

(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~~

of Niagara

Local Law No. 4 of the year 2003

A local law Establishing an Administrative Code for the County of Niagara
(Insert Title)

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

County

~~CITY~~
~~TOWN~~
~~VILLAGE~~

of Niagara as follows:

**A LOCAL LAW ESTABLISHING AN ADMINISTRATIVE CODE
FOR THE COUNTY OF NIAGARA**

ARTICLE I. GOVERNMENT OF NIAGARA COUNTY

§A1-1. Title

This chapter shall be known as the "Niagara County Administrative Code."

§A1-2. Purposes

The Niagara County Administrative Code is intended to outline the organizational structure of county government, to delineate the location of the responsibilities of the county government and to make provisions for administrative leadership under the Office of County Manager pursuant to Resolution IL-061-02, namely, a local law establishing the Office of County Manager, in order to promote an efficient and responsible county government.

§A1-3. Effect of Local Laws and Resolutions

All existing laws, ordinances, legalizing acts and resolutions of the County shall remain operative except where inconsistent with this Administrative Code as adopted by local law.

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

§A1-4. County Status, Powers and Duties

Niagara County, upon adoption of this code, as hereinafter provided, shall be and remain a municipal corporation under its then name and shall exercise all of the rights, privileges, functions and powers conferred upon it by the code or any other applicable statute not inconsistent with such code. It shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent with the code, including all powers specifically conferred upon such County.

§A1-5. Effect on State Laws

Resolution IL-061-02 and the Administrative Code provide a form and structure of County government in accordance with the provisions of the Municipal Home Rule Law of the State of New York, and all special laws relating to Niagara County and all general laws of the State of New York, shall continue in full force and effect.

§A1-6. Local Government Functions, Facilities and Powers Not Transferred, Altered or Impaired

No function, facility, duty or power of any city, town, village, school district or other district or of any officer thereof is or shall be transferred, altered, or impaired by this code.

§A1-7. Contracts with Public Corporations and Public Authorities

The County of Niagara shall have power to contract with any public corporation including but not limited to a municipal district or public benefit corporation as defined in Section 66 of the General Construction Law or with any public authority or combination of the same for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. The costs and expenses incurred as well as charges for central facilities and administrative services relating thereto shall be borne proportionately by each such contracting party as agreed upon.

ARTICLE II. THE COUNTY LEGISLATURE

§A2-1. County Legislature

The County Legislature shall be the elected governing body of Niagara County which shall perform the legislative, appropriating, policy determining and administrative functions as provided for in the County Law. The Rules of Order of the Niagara County Legislature shall govern the conduct of legislative and committee meetings.

§A2-2. Membership

The County Legislature shall be composed of the elected legislators elected from single member legislative districts, each member elected for a term of two years and having one vote. Members of the legislature shall be elected from the districts established pursuant to local law.

§A2-3. Powers and Duties

A. The County Legislature shall exercise all the powers and duties now or hereafter conferred or imposed by state law upon a Board of Supervisors and/or a County Legislature of a county and all powers and duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, it shall:

- (1) Make appropriations, levy taxes, incur indebtedness and adopt the County budget;
- (2) Enact, amend or repeal this Administrative Code, local laws, legalizing acts or resolutions, and provide for the administrative implementation thereof;
- (3) Adopt, by resolution, all necessary rules and regulations for its own conduct;
- (4) By local law, create, alter, combine or abolish administrative units of county government not headed by elected officers, establishing or abolishing positions of employment in connection therewith;
- (5) Appoint heads of units of county government, except those officers who are required to be elected and/or whose appointment is otherwise provided for by law or by this Administrative Code;
- (6) Establish or abolish positions of employment;
- (7) Fix, by resolution, the compensation of all County officers and employees;
- (8) Fix, by resolution, the compensation to be paid from County funds to persons rendering service to or in behalf of, but who are not officers or employees of, the County;
- (9) Adopt such standard rules and regulations regarding County employment as it may deem appropriate;
- (10) Fix the amount of bonds of officers and employees paid from County funds as hereinafter provided;
- (11) Authorize contracts for goods and services on behalf of the County;
- (12) Conduct studies and investigations in furtherance of its legislative functions, and in connection therewith obtain and employ professional and technical advice, appoint citizens committees, commissions and boards, subpoena witnesses, administer oaths and require the production of books, papers and other evidence necessary or material to such studies or investigations; and
- (13) Legalize and validate by legalizing any act had or taken in connection with a lawful municipal purpose by a governing board or other body, office, agency or unit of a local municipality wholly within the County in the manner provided in the County Law.

