

On desks 11/14/90
For action 12/19/90

LOCAL LAW
INTRODUCTORY NO. 18 -90
COUNTY OF CHAUTAUQUA

AMENDING THE CHAUTAUQUA COUNTY ADMINISTRATIVE CODE

BE IT ENACTED by the Chautauqua County Legislature as follows:

SECTION 1. (a). Sections 1.01 and 1.02 of Article I of the Chautauqua County Administrative Code are hereby renumbered as Sections 1.00 and 1.01 and there is hereby enacted a new Section 1.02 to read as follows:

Section 1.02 Continued Status and Powers

The County of Chautauqua shall continue to be a municipal corporation and shall have all the powers and perform all the duties now or hereafter conferred or imposed upon it by the Charter or applicable law, together with all rights, privileges, functions and powers necessarily implied or incidental thereto.

(b). Section 1.03 of Article I of the Chautauqua County Administrative Code is hereby amended to read as follows:

Section 1.03 Effect of Charter on State Laws

[Any State Law which is inconsistent with this Administrative Code shall be superseded by the provision hereof to the extent of its inconsistency, except where supersession is restricted by State Law.]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with the Charter or an Administrative Code, such law shall be deemed to the extent of such inconsistency to be superseded by the Charter insofar as the County of Chautauqua and its government are affected.

(c). Section 1.05 of Article I of the Chautauqua County Administrative Code is hereby renumbered as Section 1.06 and a new Section 1.05 is hereby enacted to read as follows:

Section 1.05 Charter and Administrative Code Review Commission

Not later than July 1, 1998, and every ten (10) years thereafter, a Charter and Administrative Code Review Commission shall be established to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to the County Charter and Administrative Code. The Commission shall consist of not more than nine (9) citizens of Chautauqua County, with five (5) of said members appointed by the County Executive, and the remaining four (4), appointed by the Legislature.

The Legislature shall provide such funds as are necessary

for the Commission to conduct its business properly.

The County Executive, any Legislator, the Legislature collectively or any other person shall have the right to make recommendations for amendments, additions or revisions to the Charter and/or Code.

The report of such Commission shall be presented to the Executive and Legislature not later than July 1 of the year following the appointment.

SECTION 2. (a). Article II of the Chautauqua County Administrative Code is hereby retitled as COUNTY LEGISLATURE and Section 2.01 is hereby renumbered as Section 2.00 and as renumbered is hereby amended by deleting the second paragraph of Section 2.00 as renumbered and a new Section 2.01 is hereby enacted to read as follows:

Section 2.01 Changes in Districts

The County Legislature shall, within six (6) months after the publication of the results of each regular federal census, appoint a bi-partisan committee or commission to evaluate the existing county legislature districts. Such committee or commission shall study the population data and, within three (3) months after appointment, make recommendations, if necessary, in the form of a proposed local law as to changes in the boundaries of county legislative districts to be effective at the end of the then terms of office of incumbent county legislators.

(b). Section 2.05 of Article II of the Chautauqua County Administrative Code is hereby retitled as follows:

Section 2.05 Powers and Duties of Legislature

(c). Sections 2.05(g) of Article II of the Chautauqua County Administrative Code is hereby amended to read as follows:

(g) To make or cause to be made such studies, audits and investigations as it deems to be in the best interests of the County, and in connection therewith to obtain or employ professional, legal, 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.

(d). Section 2.05(h) of Article II of the Chautauqua County Administrative Code is hereby renumbered as Section 2.05(i) and a new Section 2.05(h) is hereby enacted to read as follows:

(h) To establish the compensation for all County Legislators, including, at its discretion, additional compensation for the Chairman of the Legislature, Majority and Minority Leaders, Committee Chairman, and such other positions as it may deem appropriate.

SECTION 3. (a). Article III of the Chautauqua County Administra-

tive Code is hereby retitled as COUNTY EXECUTIVE.

(b). Section 3.01 of the Chautauqua County Administrative Code is hereby renumbered as Section 3.00 and as renumbered is amended to read as follows:

Section 3.00 County Executive

[There shall be a County Executive who shall be elected from the County at-large and who at the time of his nomination and election and throughout his term of office be a qualified elector of the County. His term of office shall begin with the first day of January following his election and shall be for four (4) years except that the County Executive first elected after this Charter becomes effective shall serve for a term of three (3) years. Every County Executive elected thereafter shall have a term of four (4) years. The County Executive shall devote his whole time to the duties of his office and shall hold no other elected public office.]

[The Legislature shall fix the compensation of the County Executive at intervals of not less than every two (2) years.]

The Executive power of the County shall be vested in a County Executive, who shall be responsible for the proper administration of all County affairs placed in his charge by law or under any of the provisions of this Code.

(c). A new Section 3.01 of Article III of the Chautauqua County Administrative Code is hereby enacted to read as follows:

Section 3.01 Election and Qualifications

The County Executive shall be elected from the County at large and, at the time of his nomination and election and throughout his term of office, be and remain a qualified elector of Chautauqua County. His term of office shall begin with the first day of January following his election and shall be for four (4) years. Every County Executive elected shall have a term of four (4) years. The County Executive shall hold no other elected public office and shall devote full time to the duties of the office.

The Legislature shall fix the compensation of the County Executive at intervals of not less than every two (2) years.

(d). The first paragraph of Section 3.02, of Article III of the Chautauqua County Administrative Code is hereby amended to read as follows:

Section 3.02 Powers and Duties of County Executive

The County Executive shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the County Charter, Code or any applicable provision of any act of the State Legislature, or the County Legislature, not inconsistent with the

County Charter or Code.

(e). Section 3.02(n) of Article III of the Chautauqua County Administrative Code is hereby renumbered as Section 3.02(o); a new Section 3.02(n) is hereby enacted, and Section 3.02(o), as renumbered, is hereby amended to read as follows:

(n) The County Executive shall notify the Legislature in writing of each position authorized by the Executive which was not allocated in the budget.

(o) The County Executive shall have the power to designate and authorize any officer or employee paid from County funds, except members, officers, and employees of the Legislative Branch County Legislature, to attend an official or unofficial convention, conference or school for the betterment of County government. Within the appropriation provided therefore and when so authorized, all necessary and actual expenses including but not limited to a registration fee, not exceeding the amount as fixed by the general municipal law and mileage as fixed by the Legislature shall be paid from County funds.

SECTION 4. (a). The first two sentences of Section 4.00 of Article IV of the Chautauqua County Administrative Code is hereby amended to read as follows:

Section 4.00 Department of Law

There shall be a Department of Law under direction of the County Attorney. The County Attorney shall be appointed by the County Executive and subject to confirmation by the County Legislature.

