

LOCAL LAW
INTRODUCTORY NO. 1-26 (Print 2)
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER

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

Section I. Purpose and Background.

The purpose of this Local Law is to amend the Chautauqua County Charter in consideration of the recommendations of the 2025 Chautauqua County Charter and Code Commission. The version of the Charter adopted via Local Law 4-98 has previously been amended by Local Law nineteen (19) times, most recently by Local Law 13-24.

Section II. Amendments to County Charter.

A. Section 1.05 of the Chautauqua County Charter is hereby amended as follows:

Section 1.05 Charter and Administrative Code Review Commission

Not later than July 1, 2004, and at least 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 ten citizens of Chautauqua County, with up to five (5) of said members appointed by the County Executive and ~~the remaining~~ up to five to be 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 to the Commission 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~~ twelve (12) months following the appointment. Pursuant to Sections 2.05(c) and 6.02 of the Charter, the Legislature may amend the Charter after receipt of the report of the Commission or at any other time in the Legislature's discretion.

B. Section 2.01 of the Chautauqua County Charter is hereby amended 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 legislative 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 or report no changes are recommended.

C. Sections 2.05(b)-(d) of the Chautauqua County Charter, governing the powers and duties of the Chautauqua County Legislature, are hereby amended as follows:

(b) To make appropriations, incur indebtedness, adopt the budget, and ~~six (6) year capital plan~~, levy taxes. Adoption of an annual budget shall require a favorable vote of the majority of the Legislature's members, unless the ~~The adoption of an annual budget that~~ includes the use of general unobligated fund balance which is projected by the County's chief fiscal officer to cause the general unobligated fund balance to drop below 5% of General Fund budgeted appropriations gross revenues, which shall require a favorable vote of at least 60% of the whole number of the Legislature's members. For purposes of this subsection, the projection of the County's year-end general unobligated fund balance by the County's chief fiscal officer shall be made as of October 1 each year. In the event the Legislature fails to finally adopt a budget for an ensuing fiscal year on or before December 1, the tentative budget shall constitute the budget for such ensuing fiscal year. The appropriation resolution and the resolution authorizing the levy of taxes shall be deemed to have been passed by the Legislature as of such date.

(c) To adopt general policy for County government including enacting, amending, or rescinding local laws, charter laws, legalizing acts or resolutions, except that local laws and resolutions may not supersede the enumerated powers of other County officials set forth in this Charter without a duly adopted Charter amendment. On at least an annual basis prior to the County Executive's preparation of the tentative budget, the County Legislature shall adopt by resolution a comprehensive financial management policy and an investment policy, and ~~shall~~ may adopt by resolution goals and objectives, as well as specific performance measures for those goals and objectives, which shall may be utilized in the formulation of the budget and in measuring the success of its implementation. In adopting annual goals and objectives, the County Legislature ~~shall may~~ take into consideration the recommendations of the County's comprehensive plan. Resolutions adopting goals, objectives, and specific performance measures shall ~~not~~ be subject to veto by the County Executive.

(d) To fix the compensation of all officers and employees paid from county and District funds. With respect to employees not represented by a bargaining unit who are employed by the Sheriff, District Attorney, County Clerk, or in the executive branch, the County Legislature shall establish salary ranges and the appointing authority shall have discretion to set the actual salary within the range.

D. Section 2.08 of the Chautauqua County Charter is hereby amended as follows:

Section 2.08 Legislature Financial Analyst, Policy Analyst, and Counsel

There shall be appointed at the commencement of each new legislative term or in the event of a vacancy: ~~(1) a Financial Analyst to assist the alterations to the county budget and to advise on other financial matters relating to county government; and (2) a Legislative Counsel to~~ provide legal advice to the Legislature's members and committees, assist in the drafting of legislation, and act as parliamentarian in legislative proceedings.

There may be appointed at the commencement of each new legislative term or in the event of a vacancy a Financial Analyst and a Policy Analyst to assist the Legislature's members and committees in the execution of their duties, including research and the development of legislative policy.

The Legislature Financial Analyst, Policy Analyst, and Counsel shall be appointed by mutual agreement of the Chairman and Minority Leader of the Legislature, and shall serve at their pleasure. This section shall not preclude the Legislature from establishing by resolution other legislative staff positions within budget appropriations.

