ellicott.

District twenty-two from which two county legislators shall be elected at large shall consist of the area contained within the boundaries of part of the Town and City of Dunkirk described as follows: beginning at the point of intersection of the center line of Central Avenue and the shore of Lake Erie and running thence southerly along the center line of Central Avenue to a point where the said center line intersects the center line of Third Street; thence easterly along the center line of Third Street to a point where said center line intersects the center line of Main Street; thence southerly along the center line of Main Street to a point where said center line intersects the center line of Maple Avenue; thence southerly along the center line of Maple Avenue to a point where said center line intersects the center line of Lamphere Street; thence southerly along the center line of Lamphere Street to a point where said center line intersects the southerly boundary line of the City of Dunkirk; thence westerly and southerly along the boundary line of the City of Dunkirk to the southeast corner of the City of Dunkirk boundary line; thence westerly along the southerly boundary of the City of Dunkirk and the Town of Dunkirk to the shore of Lake Erie; thence northeasterly along the shore of Lake Erie to the point of beginning.

District twenty-three from which two county legislators shall be elected at large shall consist of the area contained within the boundaries of the Town and City of Dunkirk described as follows; beginning at the point of intersection of the center line of Central Avenue and the shore of Lake Erie and running thence southerly along the center line of Central Avenue to a point where the said center line intersects the center line of Third Street; thence easterly along the center line of Third Street to a point where said center line intersects the center line of Main Street; thence southerly along the center line of Main Street to a point where said center line intersects the center line of Maple Avenue; thence southerly along the center line of Maple Avenue to a point where said center line intersects the center line of Lamphere Street; thence southerly along the center line of Lamphere Street to a point where said center line intersects the southerly boundary line of the City of Dunkirk; thence westerly and southerly along the boundary line of the City of Dunkirk to the southeast corner of the City of Dunkirk boundary line; thence easterly along the southerly boundary of the Town of Dunkirk to the southeast corner of the Town of Dunkirk; thence northerly along the easterly boundary of the Town of Dunkirk to the shore of Lake Erie; thence southwesterly along the shore of Lake Erie to the point of beginning.

Section 2.04 – Vacancies.

A vacancy in the county legislature shall be filled by the county legislature within sixty days of the time when such vacancy occurs, and the appointee shall serve until the commencement of the political year next succeeding the first annual election after the happening

of the vacancy at which a successor may be elected, and the vacancy shall be filled at such election for the unexpired term. Any person appointed to fill a vacancy shall be a member of the same political party as the person who vacated the office. Any successor who shall be so appointed or elected shall possess all the qualifications required of members of the county legislature set forth in this Charter.

Any vacancy in any committee of the county legislature shall be filled by appointment by the permanent chairman of said county legislature.

Section 2.05 – Officers and committees of the County Legislature

On January first of each year or within eight days thereafter, the County Legislature shall meet and organize by electing from among its members a Chairman and such other officials as are deemed required. In the event of a failure of the County Legislature to select a Chairman on or before February first, the County Clerk of the County shall appoint a member of the County Legislature as Chairman, who shall serve until the end of the calendar year in which he is appointed. The Chairman shall appoint members of the County Legislature to serve on such committees as are provided by the rules of such Legislature. The Clerk of the County Legislature shall preside at all meetings of the Legislature until such time as a Chairman has been designated by election or appointment. The failure to elect a Chairman or appoint committee members shall not prevent the County Legislature from transacting its ordinary business.

Section 2.06 – Clerk of the County Legislature

The County Legislature shall be the legislative, appropriating and policy-determining body of the County. The County Legislature shall have and exercise all powers and duties of the County, now or hereafter conferred by applicable law and any and all powers necessarily implied or incidental thereto. Unless otherwise provided in this Charter or by applicable law, all actions of the County Legislature shall be taken by a majority vote of the total voting strength of such Legislature. In addition to all powers conferred by the foregoing or other provisions of the Charter, the County Legislature shall have power, among other things,

- a) To adopt by resolution all necessary rules and regulations for its conduct and procedures, by majority of voting strength.
- b) To make appropriations, incur indebtedness and adopt the budget.
- c) To levy taxes, provide, however, that except as otherwise required by law, the net cost of all general services rendered or made available by the County to the entire County shall be a charge against the entire County, and provided further that the net cost of all special services rendered or made available by the County to one or more municipalities or special districts within such County shall be a charge against such municipal or special districts or the taxpayers or taxable real property thereof.
- d) To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, charter laws, legalizing acts or resolutions.

- e) To adopt, amend and repeal by local law an Administrative Code which shall set forth the details of administration of the County government consistent with the provisions of this Charter and which may contain revision, simplifications, consolidations, codifications and restatements of special laws, local laws, resolutions, rules and regulations consistent with this Charter or amendments thereto.
- f) By local law to create, alter, combine or abolish County administrative units.
- g) To fix the compensation of all officers and employees paid from County funds except members of the judiciary, and except that the compensation of any elected official paid from County funds shall not be decreased during his term of office.
- h) To make or cause to be made such studies, audits and investigations as it deems to be in the best interest of the County, and in connection therewith, to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study, audit or investigation.
- i) To fix the amount of bonds of officers and employees paid from County funds.
- j) To fill a vacancy in any elective County office, except the judiciary and except as otherwise provided by the Charter. The person or person so appointed shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy at which a successor may be elected, at which election the electors of the County, shall fill the vacancy for the balance of the term if any.
- k) To determine and make provision for any matter of County government not otherwise provided for, including but not limited to any necessary matter involved in the transition to this Charter form of government.
- l) Designate one or more depositories located within the County for the deposit of monies received by the Director of Finance.

Section 2.08 – Changes in districts.

The County Legislature shall, within two years after the publication of the result of each regular federal census, appoint a bi-partisan legislative district revision committee or commission to evaluate the existing County legislative districts for equity in representation in relation to population. Such committee or commission shall study the population data and, within three months after appointment, make recommendations, if necessary, in the form of a proposed local law to changes in the boundaries of County legislative districts to be effective at the end of the then terms of incumbent County Legislators.