(b). The second paragraph of Section 4.01 of Article IV of the Chautauqua County Administrative Code is hereby amended to read as follows:

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

SECTION 5. (a). Sections 5.01, 5.02, 5.03, 5.04, 5.05 and 5.06 of Article V of the Chautauqua County Administrative Code are hereby renumbered as 5.00, 5.01, 5.02, 5.03, 5.04, and 5.05 respectively and as renumbered 5.05 is hereby deleted in its entirety.

(b). The first sentence of Section 5.00, as renumbered, of Article V of the Chautauqua County Administrative Code is hereby amended to read as follows:

Section 5.00 Department of Public Works: Organization

There shall be a Department of Public Works. [under the direction of a] Its Director shall be appointed by the County Executive and subject to confirmation by the County Legislature.

(c). The first sentence of Section 5.01 as renumbered, of Article V of the Chautauqua County Administrative Code is hereby amended to read as follows:

Section 5.01 Powers and Duties of Director

The Director of Public Works may delegate by designation to one or more persons within his department the specific powers and duties which he has as county engineer or county superintendent of highways.

(d). Sections 5.01(c), 5.01(d) and 5.01(e) of Article V of the Chautauqua County Administrative Code are each hereby amended by deleting the first word, [shall].

(e). Section 5.02(c) of Article V of the Chautauqua County Administrative Code is hereby amended to read as follows:

(c) The Deputy Director shall be responsible for maintaining and operating transportation related facilities for which the County is responsible, including [the ferry and] the airports.

SECTION 6. (a). Sections 6.01, 6.02, 6.03, 6.04, and 6.05 of Article VI of the Chautauqua County Administrative Code are hereby renumbered as Sections 6.00, 6.01, 6.03 and 6.04 respectively, and Section 6.00, as renumbered, is hereby amended to read as follows:

Section 6.00 Department of Central Services: Organization

There shall be a Department of Central Services. [under the Director of a] Its Director shall be appointed by the County Executive and subject to confirmation by the Legislature. He will serve at the pleasure of the County Executive and may also fill the positions of one or more of the department deputies. The Department will be organized into the following divisions:

Division of Purchasing
Division of Office Services
Division of Buildings and Grounds Maintenance:

(b). Section 6.01 as renumbered, of Article VI of the Chautauqua County Administrative Code is retitled: Powers and Duties of

Director, and the third paragraph of Section 6.01 is hereby amended to read as follows:

Office Equipment: The Division of Office Services will maintain a record of all items with a value in excess of [Twenty-five Dollars (\$25.00)] One hundred dollars (\$100.00). This record will indicate a County serial number, manufacturer's serial number, if any, description of item, date of acquisition and location. Any unused or excess equipment will be stored in

Central Stores. Portable equipment will continue to be identified as County Property.

(c). Subsections 1 through 8 of Section 6.02, as renumbered, of the Chautauqua County Administrative Code are hereby redesignated as subsections a through n respectively, and Section 6.02(f) as renumbered is hereby amended to read as follows:

(f) [Prepare] Process contracts to be signed by the County Executive as they relate to the buying, selling or leasing of supplies, materials, equipment and services.

(d). Subsections 1 through 4 of Section 6.03, as renumbered are hereby redesignated as subsections a through d respectfully and subsections 5 through 8 are hereby redesignated as subsections f through h respectfully.

(e). Section 6.03(d), as renumbered, is hereby amended, and a new Section 6.03(e) is hereby enacted, to read as follows:

(d) Upon the adoption of a resolution by a vote of at least two-thirds (2/3) of the whole number of the Legislature stating that for reasons of efficiency and economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, materials, and/or services in excess of the amount fixed by the Legislature pursuant to Paragraph 1 of this section may be awarded to the lowest responsible bidder furnishing the required security, if any, after advertisement for sealed bids therefore in the manner provided by this section. Such resolution shall contain a full explanation of the reasons for its adoption.

(e) Every effort shall be made to purchase requirements, without competitive bids from the State Department of Corrections and charitable non-profit [making] agencies for the blind, incorporated under the laws of the State of New York, and through the State Office of General Services. Where quality, price and delivery service is not satisfactory, however, in the opinion of the Director of Central Services, the above does not apply.

(f). Subsections 1 through 6 of Section 6.04, as renumbered, of Article VI of the Chautauqua County Administrative Code are hereby redesignated as subsections a through f respectfully and as renumbered, Section 6.04(a) is hereby amended to read as follows:

(a) Maintain and operate facilities for central mailing, collection and dispersal of mail, except for electronic mail.

(g). Section 6.06 of Article VI of the Chautauqua County Administrative Code is hereby deleted in its entirety and a new Section 6.05 of Article VI of the Chautauqua County Administrative Code is hereby enacted to read as follows:

Section 6.05 Division of Buildings and Grounds Maintenance

(a) The Division of Buildings and Grounds Maintenance shall

be headed by a Deputy Director who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office.

(b) He shall have charge of the maintenance of all buildings and grounds owned or leased by the County for County purposes, except, (1) lands and buildings under the jurisdiction of the Division of Highways and the Division of Environment; (2) custodial care of the County Jail, and; (3) such other facilities where maintenance and custodial care are included in the lease.

(c) He shall have charge and control of all janitors, caretakers, engineers and any other employees connected with the care and maintenance of County buildings and grounds except as provided in Paragraph (b) of this section. He may make such rules and regulations governing such employees as he shall deem proper, subject to the approval of the Director of Central and Information Services.

SECTION 7. (a). Sections 7.01, 7.02, 7.03, 7.04, 7.05 and 7.06 of Article VII of the Chautauqua County Administrative Code are hereby renumbered as 7.00, 7.01, 7.02, 7.03, 7.04 and 7.05 respectively, and as renumbered Section 7.00 of Article VII is hereby amended to read as follows:

Section 7.00 Department of Social Services; Organization

There shall be a Department of Social Services. [under the direction of a] Its Commissioner shall be appointed by the County Executive and subject to confirmation by the County Legislature. The Department will be organized into these divisions:

Division of Family and Children's Services
Division of Eligibility [and Income Maintenance]
Division of [Administration] Administrative Services
Division of Legal Affairs
Division of Medical Assistance

In addition, certain staff functions such as Staff Development, will operate directly under the Commissioner of Social Services. [such as the Social Services Attorney and staff development.]

There will be a Deputy Commissioner of Social Services, appointed by the Commissioner of Social Services, who shall assume the powers and duties of the Commissioner in his absence, and who shall be assigned such line and staff functions as designated by the Commissioner.

