

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County of Ontario.....
~~City~~
~~Town~~
~~Village~~

Local Law No. 6 of the year 19 84.....

A local law amending Local Law No. 9 of 1977, entitled "A Local Law Amending Local Law No. 3 of 1975, entitled "A Local Law to Establish the Office of County Administrative Assistant for the County of Ontario.", as amended

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

County of Ontario, New York as follows:
~~City~~
~~Town~~
~~Village~~

Section 1. Local Law No. 9 of the year 1977, entitled "A Local Law Amending Local Law No. 3 of 1975, entitled "A Local Law to Establish the Office of County Administrative Assistant for the County of Ontario," is amended as follows:

SECTION 1. LEGISLATIVE INTENT.

The County of Ontario, through the Board of Supervisors, recognizes its responsibility in providing an efficient and accountable administrative government that provides for a clear delineation of responsibility and authority between the legislative function of the Board of Supervisors and that of the County government bureaucracy. In accomplishing this, the Board is cognizant that County Government and the problems that it addresses on a daily basis must be approached from a manageable and concise functional basis. Therefore, it is the intent of this Local Law to provide part of an administrative frame work that will achieve these goals. It is not the purpose or the intent of the Board of Supervisors in the adoption of this Local Law to in any way change the present structure of county government or to in any manner transfer to any department or to any other officer or employee of county government any power of the Board of Supervisors, or any other elected county official.

SECTION 2. COUNTY ADMINISTRATOR; APPOINTMENT; TERM.

On or after January 1, 1985, there shall be a County Administrator who shall be appointed by the Board of Supervisors and be appointed for a two year term. The County Administrator shall be directly responsible to and serve at the pleasure of the Board of Supervisors, and shall be a person qualified by formal training in public administration, finance, or related fields, and by experience in an administrative executive position in governmental administration or by any equivalent experience and training sufficient to indicate capacity for effective governmental administration. He/she shall be a resident of the County during his/her tenure of office.

- (a) The County Administrator shall possess a Bachelor's Degree from a certified college or university and a Masters Degree shall be preferred.
- (b) County Administrator to Hold No Other Public or Political Office: The County Administrator shall hold no other public or political office and shall devote full working time to the County.

SECTION 3. GENERAL POWERS.

The County Administrator shall, as herein provided, act as representative of the Board of Supervisors. Within the limits of his authority, he shall be responsible to the Board of Supervisors for the overall administration of County Government and shall provide and coordinate a full range of staff services to the Board of Supervisors and its various committees. He shall coordinate the activities of the several officers, employees, agents, departments, boards, agencies, and committees, so that the policies and programs enunciated by this Board of Supervisors, as well as programs mandated by other governmental authority are implemented at minimal expenditure and with maximum benefit to the citizens served. He shall perform all of the duties now and hereafter conferred or imposed upon him by law and as directed by the Board of Supervisors and shall have all the powers and perform all the duties necessarily implied or incidental thereto.

SECTION 4. POWERS OF APPOINTMENT AND REMOVAL.

The County Administrator shall be authorized to appoint, upon the approval of the Board of Supervisors, 1) Division Managers, who shall serve for terms commensurate with that of the County Administrator; 2) all Department Heads, with the exception that the Division Managers shall be authorized to recommend to the County Administrator the appointment of Department Heads under their jurisdiction and for whom they have general or direct supervisory responsibilities; and 3) such assistance and staff within his office as may be authorized by the Board of Supervisors.

In addition, the County Administrator may interview and select all persons for employment in those county departments, offices, agencies and operations under his direct supervision, except where law specifically directs that some other appointing official shall interview and select. The County Administrator may delegate this responsibility to respective Division Managers and Department Heads.

The County Administrator shall have the authority to lay off, suspend or remove all persons employed in all county departments, agencies, offices and operations, except where law specifically directs that some other appointing official shall lay off, suspend or remove; and such authority shall be exercised in accordance with the Civil Service Law of the State of New York and such other laws, rules, and regulations as may apply. The termination of any county employee would only take place after the County Administrator confers with the County Attorney and the County Personnel Officer.

Any Division Manager or head of a department or other agency who has been suspended or removed by the County Administrator, shall, within five days thereafter, be given a written statement setting forth the reasons therefor, if such Division Manager or department or agency head so requests, and shall have opportunity to answer in writing. After considering such answer, the County Administrator shall make his recommendation to the Board of Supervisors which shall make a final determination of the issue. A copy of the statement, a copy of the answer, and a copy of the determination shall be filed as a public record in the Office of the Clerk of the County Board of Supervisors.