ARTICLE III
COUNTY MANAGER

Section

- 3.01 The County Manager; appointment; term; qualifications
- 3.02 Powers and duties
- 3.03 Acting County Manager; how designated; when to act
- 3.04 Administrative Assistant
- 3.05 Division of general services
- 3.06 Data processing division
- 3.07 Miscellaneous County services

Section 3.01 The County Manager; appointment; term; qualifications

The County Manager shall be the chief administrative officer of the County. He shall be appointed by the County Legislature solely on the basis of his executive and administrative qualifications. He shall serve for a term to expire with the term of the County Legislature making such appointment and may be suspended or removed by a two-thirds vote of the County Legislature, only after a hearing before the County Legislature which hearing may be called by resolution adopted by the affirmative vote of two-thirds of all of its membership. The County Manager shall have supervision over all County departments, offices, and agencies except as otherwise provided in this Charter, and shall devote his whole time to the duties of his office and shall hold no other public or political office.

Section 3.02 Powers and duties

The County Manager shall be responsible to the County Legislature for the administration of all County affairs. In addition to any other powers and duties provided by this Charter he shall:

- a) Be the chief executive officer and administrative head of the County government.
- b) Appoint to serve during his pleasure the heads of all departments, except such officers required to be elected and except as otherwise provided by law or in this Charter.
- c) Exercise supervision and control of all administrative departments, offices, and agencies, the heads of which he appoints, and shall prescribe the internal organization of such departments, offices, and agencies.
- d) Secure proper accounting for all funds, oversee the physical property of the County, exercise general supervision over all County institutions and agencies, and coordinate the various activities of the County and unify the management of its affairs.
- e) Execute and enforce all resolutions and orders of the County Legislature and see that all laws required to be enforced through the County Legislature or other County officers subject to its control are faithfully executed.
- f) Attend all meetings of the County Legislature and recommend such measures as he may deem expedient or necessary.

- g) Prepare and submit to the County Legislature the annual budget and capital program and to execute the same in accordance with the resolutions and appropriations made by the County Legislature, all in the manner otherwise provided in this Charter.
- h) Keep the County Legislature at all times fully advised as to the financial condition and needs of the County and file with the County Legislature an annual report of the financial affairs of the County at least once annually.
- i) Execute any contract for goods or services subject to review and approval of the County Attorney as to form and within the amount authorized by the annual budget, and except as otherwise provided in this Charter or Administrative Code.
- j) Perform such other duties and have such other powers as may be prescribed for him by law, Administrative Code, resolution, or as may be prescribed by the County Legislature.
- k) In addition to the powers set forth in this Charter, have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of County government not otherwise specified in this Charter.
- l) Have all necessary incidental powers to perform and exercise any of the duties and functions specified above or lawfully delegated to him.

Section 3.03 Acting County Manager; how designated; when to act

The County Manager shall appoint in writing one or more appointive department heads to perform the duties of the County Manager during the latter's temporary inability to perform by reason of disability or absence from the County. Such appointment with order of succession specified, shall be filed with the Clerk of the County Legislature. Any such designation may be revoked by the County Manager at any time by filing a notice of revocation with the Clerk of the Legislature. If a vacancy occurs in the office of the County Manager, the acting County Manager shall service until the vacancy is filled by action of the County Legislature.

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

Section 3.04 Administrative Assistant

The County Manager shall have the power within appropriations available therefore in the operating budget to appoint and at pleasure remove an administrative assistant, who shall assist the County Manager in the execution of his duties and in the administration of the affairs of the County for which the County Manager is responsible.

Section 3.05 Division of Central Services

There shall be a Division of Central Services under the general supervision of the County Manager. Such division shall contain the bureaus and offices hereinafter described:

- a) There shall be a purchasing section which shall supervise the following:
 - 1) All purchases and sales of materials, supplies and equipment and contracts for the rental or servicing of equipment for all departments of the County in accordance with the requirements as to advertising and competitive bidding set forth in applicable law.
 - 2) Purchases for Civil Divisions within the County, if approved by the governing board of such divisions, and pursuant to agreement as provided in this Charter or Administrative Code adopted hereunder.
 - 3) The proper maintenance of all current inventories of supplies, equipment and materials owned or under the jurisdiction of the County, and for such purpose oversee the keeping of records and the operation of any storeroom or warehouse operated by County.
 - 4) Transfer of materials, supplies and equipment between departments, offices and agencies subject to the approval of the County Manager.
 - 5) Providing or approving suitable specifications or standards for all materials, supplies and equipment to be purchased for the County, inspect all deliveries to their compliance with such specifications and standards and accept or reject the deliveries in accordance with the results of his inspection, subject to approval of the County Manager.
- b) There shall be in the Division of Central Services a printing section, which shall have charge of sign making, book binding, printing and photo static services and facilities provided by the County government.
- c) There shall be in the Division of Central Services a building maintenance section which shall have charge and supervision of the maintenance and repair of all County buildings except County highway buildings, hospitals, and infirmary structures.

Section 3.06 Data Processing Division

The following agencies of County government shall function under the general supervision of the County Manager:

- a) Veterans Services Agency; Director

There shall be a Veterans Services Agency headed by a Director who shall be appointed by the County Manager, subject to confirmation by the County Legislature, on the basis of his experience and qualifications for the office. He shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by

applicable law.

b) County Sealer of Weights and Measures

There shall be a County Sealer of Weights and Measures who shall be appointed by the County Manager, subject to confirmation by the County Legislature, on the basis of his experience and qualifications for the office. He shall have and exercise all powers and duties now or hereafter conferred or imposed on him by applicable law.

c) County Fire Coordinator; Fire Advisory Board

There shall be a County Fire Coordinator who shall be appointed by the County Manager, subject to confirmation by the County Legislature, on the basis of his experience and qualifications for office. He shall have and exercise all powers and duties now or hereafter conferred or imposed on him by applicable law. There also shall be a County Fire Advisory Board to consist of not less than five members nor more than twenty-five members, each of whom shall be appointed by the County Manager. Such board shall have and exercise all powers and duties now or hereafter conferred or imposed on it by applicable law.

d) Office of Civil Defense; Director

There shall be an office of Civil Defense headed by a Director of Civil Defense who shall be appointed by the County Manager, subject to confirmation by the County Legislature, on the basis of his experience and qualifications for the office. He shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

e) Office of Economic Development; Director; Advisory Board

There shall be an Office of Economic Development, headed by an Executive Secretary, who shall be appointed by the County Manager with recommendations by the Economic Development Advisory Board, subject to confirmation by the County Legislature, on the basis of his experience and qualifications for the office. He shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

There shall also be a County Economic Development Advisory Board, to consist of five members, each of whom shall be appointed by the County Manager, subject to confirmation by the County Legislature.