(b). Sections 7.02, 7.03 and 7.04 as renumbered, of Article VII of the Chautauqua County Administrative Code is hereby amended to read as follows:

Section 7.02 Division of Family and Children's Services

The Division of Family and Children's Services shall provide a variety of services designed to preserve the home and protect children, as needed, including: providing special advice; adult

protection services; counseling and adoption services; [and developing foster care and child care facilities.] and such other duties as assigned by the Commissioner of Social Services. It shall be directed by a [Deputy Commissioner of Family Services, referred to as a] Director of Services, appointed by the Commissioner of Social Services.

Section 7.03 Division of Eligibility [Income Maintenance]

The Division of Eligibility [Income Maintenance] will act as a vehicle through which various monetary assistance programs are disbursed. These will include, but not be limited to, supplemental income; [medicaid and] food stamps, and aid to dependent children. Its responsibilities and duties shall include determining individual and family eligibility, establishing the extent of aid, [and] checking for false claims and establishing renewal periods, and such other duties as assigned by the Commissioner of Social Services. It shall be headed by a [Deputy Commissioner] Director of Eligibility [Income Maintenance, referred to as a "Director" for State purposes only], appointed by the Commissioner of Social Services.

Section 7.04 Division of [Administration] Administrative Services

The Division of [Administration] Administrative Services shall be responsible for auditing and certifying [all] program payment claims for State programs, maintaining client eligibility and payment records, maintaining staff payroll and personnel records, fulfilling the personnel function of the department, accumulating statistics, Automated Data Processing (ADP) functions, making required State and County reports, and such other functions as designated by the Commissioner of Social Services. It shall be directed by a [Deputy Commissioner of Administration] Director of Administrative Services, appointed by the Commissioner of Social Services [and referred to as "Director" for State purposes only.]

(c). Section 7.05, as renumbered, of Article VII of the Chautauqua County Administrative Code is deleted in its entirety and a new Section 7.05 is hereby enacted to read as follows:

Section 7.05 Division of Legal Affairs

The Division of Legal Affairs shall be responsible for providing legal advice or opinion to the Commissioner or staff; serving as counsel in the Family Court for the Family and Children's Services Division; representing the Department in and out of court as needed; reviewing, approving and/or drawing of all Departmental contracts; drawing and filing liens on behalf of, and in favor of, the Department; filing claims against estates; acting as counsel for the Support Collection, Fraud, and the Fair Hearing Units; supervising disposition or other legal actions related to real property in which the Department has an interest; enforcing of support orders, judgments, etcetera, and such other functions as designated by the Commissioner of Social Services. It shall be directed by a Director of Legal Affairs,

appointed by the Commissioner with the advice and consent of the County Attorney. The Commissioner shall also appoint such other attorneys as necessary, subject to approval of the County Attorney. The County Attorney, with the advice and consent of the Social Services Commissioner, may deputize a Social Services attorney as an acting Assistant County Attorney to perform duties on behalf of the County Attorney in connection with the work of the Social Services Department.

All attorneys within the Division of Legal Affairs will be subject to all the limitations and liabilities of the Social Services Laws and have such powers and duties as therein defined, subject to such limitations as imposed by the Charter, this Code, and legislative laws and resolutions.

(d). There is hereby enacted a new Section 7.06 of Article VII of the Chautauqua County Administrative Code to read as follows:

Section 7.06 Division of Medical Assistance

The Division of Medical Assistance shall be responsible for all programs of the Department of Social Services through which monies are disbursed for medical, or medically-related needs of the clients. These will include, but not be limited to, Medicaid, Health Maintenance Organizations (HMO's), Managed Care Programs, and the Community Alternative Systems Agency (CASA). The Division's responsibilities and duties shall include determining individual eligibility for medical programs; establishing the extent of aid; checking for false claims; establishing renewal periods; provider relations; medical accounting; and such other duties as assigned by the Commissioner of Social Services. The Division shall be directed by a Director of Medical Assistance, appointed by the Commissioner of Social Services.

SECTION 8. (a). Article VIII of the Chautauqua County Administrative Code is hereby retitled DEPARTMENT OF HEALTH SERVICES and Sections 8.01 through Section 8.08 of Article VIII are hereby renumbered as Sections 8.00 through 8.07 respectfully.

(b). The title of Section 8.00 as renumbered of Article VIII of the Chautauqua County Administrative Code is hereby amended to read: Department of Health Services; Organization, and the first paragraph of Section 8.00 is hereby amended to read as follows:

There shall be a Department of Health Services. [under the direction of a] Its Director of Health Services, shall be appointed by the County Executive and subject to confirmation of the Legislature. He will serve at the pleasure of the County Executive and also, at the discretion of the County Executive, may fill the position of one or more of the divisional heads. The department will be organized into the following divisions:

Division of Public Health
Division of Mental Health
Division of Health Administration
Division of the Infirmary

(c). Section 8.01, as renumbered, of Article VIII of the Chautauqua County Administrative Code is hereby retitled as:

Section 8.02 Division of Public Health

The Division of Public Health shall be directed by a Commissioner who shall be appointed by the Director of Health Services, upon recommendations by the Public Health Board and confirmation of the County Legislature. [Except as otherwise prescribed in this Article,] He shall perform the duties prescribed by the Director of Health Services, and prescribed by law in the administration of Public Health Services and the enforcement of the Chautauqua County Health District Sanitary Code and the New York State Sanitary Code as may be required. The Commissioner shall be licensed to practice medicine in New York State.

The Division shall be divided into the following sections:

Environmental Health Services
Nursing Services
Medical Services

The Commissioner of Health shall designate a deputy qualified in accordance with the provisions of the New York State Sanitary Code to whom shall be delegated all the powers and duties of the Commissioner of Health when such Commissioner is unable to act by reason of absence or disability. Such designation shall be in writing filed and recorded with the County Clerk, the County Executive and in such other places as may be required by the Public Health Law or any other applicable law. The Commissioner of Health may appoint a Director of Environmental Health Services who shall be responsible, under the direction of the Commissioner of Health, for the enforcement of the Chautauqua County Health District Sanitary Code and the New York State Sanitary Code and other duties as prescribed by the Commissioner.

(d). The title and the first sentence of Section 8.05, as renumbered, of Article VIII of the Chautauqua County Administrative Code are hereby amended to read as follows:

Section 8.05 Division of the [Infirmary] Chautauqua County Home

The [Infirmary] Chautauqua County Home shall be directed by a Superintendent, appointed by the Director of Health Services.