SECTION 5. GENERAL SUPERVISION BY COUNTY ADMINISTRATOR.

The County Administrator shall have general supervision over all departments, offices, agencies within the County government structure, though the County Administrator may from time to time delegate this responsibility to the Division Managers.

To assist the County Administrator in coordinating the activities of the several officers, employees, agents, departments, boards, agencies and committees, so that the policies and programs enunciated by the Board of Supervisors, as well as programs mandated by other governmental authority, are implemented at minimum expenditure and with maximum benefit to the citizens served, there shall be created a Staff Cabinet that shall consist of the five Divisional Managers, the County Attorney, the Personnel Officer, the President of the Community College of the Finger Lakes, the Director of County Facilities and Operations and the four constitutional officers of the county i.e., Sheriff, District Attorney, County Clerk, and Treasurer and others deemed appropriate by the County Administrator, subject to the approval of the Board of Supervisors. Such Staff Cabinet shall meet on a regular and as needed basis to be determined by the County Administrator.

SECTION 6. DIRECT SUPERVISION BY COUNTY ADMINISTRATOR.

The County Administrator shall have direct supervision of the Division Managers and also those offices, agencies, operations, and programs placed under his direct supervision by the Board of Supervisors or where he is considered to be the Department Head or Division Manager. All employees of these agencies, offices, or operations/programs shall report directly to the County Administrator.

SECTION 7. SPECIFIC POWERS AND DUTIES: COUNTY ADMINISTRATOR.

The County Administrator shall:

- a) Execute and enforce, as authorized by the Board of Supervisors, all Local Laws, legalizing acts, ordinances and resolutions of the Board of Supervisors and all other acts required by operation of law;
- b) Attend meetings of the Board of Supervisors, its committees, and such meetings as it may direct and recommend such policies and measures he may deem appropriate;
- c) Prepare an annual budget for those departments, offices, agencies, operations, and programs for which he has direct supervision and shall make recommendations on all budgets submitted for inclusion in the county budget;
- d) Coordinate the preparation of multi-divisional policies and shall, where necessary, make recommendations to the Board of Supervisors and shall implement necessary administrative policies as may be required to carry out the policies established by the Board of Supervisors;
- e) Perform those specific tasks directed to be performed by him by the Board or by the Standing Committee overseeing the office of County Administrator pursuant to its authority under the Board's rules. The County Administrator shall not perform specific tasks requested of him by any individual Supervisor or group of Supervisors;

- f) Not prepare resolutions except as directed by the Standing Committee overseeing the office of County Administrator;
- g) Not attend meetings called by someone other than himself unless authorized to do so by the Chairman of the Board of Supervisors or Chairperson of the County Administration Committee, a) though the County Administrator will hold himself available to individual Supervisors and Supervisor Committees as a resource person;
- h) Will participate, when requested by a member of the Board of Supervisors, in discussions of issues being considered by the Board at its meetings;
- i) Conduct regular meetings with Division Managers, department heads, and others deemed necessary;
- j) Have the administrative responsibility of approving the organization and staffing within any specific department, agency or operation subject to his direct administrative control and shall have administrative control of other temporary assignments within the same department, agency, or operation or from one department, agency, or operation to another;
- k) Evaluate on an annual basis all Division Managers and those department heads who report directly to him;
- l) Under the general direction of the Budget Officer, be responsible for the preparation and administration of the County budget, including periodic updates of expenditures and revenues to be provided to the Board of Supervisors;
- m) Participate as authorized by the Board of Supervisors in the conduct of collective bargaining negotiations with employees and shall make recommendations on salaries for department heads and Division Managers;
- n) Exercise general supervision over all County institutions and agencies except as otherwise required by law, coordinate the various administrative activities of the County, and unify the management of its affairs or cause all such responsibilities to be executed and performed through the Division Managers;
- o) Shall perform the ministerial duty of executing contracts in the name of the County, when such contracts have been authorized by Resolution of the Board of Supervisors.
- p) Have such other powers and perform such other duties as may now or hereafter be conferred or imposed upon him by resolution of the Board of Supervisors.

SECTION 8. ACTING COUNTY ADMINISTRATOR; DESIGNATION; POWERS AND DUTIES.