E. Section 3.02(a)-(g) of the Chautauqua County Charter is hereby amended as follows:

Section 3.02 Powers and Duties of County Executive

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

(a) Be the chief executive officer and administrative head of the executive branch of county government. The executive branch shall be responsible for the administration, organization, and implementation of all functions of County government, except: ~~(1) those functions under the control and supervision discretionary, supervisory and policy decisions of the Sheriff, District Attorney, County Clerk, and Board of Elections relating to the exercise of their substantive statutory authority; (2) the internal functions of the County Legislature; and (3) the~~ administration of the public defender, which shall be the responsibility of the County Legislature.

(b) Promulgate an administrative code for the administration, organization, and implementation of all functions of County government, except those excluded in Section 3.02(a) above, to include:

(i) the details of the organizational structure of the executive branch of County government, to be grouped into ~~four~~ five general areas:

- (1) Administrative Services;
- (2) Human Services;
- (3) Planning and Development; ~~and~~
- (4) Public Facilities; and
- (5) Public Safety

(ii) uniform financial procedures to be followed by all County officers and entities, with the following minimum time requirements in the budget adoption process up to submission of the tentative budget to the County Legislature:

(1) Resolutions adopting financial management policy, investment policy, ~~and programs~~, goals, objectives, and performance measures pursuant to County Charter Section 2.05(c) - ~~by June 15th~~ May 31st;

(2) Tentative budget - by September 25th. Budget procedures and minimum time requirements after delivery of the tentative budget to the County Legislature shall be implemented pursuant to a local law.

The administrative code and any amendments thereto shall take effect thirty (30) days after it is promulgated unless rejected by a 2/3 majority of the County Legislature. The administrative code shall include any functions, offices, or procedures mandated by State law, but pursuant to Section 1.03 of this Charter, the administrative code may supersede and be inconsistent with State law to the extent allowed by Municipal Home Rule Law or other applicable law, and may supersede any existing local laws, resolutions, or rules and regulations heretofore adopted.

(c) Exercise supervision and control of all executive branch entities, and shall prescribe, within budget appropriations, the staffing, internal organization and reorganization of such entities, including appointment of any heads of such entities, provided, however, that the appointment of the chief fiscal officer of the County, ~~up to six (6) coroners, and the Special Assistant for Medicaid~~ shall be subject to confirmation by the County Legislature. In this connection, the Executive shall have the power to determine who shall perform such duties and have such powers not otherwise clearly defined by the Charter.

d) Secure proper accounting for all funds, provide for the audit of claims in a manner consistent with generally accepted accounting principles (including claims relating to the functions of elected officials and the internal functions of the County Legislature), 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 local laws and resolutions 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) Be responsible for the preparation and submission to the County Legislature of the annual budget, ~~and capital program, other than budgets of other elected officials~~, and to execute the same in accordance with the resolutions and appropriations made by the County Legislature. For this purpose, the Executive shall have the power to obtain estimates of revenue and expenditures from all County entities. The County Executive may at any time make transfers

of up to ~~\$4,000.00~~ \$10,000.00 of part or all of any unencumbered appropriation balance between ~~four (4)~~ three (3) classifications of expenditure ~~within the same administrative unit at the department head level in the budget~~ if such transfer is necessary to carry out an adjustment of proposed expenditures in the adopted budget. Said classifications of expenditure shall be Personnel Expense, Fringe Benefits, Equipment, and Contractual Expense. Written notification of the amount and purpose of the transfer shall be prepared by the County Executive to the County Legislature at its next regularly scheduled meeting following the effective date of the transfer.

(g) Be responsible for keeping the County Legislature fully advised as to the financial condition ~~and needs~~ of the county and file with the County Legislature an annual ~~report~~ overview of the financial affairs of the county.

F. The Heading and Table of Contents of Article 4 of the Chautauqua County Charter, and Section 4.00 of the Chautauqua County Charter, are hereby amended as follows:

Article 4
OTHER ELECTED OFFICIALS, INTERNAL AND EXTERNAL FINANCIAL
AUDIT FUNCTIONS, ELECTED OFFICIAL SALARIES, AND SALARY
COMMISSION

Section 4.00 Other Elected Officers

Section 4.01 County Clerk

Section 4.02 District Attorney

Section 4.03 County Sheriff

Section 4.04 Internal and External Financial Audit Functions

Section 4.05 Salary Commission

~~Section 4.06 Salaries of the County Executive, County Sheriff, and County Clerk~~