(e). The title of Section 8.07, as renumbered, of Article VIII of the Chautauqua County Administrative Code is hereby amended to read as follows:

Section 8.07 [Community Services Board of] Chautauqua County Mental Health Board

SECTION 9. (a). Sections 9.01, 9.02, 9.03, 9.04 and 9.05 of Article IX of the Chautauqua County Administrative Code are hereby renumbered as Sections 9.00, 9.01, 9.02, 9.03 and 9.06 respect-

fully and there are hereby enacted a new Section 9.04 and 9.05 to read as follows:

Section 9.04 Division of Insurance Services

The Division of Insurance shall be headed by a Deputy Director who shall be known as the Director of the Division of Insurance. His duties shall include administration of the Liability and Casualty Reserve Fund; all of the County's self-insured health plans; the Municipal Self-Insured Health Insurance Plan; and the responsibility for obtaining such additional insurance policies for property, liability, health, automobile and others as necessary. He shall also be responsible for the development and administration of a risk management program and perform such other and related duties as may be prescribed by the Director of Finance.

Section 9.05 Division of Information Services:

The Division of Information Services shall be responsible for all county computer and communication functions and shall:

(a) Maintain, operate, and update as necessary the county's central computing facilities.

(b) Coordinate the purchase and operation of computer hardware and software for all county agencies, ensuring that all systems are compatible with overall county needs.

(c) Be responsible for the maintenance of all county computer equipment whether mainframe or stand-alone.

(d) Be responsible for the operation and maintenance of all county government communication resources including, but not limited to, telephone and fax services and telecommunication facilities.

(b). The first paragraph of Section 9.00, as renumbered, of Article IX of the Chautauqua County Administrative Code is hereby amended to read as follows:

Section 9.00 Department of Finance: Organization

There shall be a Department of Finance. [under the direction of a] Its Director shall be appointed by the County Executive and subject to confirmation by the Legislature. He will serve at the pleasure of the County Executive and may perform the function of the Budget Director. The department will be organized into the following divisions:

Division of the Treasury
Division of Taxation
Division of Insurance Services
Division of Information Services

(c). Sections 9.00(c) and 9.00(d), as renumbered, are hereby amended to read as follows:

(c) The Division of Insurance Services will be headed by a Deputy Director appointed by the Director of Finance.

(d) The Division of Information Services shall be headed by a Deputy Director appointed by the Director of Finance.

(d). The title of Section 9.01, as renumbered, of Article IX of the Chautauqua County Administrative Code is amended as follows:

Section 9.01 Powers and Duties of Director of Finance

(e). The first sentence of Section 9.01(e), as renumbered, of Article IX of the Chautauqua County Administrative Code is hereby amended as follows:

(e) Shall audit all claims, except for those previously audited in the Department of Social Services for state-mandated and assisted programs, and payrolls for services rendered the County, or for salaries of any County employees or County officer.

(f). Section 9.01(h) as renumbered, of Article IX of the Chautauqua County Administrative Code, is deleted in its entirety and a new Section 9.01(h) is hereby enacted to read as follows:

(h) Depository and Investment Undertakings

The County Legislature shall designate each Depository and shall specify a maximum amount to be kept on deposit or invested at any one time in each depository. The Director of Finance is authorized to invest monies not required for immediate expenditure in Special time Deposits, Certificates of Deposit issued by a bank, Obligations of the United States of America, Obligations of the State of New York or Repurchase Agreements involving U.S. Government or New York State Obligations.

All bank deposits, demand deposits, time deposits, savings deposits and Certificates of Deposit excluding amounts covered by Federal Deposit Insurance, shall be fully collateralized by a Pledge of U.S. Government or State of New York Obligations as required under New York Law. The collateral shall be approved as to amount and sufficiency by the Director of Finance.

Repurchased Agreements, whereby the County, as the Purchaser, agrees to resell the securities within specified time at a specified price, may be used as an investment.

The Securities that may be used in Repurchase Agreements are restricted to U.S. Government or State of New York Obligations. The Master Repurchase Agreement and the Custody Agreements shall be approved by the Director of Finance.

Securities purchased directly from the Federal Reserve Bank of New York are kept in a Treasury Direct Account under the

Federal Reserve Bank Entry System.

Whenever, in the judgment of the Director of Finance, additional facilities for the safeguarding of securities are required, a safety deposit box shall be rented and the cost thereof shall be paid as a County charge.

The Director of Finance shall not be liable for the loss of Public Funds of the County by reason of the default or insolvency of a designated Depository, provided such funds have been deposited in accordance with the provisions of this section.

(g). Section 9.06, as renumbered, of Article IX of the Chautauqua County Administrative Code is hereby amended as follows:

Section 9.06 Budgetary Functions

The Director of Finance will act as Budget Director unless the County Executive appoints a Budget Director subject to confirmation by the Legislature, and have all the responsibilities, duties and powers as described in Article [14] 15 of the Code.

SECTION 10. (a). Sections 10.03, 10.04, 10.06, and 10.07 of Article 10 of the Chautauqua County Administrative Code are hereby deleted in their entirety, and Sections 10.01, 10.02, 10.05 and 10.07 are renumbered as 10.00, 10.01, 10.02, and 10.03 respectively.

(b). Section 10.00, as renumbered, of Article X of the Chautauqua County Administrative Code is hereby amended as follows:

Section 10.00 Department of Planning [& Development] Services - Organization

There shall be a Department of Planning [and Development] Services. [under the direction of a] Its Director shall be appointed by the County Executive and subject to confirmation by the Legislature. The Director shall serve at the pleasure of the County Executive and shall have the power to appoint such deputies and employees of his department as may be necessary to implement the duties of his office, and as shall be authorized by the County Executive.

[He may simultaneously fill the position of one of his deputies]

[The Department will be organized into two divisions:]

[Division of Planning]
[Division of Development]

(c). Sections 10.01(b) and 10.01(c) as renumbered, of Article X of the Chautauqua County Administrative Code are hereby amended as follows:

(b) Make available to cities, towns, and villages in Chautauqua County, at their request, advice and assistance on

matter related to the planning [and development] function.

(c) Make surveys, analyses and/or reports of County departments as requested by the County Executive, and assist all other County departments and agencies in their long range planning efforts.

(d). Subsection (f) of Section 10.01, as renumbered, of Article X of the Chautauqua County Administrative Code is hereby redesignated as subsection (g) and a new subsection (f) is hereby enacted as follows:

(f) Coordinate the overall physical development of the County by working with all other governmental entities to ensure economically, aesthetically and environmentally sound growth.

(e). Section 10.03, as renumbered, of Article X of the Chautauqua County Administrative Code is hereby amended as follows:

Section 10.03 Future Needs

In those instances where future state and/or federal industrial and economic programs require the creation of additional commissions or advisory bodies, the Department of Planning [and Development] Services will assist and guide them in performing their functions and act as their agent as needed.