The County Administrator shall, at his discretion, and upon the approval of the Board of Supervisors, designate one or more of the Division Managers to be Acting County Administrator in the event of the County Administrator's absence from the County or inability to perform and exercise the powers and duties of his office. In no event may a Division Manager serve as an Acting County Administrator for a period greater than 60 consecutive days in any calendar year unless authorized by the Board of Supervisors. The Acting County Administrator shall have all the powers and duties of the County Administrator during the period of his

designation or until a new County Administrator shall be appointed pursuant to law and shall qualify to assume that office.

SECTION 9. REMOVAL OF THE COUNTY ADMINISTRATOR.

A) Grounds for Removal. The County Administrator shall be removable by the County Board of Supervisors:

1. Because the County Administrator was at the time of his or her appointment or has since become ineligible to hold such office as herein provided;
2. For malfeasance, misfeasance, or non feaseance in office;
3. Upon conviction of a crime or of a misdemeanor involving moral turpitude;
4. For failure to perform his or her duties as provided by this Local Law in an honorable, competent, and reasonably efficient manner; or
5. If the County Administrator becomes morally, physically, or mentally unfit to act in behalf of the County.

B) Procedures for Removal. If the County Administrator is to be removed, pursuant to this section, the County Administrator shall be given, upon demand, a written statement of the reasons alleged for the proposed removal and shall have the right to a hearing thereon at a public meeting of the County Board of Supervisors prior to the date on which the proposed removal is to take effect. Pending such hearing, the County Board of Supervisors may suspend the County Administrator from office provided that the period of suspension shall not exceed thirty (30) days. The action of the County Board of Supervisors, in suspending or removing the County Administrator, shall be subject to review by the courts pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York. For purposes of this Local Law, the failure of the Board of Supervisors to reappoint an incumbent County Administrator to a new term of office shall not be deemed a removal or suspension of said County Administrator.

SECTION 10. DEFINITIONS.

- A. Direct Supervision: As used in this plan, this term refers to the situation where there is a specific activity, program or operation, but the Board of Supervisors has not created a specific department or office to manage it. Typically, there also is not a department head or a person in charge reporting to the Board of Supervisors.
- B. General Supervision: As used in this plan, this term refers to the situation where there is an existing formal department or office with a department head who is appointed by and reports to the Board of Supervisors. In these situations, the Department Head reports to a higher level administrative official usually on policy matters, major changes of procedures, budgets, personnel matters, and so on. Normally the Department Head in this situation is responsible for the day to day running of the department.

SECTION 11. SEPARABILITY.

If any clause, sentence, paragraph, or section of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment

shall not impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, or section directly involved in the controversy in which judgment shall have been rendered.

SECTION 12. EFFECTIVE DATE.

This Local Law shall take effect upon its being duly filed as provided by the Municipal Home Rule Law.

Section 2. Effective Date.

This Local Law shall take effect on January 1, 1985.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 19 84
County of Ontario was duly passed by the Board of Supervisors
~~xxxx~~ ~~xxxx~~ ~~xxxx~~ (Name of Legislative Body)
on December 13 19 84 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, * or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County _____
City of _____ was duly passed by the _____ (Name of Legislative Body)
Village _____
on _____ 19 _____ and was approved _____ by the _____ Elective Chief Executive Officer *
not disapproved _____
repassed after disapproval _____
and was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County _____
City of _____ was duly passed by the _____ (Name of Legislative Body)
Village _____
on _____ 19 _____ and was approved _____ by the _____ Elective Chief Executive Officer *
not disapproved _____
repassed after disapproval _____
on _____ 19 _____ Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive _____
thereon at the special election held on _____ 19 _____, in accordance with the appli-
cable provisions of law.
general _____
annual _____

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County _____
City of _____ was duly passed by the _____ (Name of Legislative Body) On _____
Village _____ and was approved _____ by the _____ Elective Chief Executive Officer *
not disapproved _____
repassed after disapproval _____
_____ 19 _____ Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19 _____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on general 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Lorraine M. Brooks

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Lorraine M. Brooks, Deputy Clerk
Board of Supervisors of Ontario County

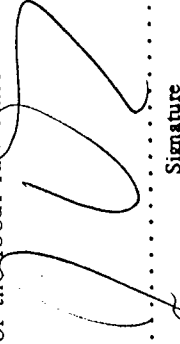
Date: December 18, 1984

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

John W. Park, Ontario County Attorney
Title

Date: December 18, 1984

County ~~City~~ of ONTARIO
~~Town~~
~~Village~~