ARTICLE IV DEPARTMENT OF FINANCE

Section

4.01 Department of Finance; Commissioner

4.02 Powers and Duties

4.03 Bureau of accounts; encumbrance procedures

4.04 Bureau of Real property Tax Services

Section 4.01 Department of Finance; Commissioner

There shall be a Department of Finance headed by a Commissioner of Finance who shall be appointed by the County Manager, subject to confirmation by the County Legislature, on the basis of his experience in financial administration. The Commissioner may serve as the chief officer of any bureau which may be established in the department. The elective office of County Treasurer shall be abolished as of January 1, 1970.

Section 4.02 Powers and Duties

Except as otherwise provided by this Charter the Commissioner of Finance shall have and exercise all the powers vested in and perform all of the fiscal duties of the chief fiscal officer of the County, shall act as County Treasurer, and shall have charge of the administration of all of its financial affairs.

The Commissioner of Finance shall:

- a) Collect, receive, have custody of, deposit, invest and disburse fees, revenues, and other funds of the County or for which the County is responsible.
- b) On or before the first day of March in each year, and at such other times as the County Legislature may require, submit to such Legislature a complete financial statement duly certified by him containing for each fund of the County a general balance sheet as of the end of the prior County fiscal year.
- c) Perform all the duties, including but not limited to the collection of taxes, required by law, to be performed by a County Treasurer.
- d) Perform all duties in relation to the extension of taxes.
- e) Shall keep a separate account of each appropriation. Each such account shall show the amount encumbered but remaining unexpended the several amounts expended therefrom and the unencumbered balance. Whenever any liability of any nature shall be incurred for or by an administrative unit, the head of such unit shall file in the office of the Commissioner of Finance a written statement signed by him or his authorized agent setting forth the nature and amount of the liability and the appropriation against which it is chargeable.

Section 4.03 Bureau of Accounts, Encumbrance Procedures

There shall be in the Department of Finance a Bureau of Accounts which shall:

- a) Keep records of appropriations, encumbrances and expenditures and prescribe approved methods of accounting for County officers and administrative agencies.
- b) Examine all requisitions for the encumbering of funds for expenditures for which the County is responsible and certify as to the availability of funds therefore.

- c) Audit and certify for payment all lawful claims or charges against the County or against funds for which the County is responsible.
- d) Procure statements from all depositories of County funds and funds for which the County is responsible and reconcile such statements with the County accounts.
- e) Subject to the requirements of the Civil Service Law certify the correctness of payrolls for the payment of salaries of officers and employees paid from County funds and deliver a certified transcript to the Commissioner of Finance as authorization for payment.

All claims, invoices or vouchers submitted to the Bureau of Accounts for payment shall be verified or certified by the claimant according to law, in the form described by the Commissioner of Finance.

Section 4.04 Bureau of Real Property Tax Services

There shall be in the Department of Finance a Bureau of Real Property Tax Services, which shall:

- a) Keep a record of the transfer of title of real property and immediately notify the appropriate assessing officer or agency of all such transfer in each city, town or village, as the case may be.
- b) Make available a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices.
- c) Submit annually to the County Manager proposed County tax equalization rates consistent with standards prescribed by the State Legislature.
- d) Maintain, review and supervise the preparation of property tax maps for the use of the assessors of all the assessing units in the County.

ARTICLE V FINANCIAL PROCEDURES

Section

- 5.01 Fiscal Year
- 5.02 Budget Preparation and Submission; Capital Program
- 5.03 Notice of Hearing
- 5.04 Action by the County Legislature
- 5.05 Tax Levy and Reserve for Uncollected Taxes
- 5.06 Supplemental Appropriations; Budgetary Transfers
- 5.07 Lapse of Appropriations
- 5.08 Certain Payments and Obligations Prohibited; Amendment of Capital Program

Section 5.01 Fiscal Year

The fiscal year of the County shall commence on January 1 in each year and shall terminate at midnight on the ensuing December 31.

Section 5.02 Budget Preparation and Submission; Capital Program

- a) Departmental estimates – On or before the first of September in each year, the head of each department, institution, office or agency shall submit to the County Manager, on forms supplied by him, estimates of the revenues and expenditures of their respective departments, institutions, offices or agencies for the next issuing fiscal year. Such estimates shall contain such information as the County Manager may direct including detailed estimates of the capital projects which the head of each department, institution, office or agency believes should be undertaken within the next six fiscal years.
- b) Submission to Legislature; filing for public inspection – On or before the first day of October of each year, the County Manager shall submit to the County Legislature a tentative budget for the ensuing fiscal year, a capital program for the next six fiscal years, and an accompanying budget message. Upon submission, the tentative budget, the capital program and the budget message shall become a public record in the office of the Clerk of the County Legislature. One hundred copies of the same shall be made available by the County Manager for distribution.
- c) Scope of budget message; budget and capital program – The budget message shall consist of an outline of existing and proposed financial policies as they relate to the main features of the budget and capital program, a simple, clear, general summary of the detailed contents of the budget and the capital program. It shall further include a list of pending capital improvements and those proposed for the ensuing fiscal year together with the County Manager's comments. The message shall also include such other supporting or explanatory material as the County Manager deems desirable or as the County Legislature shall request.

