

LOCAL LAW NO. 3-1975
CHAUTAUQUA COUNTY

A Local Law to Amend Article XV, Section 15.06 of the Chautauqua Administrative Code in
Relation to Appointments by the County Executive

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York as follows:

SECTION 1. The Chautauqua Administrative Code, Article XV, Section 15.06 be and the same is hereby amended by the addition thereto of Subsection "a" to read:

Section 15.06-a

1. Each appointment by the County Executive which is subject to confirmation by the County Legislature shall be in writing, signed by the County Executive and filed with the Office of the Clerk of the County Legislature, who shall within 5 days of such filing deliver a copy of said appointment to the members of the County Legislature. Delivery shall be affected by personal service of a copy of said appointment on said members of the Legislature or by mailing a copy thereof within the five (5) day period addressed to their respective places of residence. Each appointment shall be valid until such appointment has been approved or rejected by the County Legislature or until forty-five (45) days, exclusive of the day of filing, whichever shall first occur, have expired after the filing of notice of such appointment. If a majority of the County Legislature shall vote in favor of confirmation, the appointment shall be deemed confirmed immediately. If a majority of the County Legislature shall fail to vote for confirmation, such vote shall constitute a rejection and the term of the interim appointee shall be terminated immediately.

Only resolution to confirm an appointment may be considered by the County Legislature. A vote resulting in a tie shall be considered a rejection of the appointee. A person who had been rejected may not be appointed to the same position within the same calendar year unless the County Legislature shall have re-considered and reversed its vote to reject. If within forty-five (45) calendar days, exclusive of the day of filing, after the filing of written notice of appointment with the Clerk of the Legislature, no vote to confirm the appointment has been taken by the County Legislature, the appointment shall be deemed to have been confirmed as of the forty-sixth (46) day after such filing.

2. The County Executive may (1) nominate for confirmation the same person whom he has appointed or is appointing to an office or position, or (2) appoint a person to serve in such office or position and nominate a different person for confirmation. Under the second alternative, the appointment shall be considered a temporary appointment not subject to confirmation by the County Legislature and shall, except as otherwise provided, terminate upon the confirmation of the permanent appointee. In the event the permanent nominee shall not have been confirmed, the person holding the temporary appointment shall continue in office providing the County Executive shall within fifteen days after rejection of the permanent appointment submit for confirmation as herein provided another nominee for such office or position. If the County Executive fails to submit such nominee within fifteen days, then the term of the temporary appointee shall be terminated. No temporary appointee may be re-appointed on a temporary basis to the same position more than once in any calendar year.

3. If the County Charter, this Code or any applicable statute describes specific qualifications for any appointment as the head of a county department or administrative unit made by the County Executive, the written notice of appointment herein required shall also contain a statement setting forth the qualifications of such nominee.

4. Unless otherwise provided by the County Charter or this Code, each administrative head shall have the power, when such positions are authorized by the County Legislature and within the appropriations provided therefore, to appoint all deputies, other officers and employees in his respective administrative unit. He shall designate in writing the relative rank of such deputies, including the order of temporary succession to the duties of administrative head during his absence or disability or in the event of a vacancy prior to the filing of such vacancy by the County Executive, and delegate among them such of his powers and duties as he may determine. A copy of all such designations and delegations shall be filed with the County Clerk.

SECTION 2. This local law, subject to a permissive referendum, shall take effect forty-five (45) days after adoption.

Approved by Legislature: 4/11/75 R/C Vote: 23 Yes; 2 Absent
Approved by County Executive: 4/25/75
Subject to Permissive Referendum: Effective 6/9/75
Adopted as LL 3-75