

# Local Law Filing

(Use this form to file a 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  Town  Village

(Select one.)

of Niagara

Local Law No. 2 of the year 2011

A local law to Adopt an Amendment to Local Law No. 4 of 2003 Establishing an Administrative Code  
(Insert Title)

Be it enacted by the Legislature of the  
(Name of Legislative Body)

County  City  Town  Village

(Select one.)

of Niagara

as follows:

§A2-9. Committees of the County Legislature: Jurisdiction, Powers and Duties

A. The jurisdiction of the committees shall be as follows:

(1) Administration

- (a) County Manager
- (b) County Attorney
- (c) Management & Budget
- (d) Treasurer
- (e) Audit
- (f) Real Property
- (g) ~~Data Processing~~ Information Technology
- (h) Clerk of the Legislature
- (i) Printing/Mailing
- (j) Human Resources
- (k) Civil Service
- (l) Risk Management
- (m) Board of Elections

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

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(3) Community Services

- (a) Social Services
- (b) Employment & Training
- (c) ~~Youth Bureau~~
- (~~cd~~) Office of Aging
- (e) ~~Mount View~~
- (~~df~~) Public Health
- (~~eg~~) Mental Health
- (~~fh~~) NCCC
- (~~gi~~) County Clerk/DMV
- (hj) Historian
- (~~ik~~) Veteran Services

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(5) Public Works

- (a) Public Works
- (b) Parks/Golf Course
- (c) Refuse District
- (d) Water District
- (e) Sewer District
- (f) Weights and Measures

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**A3-3. Powers and Duties**

1. Without curtailing, diminishing or transferring the powers of any elected County official, the County Manager shall be responsible for the overall administration of county government and shall provide and coordinate staff services to the County Legislature, Chair of the Legislature and its committees. The County Manager shall perform all the duties now and hereafter conferred or imposed upon the officer by law and directed by the County Legislature and shall have all powers and perform all the duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, are:

- (a) To serve as the Chief Executive and Administrative Director of County Government;
- (b) To exercise supervision and control over the activities of County department directors and supervise the administration of all units of County government to most effectively implement the directives of the Legislature in accordance with applicable law, but shall not exercise administrative control over the County Auditor, the

County Treasurer, the County Attorney, the District Attorney, the County Sheriff, the Public Defender, the County Clerk, or any other publicly elected official;

(c) To determine which employees of the County shall perform particular duties not clearly defined by law or this Local Law;

(d) To execute and enforce all Local Laws, legalizing acts, ordinances and resolutions of the County Legislature and all other acts required by law;

(e) To serve as an advisor to the County Legislature and develop policy and procedural recommendations for consideration of the Legislature;

(f) To undertake research and submit to the County Legislature reports and recommendations regarding governmental operations as may be deemed appropriate or the County Legislature may request, and provide such assistance to the Legislature and its committees as may be requested by the Legislature;

(g) To serve as liaison between the County Legislature and the boards, commissions, agencies, and advisory committees established by the Legislature;

(h) To maintain liaison and represent the County Legislature in contacts with political subdivisions, State and Federal officials and agencies;

(i) To make appointments for the heads of units of County government listed below, subject to the confirmation of the County Legislature:

1. Director of the Office of the Aging
2. Commissioner of Public Works
3. Director of ~~Central Data Processing~~ Information Technology
4. Director of Human Resources
5. Director of Employment and Training
6. Fire Coordinator and Director of Emergency Services
7. Commissioner of Parks and Recreation
8. Director of Planning, Development, and Environmental Services
9. Director of Probation
10. Director of Real Property Tax Services
11. ~~Municipal Director of Weights and Measures~~
12. Commissioner of Social Services
13. Director of Veterans Services
14. ~~Youth Bureau Director~~
15. County Historian
16. Risk & Insurance Services
17. Director of the Office of Management and Budget

and such other officers, department heads and employees as the County Legislature shall designate by Local Law or Resolution, with the exception that the County Legislature retains appointing and removal powers for the position of Civil Service Personnel Officer pursuant to the Civil Service Law of the State of New York;