The budget shall present a complete financial plan both in fiscal terms and in terms of work to be done for the operation of the County and its departments, offices, and agencies for the ensuing fiscal year. It shall contain all proposed expenditures and estimated revenues and a comparison of all expenditure and revenue items with the actual data of the last completed fiscal year and an estimate of the expenditure and revenue items of the current fiscal year based on the actual fiscal data of the preceding eight-month period.

The capital program shall contain an enumeration and description of each capital improvement proposed to be undertaken within the ensuing six fiscal years, showing the estimated costs, the proposed method of financing, the order of priority and the projected operation and maintenance expense. The first year of such capital program shall constitute the capital budget and shall contain a detailed account of all current and debt requirements for capital improvements for the fiscal year to which the budget relates.

Section 5.03 Notice and Hearing

The County Legislature, after the filing of the tentative budget and capital program with them in each year, may make such amendments thereto as it deems advisable and shall publish in the official newspapers a notice setting forth the time and place for a public hearing on the proposed budget and capital program to be held at least five days subsequent to the date of publication of such notice. At such hearing the County Manager shall be present.

Section 5.04 Action by the County Legislature

- a) Budget – After the public hearing the Legislature may adopt the budget with or without amendment. In amending it may strike cut, increase, or reduce any item of appropriation or add a new item of appropriation in the tentative County budget except for appropriations for debt service and any other appropriations required by law. Conforming amendments shall be made in all revenue accounts.
- b) Capital program – After the public hearing the County Legislature may also adopt the capital program with or without amendment. In amending it may delete or decrease any item. Any additions and increases must wait for the recommendations of the County Manager which the County Legislature must request and consider, but need not follow. If a required recommendation is not presented to the County Legislature within five days after the request therefore, the County Legislature may Make such additions and increases without such recommendation.
- c) Final Adoption – The County Legislature shall adopt the budget and capital program on or before the fifteenth day of November, but if it fails to do so, the tentative budget and capital program as originally submitted by the County Manager with amendments adopted prior to the public hearing, if any, shall be deemed adopted. Four copies of the final budget and capital program shall be certified by the County Manager and the Clerk of the County Legislature. One of such copies shall be filed in the office of the County Manager and one each in the offices of the Commissioner of Finance, the Clerk of the County Legislature and the Office of the Comptroller.

Section 5.05 Tax Levy and Reserve for Uncollected Taxes

The net County tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget shall be levied in advance by the County Legislature upon 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 fixed at such amount as deemed sufficient by the County Legislature to ensure the receipt of the required amount of cash from real property taxes.

Section 5.06 – Supplemental Appropriations; Budgetary Transfers

- a) The County Legislature during the fiscal year, by resolution may make additional appropriations or increase existing appropriations, and 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.
- b) If during any fiscal year the County Manager certifies that there are available for appropriation: (1) revenues received from sources not anticipated in the budget for

that year, or (2) revenues received from anticipated sources but in excess of the budget estimates therefor, or (3) unappropriated cash surplus, the County Legislature may make supplemental appropriations for the year up to the amount so certified.

- c) If at any time during the fiscal year it appears that revenues available will be insufficient to meet the amounts appropriated; the County Manager shall without delay report to the County Legislature the estimated amount of the deficit, remedial action taken by him, and his recommendations as to further action. To prevent or minimize a deficit the County Legislature may reduce one or more appropriations except that 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 authorize temporary borrowing pursuant to the local finance law in an amount no greater than such deficit for such purposes.
- d) The County Manager may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance between classifications or expenditures within the same department, office, or agency subject to such restrictions and limitations as may be established by local law. Upon written request by the County Manager, the County Legislature by resolution may transfer part or all of any unencumbered appropriation balance from one department, office or agency to another but no transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

Section 5.07 Lapse of Appropriations

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 the purpose for which it was made has been accomplished or abandoned by a two-thirds vote of the total membership of the County Legislature.

Section 5.08 Certain Payments and Obligations Prohibited; Amendment Capital Program

- a) No payment shall be authorized or made and no obligation incurred against the County except in accordance with the appropriations duly made, except that nothing Contained in this section or other sections of this Charter shall be construed to prevent the making or authorizing of payment or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds; nor shall it prevent the making, when permitted by law, or any contract or any lease providing for the payment of funds at a time beyond the end of the fiscal year in which the contract or lease is made. But any contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than once fiscal year shall be authorized by the Legislature.
- b) No obligation for the financing of a capital improvement shall be authorized, issued or sold unless such obligation shall have been approved in the annual capital program,

which may be amended as hereinafter provided. At any time after the adoption of such capital program the County Legislature, by the affirmative vote of two-thirds of its total membership, may amend the capital program by adding, modifying or abandoning projects. Each amendments resulting in an addition or expansion shall be subject to the consideration of the County Manager's recommendation.

ARTICLE VI DEPARTMENT OF AUDIT AND CONTROL

Section

6.01 Department Established

6.02 Powers and Duties

6.03 Inquiries into Financial Affairs

Section 6.01 Department Established

There shall be a Department of Audit and Control, the head of which shall be the Comptroller who shall be elected from the County at large and shall be a qualified elector of the County. The term of office of the Comptroller shall be three years and shall commence on the same day as that prescribed for County Legislators. The Comptroller shall appoint a deputy and such other deputies, officers and employees as may be authorized by the County Legislature.

Section 6.02 Powers and Duties

The County Comptroller shall:

- a) Be the auditing authority of the County and examine, audit and verify all books, records and accounts kept by the various administrative units, offices, officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust accounts, and the accrual and collection of all County revenues and receipts, and for this purpose have access to all such books, records, and accounts at any time.
- b) Procure from the depositories with which the Commissioner of Finance shall have deposited the funds and monies coming into his possession, statements, at least monthly, of all monies deposited by the Commissioner of Finance or paid out pursuant to his order, and reconcile such statements with the County accounts.
- c) Make reports from time to time when requested by the County Manager of the County Legislature on the financial condition of the County.
- d) Submit to the County Legislature an annual report of audit and such periodic reports in such form and detail as may be prescribed by it.
- e) Perform such additional and related duties as the County Legislature may direct.