~~Section 4.07~~ Annual Cost of Living Adjustment to the Salaries of the County Executive, County Legislators, County Sheriff, and County Clerk

Section 4.00 Other Elected Officers

There shall be other County officers elected to a specific term of office from the County at large as provided for in this Article. Said officials may at any time make transfers of up to ~~\$4,000.00~~ \$10,000.00 of part or all of any unencumbered appropriation balance between ~~four (4)~~ three (3) classifications of expenditures within the same administrative unit if such transfer is necessary to carry out an adjustment of proposed expenditures in the adopted budget. Said

classifications of expenditures shall be Personnel Expense, Fringe Benefits, Equipment, and Contractual Expense. Written notification of the amount and purpose of the transfer shall be presented by the elected official to the County Legislature at its next regularly scheduled meeting following the effective date of the transfer.

G. Section 4.04 of the Chautauqua County Charter is hereby amended as follows:

Section 4.04 Internal and External Financial Audit Functions

1. The County's chief fiscal officer shall establish an internal financial audit function that shall include:
 - (a) bank account reconciliation, credit card use analysis, and other appropriate internal controls ~~that are in addition to or supplement the internal controls implemented by the chief fiscal officer of the County;~~
 - (b) development of a risk assessment of County operations, including but not limited to, a review of financial policies and procedures and the testing and evaluation of County internal controls;
 - (c) an annual review and update of such risk assessment; and
 - (d) preparation of reports, at least annually or more frequently as the Audit and Control Committee of the County Legislature or County Executive may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations.

The County's chief fiscal officer may utilize County personnel, intermunicipal cooperation agreements, or independent contractors to fulfill the internal financial audit function. ~~The County may also utilize intermunicipal cooperation agreements or independent contractors to fulfill this function as long as personnel or entities performing the internal audit function meet professional auditing standards for independence between the auditor and the County.~~ Personnel or entities performing the internal financial audit function shall provide reports directly to the Audit and Control Committee of the County Legislature and the chief fiscal officer of the County.

The Audit and Control Committee shall have oversight of the internal financial audit function required by this Section, including, but not limited to, providing recommendations regarding the selection of the internal auditor(s) for the County, the review of significant findings and recommendations of the internal auditor(s), monitoring the County's implementation of such recommendations, and the evaluation of the performance of the internal financial audit function.

2. The Audit and Control Committee of the County Legislature shall select the County's independent external auditors, subject to confirmation by the County Legislature, and approve and oversee their contract for services and each proposed audit plan developed

by management and the external auditors. No individual firm shall provide audit services for more than six (6) consecutive years. A request for proposals (RFP) for external audit services shall be issued by the Audit and Control Committee no less than every three (3) years. The external auditors shall report directly to the Audit and Control Committee.

H. Section 4.05 of the Chautauqua County Charter is hereby amended as follows:

Section 4.05 Salary Commission

Not later than April 1, 2027, and at least every four (4) years thereafter, there shall be appointed a bi-partisan County Salary Commission to review and recommend the salaries of all elected officials except those whose salaries are established, directly or indirectly, by State Law. The salary of 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 the County Charter, 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, on or before November 1, 2027, and at least every four (4) years thereafter, salary adjustments for elected offices at least one (1) year prior to the general election in which that office is scheduled to be filled.

~~(Section 4.05 Amended by Local Law 7-24)~~

I. Section 4.06 of the Chautauqua County Charter is hereby amended as follows:

Section 4.06 Annual Cost of Living Adjustment to the Salaries of the County Executive, County Legislators, County Sheriff, and County Clerk

In the absence of a local law or charter law in effect on or before July 1 that specifically designates the salary of the County Executive, County Legislators², County Sheriff, or County Clerk, the existing annual salary of the County Executive, County Legislators², County Sheriff, or County Clerk (as the case may be) shall be increased in the following calendar year by a percentage equal to any percentage increase in the United States Department of Labor CPI-U for the prior calendar year.

~~(Section 4.07 amended by Local Law 13-24)~~

Section III. Savings Clause.

If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair, or invalidate the remainder thereof and shall not affect, impair, or invalidate any portion of the Charter of the County of Chautauqua, including any portions the Charter amended by this Local Law, but shall be confined in its operation to the particular provision directly adjudged invalid.

Section IV. Effective Date.

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

Sponsor: Chairman Pierre E. Chagnon