

LOCAL LAW 5-19
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
RE: VACANCY IN THE OFFICE OF COUNTY EXECUTIVE

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

Section I. Amendments to County Charter.

Sections 3.04 and 3.05 of the Chautauqua County Charter are hereby amended as follows:

Section 3.04 Acting County Executive

The County Executive shall designate, within thirty (30) days of assuming office, subject to confirmation by the County Legislature, an appointive officer of the Executive Branch to be known as the Acting County Executive to perform the duties of such Executive during the Executive's absence from the county or the Executive's inability to act for any reason. Such designation shall be made in writing and filed with the Clerk of the County Legislature, and may be changed by the County Executive at any time by a new designation, confirmed by the County Legislature and filed with said Clerk. In the event that no Acting County Executive has been so designated or that the Acting County Executive is unable to serve during an absence or disability of the County Executive, the County Legislature shall designate such Acting Executive. In the event of a vacancy in the office of County Executive, the Acting County Executive shall perform the duties of the County Executive pending the designation of a County Executive by the County Legislature as prescribed in Section 3.05.

Section 3.05 Vacancy in the Office

If a vacancy occurs in the office of County Executive, ~~the County Executive's successor shall be chosen at the next general election scheduled not less than sixty (60) days after such vacancy occurs. it shall be filled by the County Legislature.~~ The appointee shall serve until the commencement of the political year next succeeding the first general 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 qualified elector of the County and a member of the same political party as the person who vacated the office, and shall be nominated by the county committee of said party, provided, however, that in the event the vacancy is not filled by the County Legislature within forty-five (45) days of the time when such vacancy occurred, the person appointed to fill the vacancy shall not be required to be nominated by the county committee of said party. In the event the person vacating the office was elected with no party affiliation, the County Legislature may appoint any qualified elector of the County.

Notwithstanding the foregoing, if a vacancy in the office of County Executive occurs in in the final year of a County Executive's term, the County Legislature's power set forth above to fill the vacancy shall only be effective on or before August 1 of that year. After August 1 in the final year of a County Executive's term, the Acting County Executive shall perform the duties of the County Executive for the remainder of the unexpired term in the event of: (1) a vacancy in the office of County Executive occurring on or before August 1 that remains unfilled by the County Legislature after August 1; or (2) a vacancy in the office of County Executive that occurs after August 1.

Section II. Effective Date.

This Local Law shall take effect sixty (60) days after final enactment, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with Municipal Home Rule Law.

Sponsor: Chairman Paul M. Wendel

Emailed: 8/16/19

Adopted by Legislature: 8/28/19

Public Hearing by County Executive: 9/6/19

Adopted As Local Law 5-19

(60 Day Permissive Referendum)

R/C Vote: 16 Yes; 3 Absent

Date State Filed: 11/13/19