Section 6.03 Inquiries into Financial Affairs

The Comptroller shall have power to investigate and inquire into all matters relating to or affecting the finances of the County and for each purpose and for the purpose of carrying out his powers and duties, shall have the power to require the attendance of and take testimony under oath of such persons as he may deem necessary.

ARTICLE VII DEPARTMENT OF LAW

Section

- 7.01 Department of Law, County Attorney, Appointment; Qualifications; Term, Power and Duties; Staff
- 7.02 Powers and Duties
- 7.03 Deputy County Attorneys and Staff
- 7.04 Acting County Attorney
- 7.05 Special Counsel

Section 7.01 Department of Law, County Attorney, Appointment; Qualifications; Term, Power and Duties; Staff

There shall be a Department of Law under the director of a County Attorney, who shall be appointed by the County Legislature. At the time of his appointment, and throughout his term of office, the County Attorney shall be and remain duly licensed and entitled to practice law in the State of New York and shall at all times be a resident of the County of Chautauqua. He shall be appointed on the basis of his legal experience and other qualifications for the responsibilities of his office. He shall be directly responsible to and serve at the pleasure of, the County Legislature.

Section 7.02 Powers and Duties

Except as may otherwise be provided in this charter, the County Attorney shall, with respect to County civil matters:

- a) Be the sole legal advisor for the County and its units, including its officers;
- b) Prepare all necessary legal papers and instruments;
- c) Prosecute or defend all civil matters or proceedings involving the County and its units, including its officers;
- d) Prepare local laws, ordinances, resolutions, legalizing acts or other legislation upon request of the County Executive or a member of the County Legislature, together with notices and other documents in connection therewith;
- e) Have all the powers and perform all the duties conferred or imposed by law upon a County Attorney, and perform such other and related non-conflicting duties required By the County Legislature, except the rendering of advice and service to town board and town officers.

Section 7.03 Deputy County Attorneys and Staff

The County Attorney shall have the power to appoint such deputy County Attorneys, assistant and employees of his department as shall be authorized by the County Legislature, including the position of confidential secretary to the County Attorney. At the times of their appointment and throughout their terms of office, all Deputy County Attorneys shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy County Attorneys, assistants and employees of the department shall be directly responsible to the County Attorney, and those without civil service status shall serve at the pleasure of the County Attorney.

Section 7.04 Acting County Attorney

The County Attorney, subject to approval by the County Legislature shall designate in writing and in order of succession, the Deputy County Attorneys who shall be acting County Attorney in the event of his absence from the County or inability to perform and exercise the powers and duties of his 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 County Attorney by filing a new written designation and order of succession approve by the County Legislature. The Acting County Attorney shall have all the powers and perform all the duties of the County Attorney.

ARTICLE VIII DEPARTMENT OF PUBLIC WORKS

Section

8.01 Department, Commissioner

8.02 Powers and Duties

8.03 Bureau of Engineering; County Engineer

8.04 Bureau of Engineering; County Engineer

8.05 Traffic Safety Advisory Board

8.06 County Utility Services

Section 8.01 Department; Commissioner

There shall be a Department of Public Works, the head of which shall be the Commissioner of Public Works, who shall be appointed by the County Manger, subject to confirmation by the County Legislature on the basis of his administrative experience and qualifications for office and he shall be an engineer duly licensed to practice in the State of New York. He shall serve at the pleasure of the County Manager and may serve as head of any bureaus or division of the department.

Section 8.02 Powers and Duties

Except as otherwise provided in this Charter, the Commissioner of Public Works shall:

- a) Have all the powers and duties of a County Engineer and County Superintendent of highways pursuant to the highway law, town law or other applicable law.

- b) Have charge and supervision of the design, construction, improvement, maintenance, repair, cleaning and lighting of all highways, roads, streets, bridges and grade separation structures, drains and drainage structures under the jurisdiction of the County.
- c) Have charge and supervision of the design and construction and alterations of County highway buildings, parking areas, drives and walks of the County.
- d) Have charge and supervision of the maintenance and repair of all County highway buildings.
- e) Shall perform such other and related duties as required by the Charter, the County Legislature, and the County Manager.

Section 8.03 Bureau of Engineering; County Engineer

There shall be within the Department of Public Works a Bureau of Engineering. The Commissioner of the Department shall act as Director of the Bureau of Engineering until such times as the County Legislature may create the position of Director of Engineering as part of the annual budget of the County. In addition to the powers and duties of the County Engineer provided in this Charter and by applicable law, the Bureau shall furnish engineering and other services to the County Legislature, the County Department of Planning, and such other County departments and bureaus as may be directed by the County Manager.

Section 8.04 Bureau of Highways; Highway Superintendent

There shall be a Bureau of Highways headed by a Highway Superintendent appointed on the basis of his experience and qualifications for the office. He shall, under the supervision of the Commissioner of Public Works, exercise the powers and duties provided for the County Highway Superintendent by this Charter or by applicable law.

Section 8.05 Traffic Safety Advisory Board

There shall be a County Traffic Safety Advisory Board with all the powers but subject to all the restrictions and provisions as set forth in the laws of the State of New York.

Section 8.06 County Utility Services

There shall be a County sewer Agency having the powers prescribed by the laws of the State of New York, the members of which shall be appointed by the County Legislature. Such agency shall consult with the Commissioner of Public Works from time to time as it deems advisable and to use the facilities and personnel of the Department of Public Works to the extent made available therefore by the Commissioner.

ARTICLE IX DEPARTMENT OF HEALTH

Section

9.01 County Health District and Department; Commissioner; Qualifications; Appointment

9.02 Powers and Duties of the Commissioner

9.03 Public Health Advisory Board

Section 9.01 County Health District and Department; Commissioner; Qualifications; Appointment

The County of Chautauqua shall continue as a County Health District. There shall be a Department of Health headed by a Commissioner. The County Manager shall appoint as Commissioner of Health a physician duly licensed to practice medicine in the State of New York, who shall be experienced in public health administration and shall possess such qualifications as are prescribed in the State Sanitary Code or otherwise by the Public Health Council of the State of New York. Such appointment shall be subject to confirmation by the County Legislature.