§A2-4. Chairman of the County Legislature

The County Legislature at its organization meeting held on or before January 8 of each and every year, shall elect from its membership a Chairman who shall serve for a one (1) year term that expires at the end of the calendar year in which he or she is selected but shall holdover pursuant to Public Officers Law of the State of New York until a successor Chairman is chosen.

§A2-5. Chair of the County Legislature; Power and Duties

Except as may otherwise be provided in this Administrative Code, the Chair of the County Legislature shall have all the powers and duties now or hereafter conferred or imposed upon a Chair of a County Legislature by law. Among such powers and duties, but not by way of limitation, the Chair shall:

- A. Determine in consultation with the County Manager what officer shall perform a particular power or duty not clearly defined herein or by law;
- B. Execute and deliver documents and contracts authorized by law and by the County Legislature; and
- C. Perform such other administrative duties as the Legislature determines.

§A2-6. Vice Chairman of the County Legislature; Power and Duties

The County Legislature, within the time provided for electing the Chairman, shall elect a Vice Chairman, by a majority vote, who shall serve a term concurrently with the Chairman. The Vice Chairman shall, in the absence of the Chairman, preside over each duly constituted meeting of the Legislature, have and exercise all of the powers and duties of the Chairman at any meeting over which the Vice Chairman is called to preside. The Vice Chairman shall at no time appoint a person to an office or position of employment with the County, nor appoint the Chairman or members of any committee of the Legislature. The Vice Chairman may in the absence of the Chairman from the County, or upon the Chairman's authorization, execute all agreements on behalf of the County which the Legislature authorize the Chairman to execute.

§A2-7. Death, Resignation or Disability of the Chairman or Vice Chairman

In the event of the death, resignation or disability of the Chairman, the Vice Chairman shall act as Chairman until a new Chairman is elected. In the event of the death, resignation or disability of the Vice Chairman that may have been elected, the Legislature shall elect a replacement Vice Chairman. The election to replace the Chairman or Vice Chairman shall be held at the next regular meeting of the County Legislature or sooner at a special emergency meeting if desired. The degree of disability of any officer must be such so as to render that person's ability to perform impractical in order to justify a replacement by the Legislature.

§A2-8. Committees of the County Legislature, Appointment

Committees are the basis for the organization of administrative units and functions of

government as presented in this Administrative Code. Within 20 days after his or her election, the Chair of the County Legislature shall appoint from among the members of the Legislature the Chairs and members of the Standing Committees, to wit: Administration, Community Safety and Security, Community Services, Economic Development and Public Works. In the case of a newly created committee, the Chair and members shall be appointed by the Chair of the County Legislature within 20 days after the creation of such new committee. In addition, the Chair of the Legislature may appoint members to new and existing special committees as may be created by the Legislature. The Chair of the County Legislature shall have the authority to determine committee membership size with the exception that the five (5) core function committees shall be comprised of not less than seven (7) and no more than nine (9) participating legislators. The Chair of the County Legislature may also fill any and all vacancies on any committee within 20 days of the creation of such vacancy. All committees shall meet at the call of the Chair and/or pursuant to the Rules of the Legislature.

§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
 - (h) Clerk of the Legislature
 - (i) Printing/Mailing
 - (j) Human Resources
 - (k) Civil Service
 - (l) Risk Management
 - (m) Board of Elections
- (2) Community Safety and Security
 - (a) Sheriff
 - (b) District Attorney
 - (c) Public Defender
 - (d) Probation
 - (e) Fire Coordinator/Emergency Services
 - (f) Coroners
- (3) Community Services
 - (a) Social Services
 - (b) Employment & Training

- (c) Youth Bureau
 - (d) Office of Aging
 - (e) Mount View
 - (f) Public Health
 - (g) Mental Health
 - (h) NCCC
 - (i) County Clerk/DMV
 - (j) Historian
 - (k) Veteran Services
- (4) Economic Development
- (a) Planning, Development & Tourism
 - (b) Industrial Development Agency
- (5) Public Works
- (a) Public Works
 - (b) Parks/Golf Course
 - (c) Refuse District
 - (d) Water District
 - (e) Sewer District
 - (f) Weights and Measures

B. Unless waived by majority vote of the County Legislature, each resolution relating to a division, department, agency or other matter within the purview of a Standing Committee shall first be referred to said committee for its recommendation to the Legislature, affirmative, negative or neutral, before being acting upon by the Legislature. Except in cases of overlapping responsibility, each such resolution shall be referred to only one Standing Committee; however, any committee may request the opinion of another committee on any resolution.