(j) examine and approve for payment all contracts, purchase orders and other documents by which the County incurs financial obligations, having ascertained before approval that moneys have been duly appropriated for, provided for, and allotted to meet such obligations and will be available when such obligations shall become due and payable, and record such

obligations of the respective appropriations for which such obligations are to be paid;

- (k) ~~prescribe~~ approve the form of receipts, vouchers, bills or claims to be filed by all administrative agencies, departments, offices or officials, institutions and other agencies of the county;
- (l) assist the budget director of the county with the preparation and administration of the budget and shall be responsible for presenting the budget to the County Legislature for approval;
- (m) assist the budget director in developing and recommending a budget program that includes both long-range capital budgeting and annual operating capital budgets under the direction of the Legislature;
- (n) ~~manage~~ assist the director of risk management in administering the plan for Niagara County Self-Insurance Program;
- (o) recommend to the Legislature the placement of all county insurance which shall be deemed necessary with the business and property of the County within appropriations set by the County Legislature;
- (p) provide for the administration of supporting services and facilities for various units of county government, including the supervision of central reproduction, mail room and telephone operations;
- (q) establish and maintain as its agent, a uniform purchasing system to provide for the purchase, sale, rental and servicing of all supplies, materials, equipment and services for the county and all its units, including inspection, supervision and determination as to quality and conformity with specifications, and be responsible for compliance therewith;
- (r) participate in the conduct of collective negotiations with organized employee representatives;
- (s) to temporarily fill the role of a head of a unit of County government if a vacancy occurs;
- (t) have such other powers and perform such other duties as may now or hereafter be conferred or imposed by the County Legislature.

2. The County Manager shall have the means and authority to take any personnel actions necessary regarding heads of units of County government and other County officials under the County Manager as designated by local law and that any appointments or terminations of such individuals would continue to be subject to the approval of the County Legislature.

3. The County Manager shall have the authority to take specific personnel actions as follows: appointments; approval of completion of probation; directing workflow; evaluating performance; approving and signing off on all personnel requests and forms; discipline; terminations, and executing routine personnel actions. Notwithstanding the above, the specific personnel actions of appointments or terminations by the County Manager would be subject to confirmation by the County Legislature.

4. The County Manager shall have the authority to approve position upgrades and the filling of vacant positions by department heads. That the department head positions

under the authority of the County Manager are to be strictly considered non-partisan and non-political in nature and shall be filled, evaluated, and when appropriate, terminated on the sole basis of performance as determined by the review of the County Manager. That all of the above actions by the County Manager will be in accordance with applicable labor agreements, personnel policies and Civil Service rules.

5. ~~The department head positions for each County department shall be for a maximum term of two four (4) years coterminous with the term of the legislature unless established or prohibited by following appointment by the County Manager and confirmation by the Niagara County Legislature, unless already established or prohibited by State or local law. The County Manager shall have has the authority and responsibility to appoint department heads; at the commencement of each legislative term, the County Manager shall recommend reappointment of department heads to the Niagara County Legislature. The County Manager has the responsibility to conduct annual performance reviews. The County Manager has the discretion to and the continued employment of said department head(s), which shall be based upon favorable performance review(s) by the County Manager.~~

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#### **ARTICLE IV. EFFECTIVE DATE**

This Local Law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. 2 of 2011 of the (County)(City)(Town)(Village) of ~~Niagara~~ was duly passed by the Niagara County Legislature on September 6, 2011, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on 20   , in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* 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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

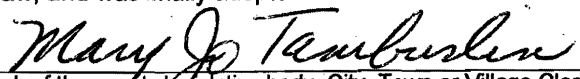
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 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 1 above.

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

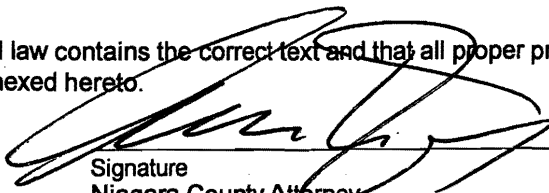
Date: September 9, 2011

(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 Niagara

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  
Niagara County Attorney  
\_\_\_\_\_  
Title

County \_\_\_\_\_  
City of Niagara  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: September 8 2011