Section 9.02 Powers and Duties of the Commissioner

Except as otherwise provided in this Charter, the Commissioner of Health shall have all the powers and perform all the duties conferred or imposed upon County Health Commissioner and/or County Boards of Health by law. He shall perform such additional and related duties as the County Legislature may prescribe.

Section 9.03 Public Health Advisory Board

There shall be in the department, a Public Health Advisory Board, the members of which shall be appointed by the County Manager. The composition of such Advisory Board in relation to the number of members and the professional, governmental, or other representation, and the terms of such members, shall be as provided in the Public Health Law for a County or part-County Board of Health. The Public Health Advisory Board shall, at the request of the Commissioner, and may on its own initiative, advise on matters relating to the preservation and improvement of the public health, and shall be advisory only. The Public Health Advisory Board may also make recommendations in relation to the appointment of the Commissioner.

ARTICLE X
DEPARTMENT OF MENTAL HEALTH

Section

10.01 Department of Mental Health; Commissioner

10.02 Powers and Duties

10.03 Mental Health Advisory Board

Section 10.01 Department of Mental Health; Commissioner; Qualifications; Appointment

There shall be a Department of Mental Health headed by a Commissioner. The Commissioner shall be appointed by the County Manager, subject to the confirmation by the County Legislature on the basis of his administrative experience and his qualifications for the

duties of the office. Such qualifications shall meet the standards fixed by the Commissioner of Mental Hygiene of the State of New York.

Section 10.02 Powers and Duties

Except as otherwise provided in this Charter, the Commissioner of Mental Health shall have all the powers and perform all the duties conferred or imposed upon a Director of Community Health or Community Mental Health Boards by law. He shall perform such other and related duties as required by the County Manager.

Section 10.03 Mental Health Advisory Board

There shall be in the department a Mental Advisory Board whose members shall be selected by the County Manager for three year terms. Members shall be selected so that the terms of at least one shall terminate annually. After appointment the board shall organize itself by electing such officers as are deemed necessary. At least two of the members must be physicians duly licensed to practice in the State of New York. The Mental Health Advisory Board may make recommendations in relation to the appointment of such Commissioner. The Mental Health Advisory Board, on its own initiative or at the request of the Commissioner, shall advise on matters relating to an adequate program on mental health services and facilities in the County.

ARTICLE XI DEPARTMENT OF PLANNING

Section

11.01 Department of Planning; Commissioner

11.02 Powers and Duties

11.03 Planning Advisory Board

Section 11.01 There shall be a Department of Planning headed by a Commissioner who shall be appointed by the County Manager, subject to confirmation by the County Legislature, on the basis of his professional training and experience in the field of metropolitan, regional, County or municipal planning. He shall be a responsible planner as specified by the New York State office of Planning coordination.

Section 11.02 Powers and Duties

The Commissioner of Planning shall have and exercise all the powers and duties of a County, metropolitan or regional planning board as authorized by law. He shall:

- a) Assist the County Manager in executive planning, including planning for the capital budget and capital improvement program and the preparation of all County plans, and shall supervise the writing of all planning reports.
- b) Make available to cities, towns, and villages in Chautauqua County, at their request, advice and assistance on matters related to the planning function.

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

Section 11.03 Planning Advisory Board

There may be in the department a Planning Advisory Board, the members of which shall be appointed by the County Manager. Such board shall be advisory to the Planning Commissioner in matter related to comprehensive metropolitan, regional, county and municipal planning.

SECTION XII DEPARTMENT OF PERSONNEL

Section

12.01 Department of Personnel; Commissioner

12.02 Powers and Duties

Section 12.01 Department of Personnel; Commissioner

There shall be a Department of Personnel headed by a Commissioner, who shall be appointed by the County Manager, subject to confirmation by the County Legislature.

Section 12.02 Powers and Duties

The Commissioner of Personnel shall have, with reference to the civil service of the County, the powers and duties of a County Civil Service commission as provided in the Civil service Law, and he shall be subject to supervision and control by the State Civil Service Commission as provided in the Civil Service Law, and as are County Civil Service Commissions. The Commissioner shall also perform the following powers and duties.

- a) Recruit personnel.
- b) Assist in the creation and improvement of personnel decisions in departments and agencies of the County.
- c) Develop career advancement programs in any department and agency of the County; assist any department and agency of the County in creating in-service training courses and retaining courses; and institute in any department and agency of the County in-service courses and retraining courses.
- d) Develop career advancement programs for towns, villages, special districts, school districts and any municipality or agency within the County under the jurisdiction of the Commissioner, at their request.
- e) Assist any town, village, special district, school district and any municipality or agency within the County under the jurisdiction of the Commissioner in creating,

instituting and operating in-service training courses and retraining courses, and, if requested by any town, village, special district, school district and any municipality or agency within the County under the jurisdiction of the Commissioner, to provide and operate such in-service training and retraining courses.

- f) Classify positions in civil service.
- g) Schedule, conduct and rate examinations.
- h) Establish, promulgate and certify eligible lists.
- i) Investigate applications for positions in the civil service; review their qualifications and revoke or rescind any certifications or appointment by reason of the disqualification of the applicant or appointee under the provisions of the Civil Service Law, the rules of the Commission, and any other law.
- j) Keep records regarding candidates for appointments to the civil service and officers and employees in the civil service.
- k) Certify payrolls in accordance with the Civil Service Law and the rules of the Commission.
- l) Administer personnel programs of the County.

ARTICLE XIII DEPARTMENT OF SOCIAL SERVICES

Section

13.01 Department of Social Services; Commissioner

13.02 Powers and Duties of the Commissioner

Section 13.01 Department of Social Services; Commissioner

There shall be a Department of Social Services headed by a Commissioner who shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office by the County Manager, subject to confirmation by the County Legislature.