SECTION 11. Articles XI, XII, XIII, XIV, XV, and XVI are hereby renumbered as Articles XII, XIII, XIV, XV, XVI and XVII respectively, and there is hereby enacted a new Article XI as follows:

Article XI

DEPARTMENT OF ECONOMIC DEVELOPMENT

Section 11.00 Department of Economic Development

Section 11.01 Powers and Duties

Section 11.02 County of Chautauqua Industrial Development Agency

Section 11.00 Department of Economic Development

There shall be a Department of Economic Development. Its Director shall be appointed by the County Executive and subject to confirmation by the County Legislature. The Director shall serve at the pleasure of the County Executive and shall have the power to appoint such deputies, assistants and employees of his department as may be necessary to implement the duties of his office, and as shall be authorized by the County Executive.

The Director shall also serve as chief administrative officer of the County of Chautauqua Industrial Development Agency and shall have all the powers and duties prescribed for such an officer by Article 18A of the General Municipal Law.

Section 11.01 Powers and Duties

Except as otherwise provided in this Code, the Director shall:

(a) Be responsible for originating programs and activities to improve the economy and quality of life in Chautauqua County by working with private interests and public agencies to market Chautauqua County as an ideal place for economic location, maintenance and expansion.

(b) Assist businesses and industries wishing to locate, expand, or modernize in Chautauqua County in securing funding, governmental services and other types of assistance necessary for such location, or expansion or modernization to take place.

(c) Coordinate the efforts of government and not-for-profit agencies in promoting tourism in the county.

(d) Coordinate the efforts of all appropriate entities in providing skilled and motivated personnel in the most efficient way, for the county's work force needs.

(e) Ensure the development needs of the county's small businesses are being met.

(f) Provide staff assistance for the County of Chautauqua Industrial Development Agency.

(g) Perform such other and related duties as shall be required or delegated by the County Executive.

Section 11.02 County of Chautauqua Industrial Development Agency

In accordance with Resolution 122-72, there shall be a County of Chautauqua Industrial Development Agency. It shall function as prescribed by this law and Section 856 of the New York State Industrial Development Agency Act with the exceptions that the County Executive shall appoint its members and designate the Chairman, with the approval of the Legislature. In addition to the powers defined in the New York State Act, its principal purpose shall be to borrow money and issue bonds to underwrite undertakings fostered by the County Department of Economic Development. It shall have all the powers and duties of a County Industrial Development Agency, heretofore or hereafter lawfully granted or imposed by the County Charter, this Code, local law, ordinance or resolution of the Legislature, order or direction of the

County Executive, or by an applicable provision of any act of the State Legislature not inconsistent with the County Charter or this Code.

SECTION 12. (a). Sections 12.01, 12.02, 12.03, 12.04, 12.05, 12.06, and 12.07 of Article XII, as renumbered, are hereby renumbered as Sections 12.00, 12.01, 12.02, 12.03, 12.04, 12.05, and 12.06 respectively.

(b). The first two sentences of Section 12.00, as renumbered, of Article XII, as renumbered, is hereby amended as follows:

Section 12.00 Department of Personnel - Organization

There shall be a Department of Personnel. [under the direction of a] Its Director shall be appointed by the County Executive and subject to confirmation by the County Legislature.

(c). Section 12.01, as renumbered, of Article XII, as renumbered of the Chautauqua County Administrative Code is hereby amended as follows:

Section 12.01 Powers and Duties of Director

Except as otherwise provided in this Code, the Director shall be responsible for the administration of personnel benefits, [such as employees' insurance and pensions,] assisting in the negotiation of employee contracts, training of personnel, health, safety, long range staff planning, and all other personnel functions assigned by State law to [the] County and municipal civil service commission or personnel officer.

The Director of Personnel shall also be responsible for administering the County's affirmative action policy in accordance with the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and as may be further amended.

(d). Section 12.03, as renumbered, of Article XII, as renumbered of the Chautauqua County Administrative Code is hereby amended as follows:

Section 12.03 Personnel Roster

The Director of Personnel shall establish and maintain a roster of all county officers and employees. Such roster shall show for each county officer and employee the date of appointment, the title of the position, the rate of pay and rate changes, promotions, demotions, transfers, [the time] and any other information the Director of Personnel considers necessary for a proper personnel record. At least annually, the Director of Personnel shall establish or update, as part of the public records of the County, an organizational chart for the County showing current areas of responsibilities and interrelationships among the various agencies and offices.

SECTION 13. (a). A new Section 13.00 of Article 13, as renumbered, of the Chautauqua County Administrative Code is hereby enacted as follows:

Section 13.00 Other County Functions

There shall be established other boards, offices, councils, bureaus or positions or units of the County to meet specific needs and requirements not otherwise provided for in this Code.

(b). The first two sentences of Section 13.02 of Article 13, as renumbered, of the Chautauqua County Administrative Code is hereby amended as follows:

Section 13.02 Office of Probation

There shall be an Office of Probation. [headed by a] Its Director of Probation, shall be appointed by the County Executive and subject to confirmation of the Legislature.

(c). Sections 13.03, 13.04, 13.05, and 13.06 of Article 13, as renumbered, of the Chautauqua County Administrative Code are hereby amended as follows:

Section 13.03 Office of Veteran's Service

[There shall be an Office of Veteran's Service headed by a Director appointed by the County Executive and serving at his discretion. The Director of Veteran's Service shall have and exercise all power and duties now or hereafter conferred or imposed on him by law.]

There shall be an Office of Veteran's Service, as established by the Chautauqua County Charter, to perform the duties as specified in the Charter and as may be prescribed by the County Legislature, County Executive or law.

Section 13.04 County Jury Board

[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 law.]

There shall be a County Jury Board, as established by the Chautauqua County Charter, to perform the duties as specified in the Charter and as may be prescribed by the County Legislature, County Executive or law.

Section 13.05 Office of Public Defender

[There shall be an Office of Public Defender headed by a County Public Defender appointed by the County Legislature in the manner provided by law. He shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by law.]

There shall be an Office of Public Defender, as established by the Chautauqua County Charter, to perform the duties as specified in the Charter and as may be prescribed by the County Legislature, County Executive or law.

Section 13.06 Coroner

[The Office of Coroner in the County of Chautauqua is hereby continued. The County Legislature shall appoint four (4) Coroners 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.]

There shall be an Office of Coroner, as established by the Chautauqua County Charter, to perform the duties as specified in the Charter and as may be prescribed by the County Legislature, County Executive or law.

(d). There is hereby enacted new Sections 13.07, 13.08, and 13.09 of Article 13, as renumbered, of the Chautauqua County Administrative Code as follows:

Section 13.07 Office for the Aging

There shall be an Office for the Aging, as established by the Chautauqua County Charter, to perform the duties as specified in the Charter and as may be prescribed by the Chautauqua County Legislature, County Executive or law.