§A2-10. Administration Committee of the County Legislature: Annual Performance Review of County Manager

The Administration Committee of the County Legislature shall perform the annual performance review of the County Manager provided for in Resolution IL-061-02, a local law establishing office of County Manager. The Administration Committee shall also act as the Rules Committee of the Legislature, acting in regard to the rules of the Legislature and amendments thereto; and shall receive from other jurisdictions within the County their ordinances, local laws, enactments or other legislation requiring action by the Legislature and recommend action thereon. The Administration Committee shall also consider all matters relating to optional forms of county government and reapportionment. The Administration Committee shall have legislative oversight of the Niagara County Board of Ethics. The Administration Committee shall have additional duties as may be assigned, by the Chairman of the Legislature, from time to time.

§A2-11. Clerk to the County Legislature

There shall be a Clerk to the County Legislature who shall be appointed by the Legislature at its organizational meeting to serve at its pleasure and until a successor is appointed and has qualified. In addition to duties prescribed by State law or this Code, the Clerk shall serve as secretary to the Administration Committee of the Legislature and perform other duties as assigned by the Legislature.

§A2-12. County Attorney

There shall be a County Attorney who shall be appointed by the County Legislature pursuant to the County Law of the State of New York. The County Attorney shall be duly admitted to the practice of law in the State of New York and a resident of the County of Niagara. The County Attorney shall be the legal advisor to the County Legislature and shall carry out all duties as set out under the County Law of the State of New York or lawfully granted or imposed by code, local law or resolution of the County Legislature. The County Attorney shall appoint one or more Assistant County Attorneys as authorized by the County Legislature pursuant to the County Law of the State of New York.

ARTICLE III. EXECUTIVE BRANCH

§A3-1. County Manager

There shall be a County Manager who shall be the Chief Executive and Administrative head of the county government in accordance with Resolution IL-061-02. The County Manager shall have all the powers and shall perform all the duties of an administrative or executive nature vested in or imposed upon the County Legislature by State law, subject to such limitations as the County Legislature may adopt by local law.

§A3-2. County Manager; Election; Qualifications and Compensation

There shall be a County Manager who shall be appointed by the County Legislature pursuant to Resolution IL-061-02 for the term of office provided therein. The County Manager shall hold no other public office except as otherwise herein provided; shall give his whole time to the duties of the office, and shall receive therefore a compensation as fixed by the County Legislature. The term of office shall begin upon appointment and shall be for four (4) years.

§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
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. Sealer 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
18. Administrator of Mount View Health Facility

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) proscribe 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 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 term of four (4) years 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 has the authority and responsibility to conduct annual performance reviews and the continued employment of said department head shall be based upon favorable review by the County Manager.

6. The County Manager shall have the authority to recommend the County's annual budget to the County Legislature for adoption, upon presentment by the Budget Director in accordance with local law.

7. The County Manager shall be the County's agent for the purpose of County facility construction or leasing.

8. The County Manager shall coordinate and direct staff support for County Standing Committee work and for any new or special committees that are created by the legislature for a particular purpose.

§A3-4. Acting County Manager

The County Manager shall designate an Acting County Manager pursuant to the provisions of Resolution IL-061-02.

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. 4 of 2003 of the (County)(City)(Town)(Village) of ~~XXXXXXXXXXXX~~ Niagara was duly passed by the Niagara County Legislature on December 16 2003, 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____. 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.
(Elective Chief Executive Officer)*

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.
(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 _____, above.



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

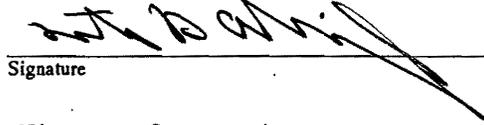
(Seal)

Date: 12/18/03

(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: December 18, 2003