Section 13.02 Powers and Duties of the Commissioner

Except as otherwise provided in this Charter and by law, the Commissioner of Social Services shall:

- a) Have all powers and perform all the duties conferred on or required of a County Commissioner of Social Services under the Social Welfare Law or other applicable law.
- b) Manage and supervise Social Services institutions of the County.

- c) Perform such other and related duties as shall be required or delegated to him by the County Manager or the County Legislature.

ARTICLE XIV DEPARTMENT OF RECORDS

Section

- 14.01 Department of Records; County Clerk
- 14.02 Powers and Duties
- 14.03 Deputy County Clerk and Staff
- 14.04 Acting County Clerk

Section 14.01 Department of Records; County Clerk

There shall be a Department of Records headed by a County Clerk, who shall be elected from the County at large for a term of three years beginning with the first day of January next following his election. At the time of his nomination and election, and throughout his term of office, the County Clerk shall be and remain a qualified elector of the County.

Section 14.02 Powers and Duties

The County Clerk shall be the official registrar of the County. Except as may otherwise be provided in this Charter, he shall have all the power and perform all the duties conferred or imposed by law upon County Clerks, and perform such other and related duties required by the County Manager or County Legislature.

Section 14.03 Deputy County Clerk and Staff

The County Clerk shall have the power to appoint such Deputy County Clerks, assistants and employees of his office as shall be authorized by the Board Legislature. All Deputy County Clerks, assistants and employees shall be directly responsible to the County Clerk, and those without civil service status shall serve at the pleasure of the County Clerk.

Section 14.04 Acting County Clerk

The County Clerk shall designate in writing, and in order of succession, the Deputy County Clerks who shall be acting County Clerk in the event of his absence from the County or inability to perform and exercise the powers and duties of his 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 County Clerk's 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.

ARTICLE XV DISTRICT ATTORNEY

Section

15.01 District Attorney; Election; Term; Qualifications

15.02 Powers and Duties

15.03 Deputy District Attorneys and Staff

15.04 Acting District Attorney

Section 15.01 District Attorney; Election; Term; Qualifications

There shall be a District Attorney, who shall be elected from the County at large for a term of three years beginning with the first day of January next following his election. T the time of his nomination and election, and throughout his term of office, the District Attorney shall be and remain a qualified elector of the County and shall be and remain duly licensed and entitled to practice law in the State of New York.

Section 15.02 Powers and Duties

Except as may otherwise be provided in this Charter, the district Attorney shall have all the powers and perform all the duties conferred or imposed by law upon District Attorneys, and perform such other and related non-conflicting duties required by the County Manager or County Legislature.

Section 15.03 Deputy District Attorneys and Staff

The District Attorney shall have the power to appoint such Deputy District Attorneys, assistants, investigators and employees of his office as shall be authorized by the County Legislature. At the times of their appointment, and throughout their terms of office, all Deputy District Attorneys shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy District Attorneys, assistants, investigators and employees shall be directly responsible to the District Attorney, and those without civil service status shall serve at the pleasure of the District Attorney.

Section 15.04 Acting District Attorney

The District Attorney shall designate in writing, and in order of succession, the Deputy District Attorneys who shall be acting District Attorney in the event of his absence from the County or inability to perform and exercise the powers and duties of his 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's 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.

Section

- 16.01 Sheriff; Election; Term; Qualifications
- 16.02 Powers and Duties
- 16.03 Deputy Sheriffs and Staff
- 16.04 Acting Sheriff

Section 16.01 Sheriff; Election; Term; Qualifications

There shall be a Sheriff, who shall be elected from the County at large for a term of three years beginning with the first day of January next following his election. At the time of his nomination and election, and throughout his term of office, the Sheriff shall be and remain a qualified elector of the County.

Section 16.02 Powers and Duties

The Sheriff shall be the chief law enforcement officer for, and have jurisdiction throughout the County. Except as may otherwise be provided in this Charter, he shall have all the powers and perform all the duties, both criminal and civil, conferred or imposed by law upon Sheriffs and perform such other related duties required by the County Manager or County Legislature including such jurisdiction over future County Police functions and inter-municipal police service programs in the County as shall be determined by the County Legislature.

Section 16.03 Deputy Sheriffs and Staff

The Sheriff shall have the power to appoint such Deputy Sheriffs, assistants and employees of his office as shall be authorized by the County Legislature. All Deputy Sheriffs, assistants and employees shall be directly responsible to the Sheriff, and those without civil service status shall serve at the pleasure of the Sheriff.

Section 16.04 Acting Sheriff

The Sheriff shall designate in writing, and in order of succession, the Deputy Sheriffs, who shall be acting Sheriff in the event of his absence from the County or inability to perform and exercise the powers and duties of his 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's 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.

ARTICLE XVII OTHER COUNTY BOARDS, OFFICES AND FUNCTIONS

Section

- 17.01 Board of Elections; Commissioners; Employees
- 17.02 Office of Probation; Director
- 17.03 County Jury Board; Commissioner of Jurors
- 17.04 Office of Public Defender
- 17.05 Deputy Public Defenders and Staff

- 17.06 Acting Public Defender
- 17.07 Coroners
- 17.08 Other County Boards
- 17.09 Additional Appointments by County Managers
- 17.10 Miscellaneous Administrative Functions

Section 17.01 Board of Elections; Commissioners; Employees

There shall be a Chautauqua County Board of Elections constituted according to the State Election Law. The Commissioners of Election shall be appointed by the County Legislature in accordance with the State Election Law, and shall have and exercise all powers and duties now and hereafter conferred or imposed upon them by applicable law.

Section 17.02 Office of Probation; Director

There shall be an Office of Probation headed by Director of Probation appointed in the manner provided by the Code of Criminal Procedure. The Director of Probation shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

Section 17.03 County Jury Board; Commissioner of Jurors

There shall be a County Jury Board constituted according to the State Judiciary Law. The County Jury Board shall appoint a Commissioner of Jurors, who shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

Section 17.04 Office of Public Defender

There shall be an Office of Public Defender headed by a County Public Defender appointed by the County Legislature. He shall be directly responsible to, and serve at the pleasure of the County Legislature. He shall have and exercise all the powers and duties now and hereafter conferred or imposed upon him by applicable law.