(a) Office for the Aging Advisory Board

There shall be an Office for the Aging Advisory Board, as established by the Chautauqua County Charter, to perform the duties as specified in the Charter and as may be prescribed by the County Legislature, County Executive or law.

Section 13.08 Youth Bureau

There shall be a Youth Bureau, as established by the Chautauqua County Charter, to perform the duties as specified in the Charter and as may be prescribed by the County Legislature, County Executive, or law.

(a) Youth Bureau Advisory Board

There shall be a Youth Bureau Advisory Board, as established by the Chautauqua County Charter, to perform the duties as specified in the Charter and as may be prescribed by the County Legislature, County Executive or law.

Section 13.09 County Historian

There shall be appointed, by the County Executive, subject to confirmation by the County Legislature, a County historian to serve at the pleasure of the County Executive. The County Historian shall collect and preserve material relating to the history of the County; notify the County of any material of local historic value which should be acquired for preservation; report annually, as provided by law, to the County Executive and the State Historian, of the work accomplished in the preceding year;

coordinate the activities of local historians in towns and villages within the County in performing the historical work recommended by the State historian and cooperate to the extent permissible with the Historical Societies and museums in the County in their efforts to obtain Charters and in their other endeavors, prepare and present to the County legislature a report of the important occurrences within the County each calendar year, assist to the extent permissible with individuals and groups in the effort to have buildings or areas placed on the National Register of Historic Places and such other duties as may be now or hereafter be required by applicable law.

Upon retirement or removal from office, the County Historian shall turn over to the County Executive, the County Executive's designee or the County Historian's successor, all materials gathered during his incumbency and all correspondence thereto relating.

(a) Historical Advisory Board

There shall be a Historical Advisory Board, as established by the Chautauqua County Charter, to perform the duties as specified in the Charter and as may be prescribed by the County Legislature, County Executive or law.

(e). Section 13.07 of Article 13 as renumbered of the Chautauqua County Administrative Code is hereby renumbered as Section 13.01, as renumbered is hereby deleted in its entirety and a new Section 13.10 is enacted as follows:

Section 13.10 Office of Emergency Management and Civil Defense

There shall be an Office of Emergency Management and Civil Defense, as established by the Chautauqua County Charter, to perform the duties as specified in the Charter and as may be prescribed by the County Legislature, County Executive or law.

(f). There is hereby enacted new Sections 13.11, 13.12, and 13.13 of Article 13 as renumbered, of the Chautauqua County Administrative Code as follows:

Section 13.11 Fire Coordinator

There shall be a County Fire Coordinator, as established by the Chautauqua County Charter, to perform the duties as specified in the Charter and as may be prescribed by the County Legislature, County Executive or law.

Section 13.12 Environmental Management Council

There shall be an Environmental Management Council as established by the Chautauqua County Charter.

Powers and Duties

1. The Council may advise the County Executive, the Legis-

lature and the appropriate agencies on all matters affecting the preservation, conservation and ecologically suitable use of the natural and man-made resources of the County.

2. The Council shall be responsible for ensuring that the various County departments and agencies be responsible for environmental matters and coordinate their activities and resources.

3. The Council shall review the state of the County environment as a whole, and shall prepare and submit an annual report of its findings and recommendations to the County legislature and the County Executive. This report also shall include an

account of the Council's activities and accomplishments which shall be based on accurate records of its meetings and other works. Said report shall be submitted no later than February 1 of each year.

4. The Council, in cooperation with the County Planning Services Department and other appropriate departments and agencies, shall prepare and revise a plan for the protection of the County's environment and the management of its natural and man-made resources, and shall transmit it to the County Legislature and the County Executive at regular intervals as necessary, but not greater than three (3) years. In addition, Council shall obtain from the Department of Environmental Conservation a copy of the state environmental plan. To the extent practicable, the preparations, content and subsequent revision, if any, of the County environmental plan shall be coordinated with the State Environmental plan and a copy of said County plan and any subsequent revision shall be filed with the State Commissioner of Environmental Conservation.

5. The Council shall investigate and recommend to the County Executive and the County Legislature ecologically sound methods of planning and the use of the County's departments and activities.

6. The Council shall keep an index of all open areas within the County, with the plan of obtaining information pertinent to sound ecological utilization of such areas including land owned by any municipality within the County. It shall keep an index of all open marsh lands, swamps, and all other wet-lands in a like manner, and may recommend a program for their ecologically suitable utilization.

7. The Council shall develop and maintain an inventory of natural and man-made resources within the County and such other environmental information as may be appropriate. Said inventory shall include wet-lands and open spaces and may include, but not be limited to, factors relating to geology, soils, slope, water resources, vegetation, wild-life habitat, unique natural areas, and scenic, historic and archaeological sites.

8. The Council may cooperate with and assist such other governmental or non-governmental boards or organizations in the

preparation of plans or reports or the review of proposals or applications as the County may direct.

9. The Council may also conduct research into the land area of the County and may seek to coordinate the activities of unofficial bodies organized for similar purposes. It may advertise, prepare, print and distribute books, maps, charts and pamphlets, if in its judgment it deems them necessary for its work, to the extent funds have been appropriated for such purposes by the County Legislature.

10. When authorized by resolution of the County Legislature, the Council may accept by gift, grant, bequest or otherwise, money or other personal property in the name of the County for use in furtherance of the provisions of this article. The County Legislature may accept by gift, conditional or unconditional grant, devise or otherwise, real property in fee, or any lesser interest including conveyance with limitations or reversions, for the purpose of this article.

In addition, upon the written recommendations of the Council, the County Legislature may acquire by purchase in fee or any lesser interest, through negotiation or by condemnations, such real or personal property as may be needed to fulfill the purpose of this article.

11. The Council may act as an advocate for the County, when appropriate and when authorized by the County Legislature, in all areas having a bearing on the County and environmental quality.

12. The Council may develop and, after receiving general approval by resolution of the County Legislature, conduct a program of public information in the County which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.

13. The Council may encourage the establishment of commissions for conservation of the environment in cities, towns, and villages within the County, advise and assist them in developing their own programs, and foster an effective interchange between the Council and such agencies.

Compensation and Expenses

The members of the Council, including ex officio members, shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within appropriations made available by the County Legislature.

Section 13.13 All County Boards

All County boards and commissions required by State Law shall be continued. Other boards and commissions may be continued and/or created as deemed necessary by the County Legislature.

