

(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
~~City~~ of Ontario
~~Town~~
~~Village~~

Local Law No. FOUR (4) of the year 19 87

A local law establishing a Department of Public Works, as amended.

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

County as follows:
~~City~~ of Ontario
~~Town~~
~~Village~~

SECTION 1: LEGISLATIVE INTENT

The Board of Supervisors of the County of Ontario hereby declares its finding that the coordination of public works activities undertaken by and on behalf of the county is an increasingly complex and demanding task, and that it can best be accomplished by the creation of a comprehensive department charged with the performance of these activities. In addition, this Board finds that the management of such a department should be the responsibility of one individual, appointed by and accountable to the Board of Supervisors through its County Administrator. This local law therefore creates a Department of Public Works, and creates the position of Commissioner of Public Works to oversee its operations. The commissioner shall have direct supervision of specified activities deemed by this Board to be appropriately performed by the commissioner. In addition, the commissioner shall exercise general supervision, and perform the task of coordinating the operations of two existing departments, each of which shall be directly supervised by a Deputy Commissioner of Public works.

SECTION 2: Pursuant to the provisions of Section 10 of the Municipal Home Rule Law, the Department of Public Works is hereby created. Said department shall be under the supervision of the Commissioner of Public Works, who shall be appointed by the Ontario County Board of Supervisors for a term of three years and shall report to the Board of Supervisors, through its agent, the County Administrator. The Commissioner of Public Works shall be responsible for the management and operation of the Department of Public Works, and shall have the powers and duties necessary to carry out the functions of the department as set forth herein and such other responsibilities as may from time to time be imposed by resolution of the Board of Supervisors.

SECTION 3: CREATION OF DEPARTMENT

A. The Department of Public Works shall consist of two bureaus and three sections.

- (1) **Bureau of Sewer and Water:** There shall be a Bureau of Sewer and Water which shall be responsible for the maintenance and repair of all sewer and water facilities owned or operated by the county.

This shall include, but not be limited to, all county sewer and water districts, together with such other responsibilities as may be assigned by the commissioner.

- (2) **Bureau of Highways:** There shall be a Bureau of Highways, which shall be responsible for the maintenance, construction and operation of all county highways, and the performance of all other highway duties imposed upon the county by the mandates of state law, or as directed by the Board of Supervisors.

B. In addition, the Department of Public Works shall include three sections:

- (1) **Engineering Section:** There shall be an engineering section, reporting directly to the commissioner, and which shall have the responsibility of performing all engineering, survey, mapping, and related work required by the department and its bureaus and sections, and of coordinating all such services required by the county.
- (2) **Solid Waste Management Section:** There shall be a solid waste management section, reporting directly to the commissioner, which shall have the responsibility for the maintenance and operation of all solid waste disposal activities undertaken by the county. This shall include, but not be limited to, the operation of the present landfill sites, and the coordination of the county's interface with the Western Finger Lakes Solid Waste Management Authority.
- (3) **Parks and Recreation:** There shall be a Parks and Recreation Section, reporting directly to the commissioner, which shall have the responsibility for the maintenance and operation of all county parks and recreational facilities.

SECTION 4: COMMISSIONER OF PUBLIC WORKS, POWERS AND DUTIES

- A. There shall be a Commissioner of Public Works, appointed by the Board of Supervisors upon recommendation of the County Administrator, who shall have all the powers and duties of a county engineer, and of a county highway superintendent, as those terms are employed in New York State Law. The position shall be placed in the unclassified service.
- B. The commissioner shall exercise general supervision over the bureaus of sewer and water, and highways, and shall exercise direct supervision over the sections of engineering, solid waste management, and parks and recreation.
- C. The commissioner shall, within the limits of the appropriation provided therefore, and except as otherwise provided herein, appoint, and at his pleasure remove, all deputy commissioners of public works. In addition, the commissioner shall appoint, supervise, discipline and remove all employees of the department of public works, and assign and reassign powers and duties to such employees, have charge and control of all employees of the Department of Public Works in accordance with sound management principles, Board of Supervisor's policies, Civil Service Law and other administrative policies and procedures.
- D. The commissioner may appoint one of the deputy commissioners to serve as Acting Commissioner of Public Works in his absence or inability to perform the duties of the position for whatever reason. Said acting commissioner shall have all the powers and perform all the duties of the Commissioner of Public Works until a commissioner is duly appointed or qualified.
- E. The commissioner shall perform such other duties and make such reports as may be required by the Board of Supervisors, including an annual report on the activities of the Department of Public Works, to the Board of Supervisors, and prepare and coordinate an annual budget for said department.

SECTION 5: DEPUTY COMMISSIONERS OF PUBLIC WORKS

- A. Except as otherwise provided, deputy commissioner of public works shall, under the general supervision of the commissioner, exercise within their respective bureaus the power to appoint, supervise, discipline and remove

all employees therein, have charge and control of all employees within said bureaus, in accordance with sound management principles, Board of Supervisor's policies, Civil Service Law, and the directives of the commissioner.

- B. Deputy Commissioners shall, under the general supervision of the commissioner, exercise all the powers and duties thereof with respect to their specific bureaus.

SECTION 6: PRIOR ENACTMENTS REPEALED

To the extent that they contradict the terms of this local law, all prior enactments of the Board of Supervisors are hereby repealed.

SECTION 7: EFFECTIVE DATE

This local law shall take effect immediately.

(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.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. FOUR of 19 87.....
County
City of Ontario..... was duly passed by Board of Supervisors.....
~~Town~~ ~~Village~~ (Name of Legislative Body)
on January 29 19 87 in accordance with the applicable provisions of law.

(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
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the Elective Chief Executive Officer
repassed after disapproval
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

(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
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the Elective Chief Executive Officer
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 thereon at the special election held on 19....., in accordance with the applicable provisions of law.

(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
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the Elective Chief Executive Officer
repassed after disapproval
on 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 board of supervisors, 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.

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

5. 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 of 19 became operative.

(County local law concerning adoption of Charter.)

6. I hereby certify that the local law annexed hereto, designated as Local Law No. of 197 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.

Lucaine M. Burch

Clerk of the Board of Supervisors, City of ~~Troy~~ ~~Albany~~ ~~Catskill~~ ~~Chatham~~ ~~Columbia~~ ~~Dutchess~~ ~~Essex~~ ~~Hamilton~~ ~~Ulster~~

Date: February 3, 1987

(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.



(Title of Officer) County Attorney

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

Dated: February 3, 1987