Section 17.05 Deputy Public Defender and Staff

The Public Defender shall have the power to appoint such Deputy Public Defenders, assistants and employees of his department as shall be authorized by the County Legislature, including the position of confidential secretary to the Public Defender. At the time of their appointment, and throughout their terms of office, all Deputy Public Defenders shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy Public Defenders, assistants and employees of the department shall be directly responsible to the Public Defender, and those without civil service status shall serve at the pleasure of the Public Defender.

Section 17.06 Acting Public Defender

The Public Defender, subject to approval of the County Legislature shall designate in writing and in order of succession, the Deputy Public Defenders who shall be acting Public Defender in the event of his absence from the County or inability to perform and exercise the powers and duties of his 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 Public Defender by filing a new written designation and order of succession approved by the County Legislature. The acting Public Defender shall have all the powers and perform all the duties of the Public Defender.

Section 17.07 Coroners

The Office of Coroner in the County of Chautauqua is hereby continued. The County Legislature shall appoint four corners to serve as provided by State Law. They shall have and exercise all powers and duties now or hereafter conferred or imposed upon them by applicable law, and be directly responsible to the County Legislature.

Section 17.08 Other County Boards

All other County Boards, including but not limited to, the District Fish and Wildlife Management Board, the Alcoholic Beverage Control Board, the District Forest Practice Board, the County Agricultural Society, the Cooperative Extension Association of Chautauqua County, and the Soil Conservation Commission shall continue as provided by law, except that the members thereof required to be County government shall be appointed by the County Manager, with confirmation by the County Legislature.

Section 17.09 Additional Appointments by County Manager

The County Manager shall appoint, subject to confirmation by the County Legislature, the County Historian and all other County officers and employees, except as provided in this Charter.

Section 17.10 Miscellaneous Administrative Functions

Administrative functions not otherwise assigned by this Charter or by act or resolution of the County Legislature shall be assigned by the County Manager to an appropriate administrative unit.

ARTICLE XVIII GENERAL AND TRANSITIONAL PROVISIONS

Section

18.01 Adoption of Charter; When Effective

18.02 Existing Laws Continued

18.03 Continuation of Authority

18.04 Appointments by Heads of Departments; Agencies; Offices; Boards

18.05 Civil Service Rights Continued

18.06 Functions of Villages; No Transfers Intended

18.07 Charter Clarification

- 18.08 Amendment of Charter
- 18.09 Separability
- 18.10 Charter to be Liberally Construed

Section 18.01 Adoption of Charter; When Effective

This Charter shall, upon approval by referendum in the manner provided by law, become effective as of January 1, 1970, except that the provisions of Article II of this Charter relating to the election of the County Legislature, the provision of Article VI relating to the election of the Comptroller, the provisions of Article XIV relating to the election of the County Clerk, the provisions of Article XV relating to the election of District Attorney, and provisions of Article XVI relating to the election of a Sheriff shall become effective immediately upon adoption of the Charter by referendum.

Section 18.02 Existing Laws Continued

Except as otherwise provided in this Charter, all existing State, County, local and other laws or enactments including special acts having the force of law shall continue in force until lawfully amended, modified, superseded, or repealed.

Section 18.03 Continuation of Authority

The performance of functions pursuant to the provisions of this Charter shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible therefore under this Charter or any Administrative Code adopted thereunder.

Section 18.04 Appointments by Heads of Departments; Agencies; Offices; Boards

Heads of all departments and agencies, other offices and boards not within departments, shall appoint all their deputies, officers, assistants and employees, who shall be directly responsible to such head, and those without civil service status shall serve at the pleasure of such head.

Section 18.05 Civil Service Rights Continued

The civil service rights of all County employees and their beneficiaries shall not be affected by this Charter. The civil service rights of all employees transferred to the County in any case authorized by this Charter shall be continued as provided by the Civil Service Law.

Section 18.06 Functions of Towns, Villages, Cities or School Districts; No Transfers Intended

Nothing contained in this Charter is intended to constitute a transfer of any function or duty to or from any town, village, city or school district or any abolition of any office, department or agency or unit of government thereof. If any provision of this Charter is construed by any court of competent jurisdiction to constitute any such transfer or abolition, such provision

shall be deemed to be optional as it affects the town, villages, cities and school districts, and be effective only upon approval of governing boards thereof.

Section 18.07 Charter Clarification

If any provision of this Charter is not clear or required elaboration in its application to the County, the County Legislature may interpret such provision in a local law not inconsistent with the provisions of the Municipal Home Rule Law. Where any question arises concerning the transition to a Charter which is not provided for herein, the County Legislature may provide for such transition by a local law not inconsistent with the provisions of the Municipal Home Rule Law.

Section 18.08 Amendment of Charter

This Charter may be amended in the manner provided by the Municipal Home Rule Law. Any proposed amendment which would have the effect of transferring a function or duty of the County, or of a city, town or village wholly contained in the County shall not become operative unless and until it is approved by a mandatory referendum as required by the Municipal Home Rule Law.

Section 18.09 Separability

If any provision of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the particular provision involved.

Section 18.10 Charter to be Liberally Construed

This Charter shall be liberally construed to achieve its objectives and purposes.

SECTION 2

This Charter shall be submitted to the electors of Chautauqua County in accordance with the provisions of the Municipal Home Rule Law.

SECTION 3

This Local Law shall take effect immediately.

Adopted by Board of Supervisors: 6/14/68 R/C Vote: 23 Yes;

12 No

1 Absent

No's: Bratt, Clifford, Briggs, Croscut, Crowell, Ferris, Gustafson, H.L. Johnson, Lepkowski, Mattison, Nelson, Tubbs, Young

Adopted as Local Law 3-68