SECTION 14. (a). Section 14.10, 14.20, 14.30, and 14.40 of Article XIV, as renumbered of the Chautauqua County Administrative Code are hereby renumbered as 14.01, 14.02, 14.03, and 14.04 respectively. Sections 14.31, 14.32, 14.33, and 14.41 of Article 14, as renumbered, of the Chautauqua County administrative Code are hereby redesignated as 14.03(a) with subsections (1) and (2); 14.03(b) with subsections 1 through 8; 14.03(c) with subsections 1 through 4; and 14.04(a) with subsections 1 through 6 respectively.

(b). There is hereby enacted a new Section 14.00 of Article XIV, as renumbered, of the Chautauqua County Administrative Code to read as follows:

Section 14.00 Other Elected Officers

There shall be other County officers elected for a specific term of office from the County at large and not otherwise provided in this Code.

(c). Section 14.03(c)(3) and 14.03(c)(4) as renumbered, of Article XIV as renumbered of the Chautauqua County Administrative Code are hereby amended as follows:

(3) The Legislature shall have the power to appropriate and set aside a fund for the purpose of paying in advance of audit expenditures of the sheriff in an emergency or catastrophe for services and expenses of temporary special deputies and for the hiring of equipment and apparatus and operators thereof. The County Executive may authorize the Sheriff to issue orders on the [commissioner] Director of Finance for the payment thereof. The County Executive may further direct the rendering by the Sheriff to the Comptroller and [Commissioner] Director of Finance, of an accounting of such expenditures with verified or certified vouchers attached. The claimant and the sheriff shall be jointly and severally liable for any items of expenditure for other than a lawful purpose and disallowed upon a final audit. Such expenditure so disallowed shall be recovered in an action brought in the name of the County.

(4) Upon the threat or occurrence of a natural disaster emergency or other catastrophe arising from causes other than an enemy attack, and deriving and immediately following the same, the Sheriff may direct the Director of Emergency Management and Civil Defense to assist in the protection and preservation of human life and property.

(d). The first paragraph of Section 14.04, as renumbered, of Article XIV, as renumbered, of the Chautauqua County Administrative Code, is hereby amended as follows:

Section 14.04 [Department of] Comptroller

The [Department of] Comptroller [will be headed by the Comptroller. He] shall be elected as authorized in Section [13.04] 14.04 of the Charter. The Comptroller will have all the powers and duties and shall be subject to all the obligations and

liabilities heretofore or hereafter granted or imposed by the Charter, this Code, local law or resolution of the legislature, order or direction of the County Executive.

(e). The first paragraph and first sentence of the second paragraph of Section 14.04(a)(1), as renumbered, of Article XIV, as renumbered, of the Chautauqua County Administrative Code are hereby amended as follows:

(a) Powers and Duties

(1) [He] The County Comptroller shall 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.

The auditing function will consist of, but not be limited to:

(f). There is hereby enacted a new Section 14.05 of Article XIV, as renumbered, of the Chautauqua County Administrative Code to read as follows:

Section 14.05 Salary Commission

There shall be appointed a bi-partisan County Salary Commission to review and recommend the salaries of all elected officials except those [excluded] whose salaries are established, directly or indirectly, by State Law. The salary of [any] all officers elected for a fixed term shall not be increased or diminished between the date of such election and the expiration of such term except (1) in accordance with a schedule adopted prior to the time such officer was elected to office which provides higher or lower rates of compensation during said term, or (2) as otherwise mandated by state or federal laws, rules or regulations. Said Commission shall be composed of seven (7) citizens appointed by the County Legislature.

The Commission shall recommend to the County Executive and County Legislature salary adjustments for elected offices at least six (6) months prior to the general election in which that office is scheduled to be filled.

SECTION 15. (a). There is hereby enacted a new Section 15.00 of Article XV, as renumbered of the Chautauqua County Administrative Code to read as follows:

Section 15.00 Financial Procedures

There shall be established certain uniform financial procedures to be followed by all County officers, County Departments, County Boards and Agencies in making budgetary requests, establishing the annual County budget and requesting budgetary changes

throughout the County fiscal year.

(b). Section 15.01 of Article XV, as renumbered of the Chautauqua County Administrative Code is hereby amended to read as follows:

Section 15.01 Budgetary Guidelines

The County Legislature shall identify to the County Executive on or before [July 1] June 15, guidelines to be considered by the County Executive during the preparation of the tentative budget.

(c). The first paragraph of Section 15.02(a) of Article XV, as renumbered of the Chautauqua County Administrative Code is hereby amended as follows:

(a) Preparation and filing of capital projects requests.

Not later than the [15th] 1st day of April in each year, the Budget Director shall furnish to the head of each Administrative unit or authorized agency, forms on which to prepare and file a description, justification and estimate for each capital project which such administrative head or authorized agency proposes to start the next fiscal year, and any additional funds required for projects started in prior years.

(d). Subsections i, ii and iii of Section 15.02(a) of Article 15, as renumbered, of the Chautauqua County Administrative Code are hereby renumbered as subsections 1, 2, and 3 respectively.

(e). Sections 15.02(c), 15.02(d), and 15.02(e) of Article XV, as renumbered, of the Chautauqua County Administrative Code are hereby amended to read as follows:

(c) The Budget Director shall sort, collate, and shall cause to be printed or otherwise reproduced at least one (1) copy of the requests for each member of the Planning Board, the County Executive, the Clerk of the Legislature, Chairmen of all Legislative committees, County Comptroller and the Director of Planning [and Development] Services. Said copies shall be made available for distribution no later than May 31st.

(d) The Director of Planning [and Development] Services will call a meeting of the Planning Board to review the proposed capital projects. Not later than July 15, the Planning Board will submit a report on the capital budget requests including its opinion of specific requests, as they bear upon the long range capital needs of the County. In addition, the Planning Board shall consult with Legislators, department heads and other community leaders and submit a projection of the capital needs of the county for the next six (6) years. The report shall identify specific projects, estimated costs, justification of the level of priority, year project to be started, and recommended source(s) of funding. Major highway and bridge projects shall be specifically identified, other highways and bridges shall be allocated funds as one project. The Director of Planning [and Development]

Services may submit a supplementary report t his discretion. The reports will be delivered to the Capital Projects Committee, the County Executive and the Budget Director.

(e) Capital Projects Committee

To assist in the consideration of the capital projects budget and six (6) year projection, there shall be a capital projects committee consisting of the County Executive, as Chair; the Budget Director, as vice-chair; and the following members: The Directors of Finance, Public Works, Planning [and Development] Services, the County Attorney, the Chair of the Legislature, the majority and minority leaders thereof, and the Chair of the Finance Committee, if any, of the Legislature. The County Executive shall have the right to request and require other administrative heads to meet and consult with the capital projects committee as he may deem advisable. The County Executive shall be solely responsible for the capital budget and six (6) year projection as submitted to the Legislature.

The Budget Director shall submit copies of the capital budget requests, the comments and recommendations of the Planning Board, if any, together with his own comments and recommendations to each member of the capital projects committee. Such committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between July [15] 1st and August 30th at least twice, and as more often as may be required at the call of the Chair of the Capital Projects Committee. On or before August 30th, such committee shall prepare a written report with recommendations and file a copy with the Legislature, the County Executive and the Budget Director.

(f). The first sentence of Section 15.03(a) of Article XV, as renumbered, of the Chautauqua County Administrative Code, is hereby deleted in its entirety.

(g). The last sentence of Section 15.03(b) of Article XV as renumbered is hereby amended by replacing the [15th] with the 1st.

(h). Subsection 15.04(b)(5) of Article XV, as renumbered of the Chautauqua County Administrative Code is hereby deleted and subsection 15.04(b)(6) is hereby renumbered as 15.04(b)(5).

(i). Section 15.04(e) of Article XV, as renumbered, of the Chautauqua County Administrative Code is hereby renumbered as Section 15.04(d) and as renumbered, Sections 15.04(d)(2) and 15.04(d)(3) are hereby amended as follows:

(2) [as to] each new capital project recommended: the estimated cost [(3) as to] of each previous or recommended project: a brief description, the estimated date or completion, the amount of liabilities estimated to be incurred in each fiscal year to completion, the estimated useful life in years, the amounts, nature and terms of obligations recommended to be authorized, and the estimated annual operating and maintenance charges such project will entail;

(j). The first sentence and the last two (2) sentences of Section 15.05(b) of Article XV, as renumbered, of the Chautauqua County Administrative Code is hereby amended as follows:

(b) Between September 25th and the [third] first Wednesday of October the Finance Committee of the Legislature will review the budget with the County Executive and Budget Director.

The Finance Committee will file a report outlining proposed budget changes with the Clerk of the Legislature on or before 10:00 o'clock a.m. of the [third] first Wednesday in October. Said reports shall immediately be mailed to all County Legislator's, the County Executive, and all department heads and agencies involved.

(k). Section 15.05(c) of Article XV, as renumbered, of the Chautauqua County Administrative Code, is hereby amended by inserting (100) after the words: one hundred each time they appear in the first sentence and by inserting (1) after the word: one in the last sentence.

(l). Section 15.06 of Article XV, as renumbered, of the Chautauqua County Administrative Code is hereby amended as follows:

Section 15.06 Public Hearing

The date and time of the public hearing on the tentative budget shall be 2:00 o'clock in the afternoon and shall be continued at 7:30 o'clock p.m. the same evening on the [fourth] second Wednesday in October, at which time any person may be heard for or against recommendations made by the County Executive or any other comments relevant to the operating and capital budget.

(m). The fourth and eighth paragraphs of Section 15.07 of Article XV, as renumbered, of the Chautauqua County Administrative Code, are hereby amended as follows:

If the County Executive objects to any one or more of such changed items, he shall append to the budget a statement of the changed items to which he objects setting forth his reason therefor and shall not later than 10:00 o'clock in the forenoon of the 10th calendar day following receipt, return the budget with his objections to the Clerk of the Legislature who shall present the same to the Legislature at a meeting to be held not later than one (1) week thereafter. The Legislature shall thereupon enter the objections upon its journal and proceed to reconsider the changes to which objection is made by the County Executive. The changes objected to by the County Executive shall be reconsidered and voted upon. If upon such reconsideration, two-thirds (2/3) of all members of the Legislature vote to approve such objected to changes, or any of them, the budget with the objected to changes so approved, together with any changes not so objected to by the County Executive, shall be deemed conditionally adopted. If the Legislature fails to act on or override such ob-

jections by a two-third (2/3) vote of all members of the Legislature, the budget shall be deemed conditionally adopted without the changes objected to by the County Executive.

Six (6) [Four(4)] copies of the budget, as adopted, shall be certified by the County Executive and by the Clerk of the Legislature and one (1) each of such copies shall be filed in the office of the County Executive, the offices of the Comptroller, the

Director of Finance, and the Clerk of the Legislature. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

(n). The last sentence of Section 15.09(d) of Article XV, as renumbered of the Chautauqua County Administrative Code is hereby amended as follows:

Written notification of the amount and purpose of the transfer will be presented by the County Executive to the Finance Committee at its next regularly scheduled meeting following the effective date of said transfer.

SECTION 16. (a). Sections 16.01, 16.02, 16.03, 16.04, 16.05, 16.06, 16.07, 16.08, and 16.09 of Article XVI, as renumbered, of the Chautauqua County Administrative Code are hereby renumbered as Sections 16.07, 16.08, 16.09, 16.01, 16.10, 16.11, 16.12, 16.13, and 16.14 respectively.

(b). There is hereby adopted a new Section 16.00, 16.02, 16.03, 16.04, 16.05, and 16.06 of Article XVI, as renumbered, of the Chautauqua County Administrative Code as follows:

Section 16.00 General Provisions

Except as may be otherwise provided in the Code, the provisions set forth in this article shall apply to the operation of the County Government.

Section 16.02 Adoption of Code - when effective

This Code shall become effective on and after January 1, 1975, subject to the limitations implied by Article 15.01 of the original Charter. This is not to be construed as a limitation on moving towards the organization and procedures included herein. Within the limitations of applicable law such transitions should be made in advance.

Section 16.03 Amendment of Code

This Code may be amended by a Local Law enacted by a majority affirmative vote of the total membership of the Legislature, subject to referendum on petition as provided in the Municipal Home Rule Law.

Section 16.04 Separability

If any clause, sentence, paragraph, section or article of

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

Section 16.05 Code to be Liberally Construed

This Code shall be liberally construed to effectuate its objectives and purposes.

Section 16.06 Gender Neutral

Whenever a term is used in feminine or masculine gender, this term shall be construed as gender neutral.

SECTION 17. (a). Sections 17.01, 17.02, 17.04 and 17.05 of Article XVII, as renumbered, of the Chautauqua County Administrative Code are hereby deleted in their entirety. Section 17.03 is hereby renumbered as Section 17.01 and a new Section 17.00 is hereby enacted as follows:

Section 17.00 Application of Code

The provisions of the Code shall be applied in a manner consistent with the intent and provisions of the Chautauqua County Charter.

SECTION 18. All other provisions of the Chautauqua County Administrative Code shall remain in full force and effect.

SECTION 19. This Local Law shall become effective the January 1st immediately following the effective date of Local Law Introductory No. 17-90 which amends the Chautauqua County Charter and upon filing of this Local Law with the New York State Secretary of State.

Richard E. Davis

John Champion

Thomas J. Hart

James B. Munn

John W. Culora

Approved 1-15-91

Andrew Goodell