

# STEUBEN COUNTY CHARTER

Approved by the Steuben County Electorate on November 5, 2013; Finally Adopted as  
Local Law No. 3 of 2013



# **CHARTER OF STEUBEN COUNTY**

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## ARTICLE I

### STEBEN COUNTY AND ITS GOVERNMENT

- 1.00 Title and Purpose.
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#### **Section 1.00. Title and Purpose.**

This Charter and all amendments hereto shall constitute the form of government for Steuben County and shall be known and cited as the "Steuben County Charter". Among the purposes of this Charter are the accomplishment of greater efficiency, economy, and responsibility in County government; the securing of all possible County home rule; and the separation of County legislative and executive functions.

#### **Section 1.01. County Status, Powers and Duties.**

The County of Steuben shall continue to be a municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by this Charter, Administrative Code or by applicable Federal, State, and local law and/or regulation.

#### **Section 1.02. Charter Effect on State Laws.**

Within the limits prescribed in Article 4 of the municipal home rule law, wherever and whenever any State law, general, special or Local law in effect, is inconsistent with this Charter or Administrative Code, such law shall be deemed to the extent of such inconsistency to be superseded by this Charter insofar as the County of Steuben and its government are affected.

#### **Section 1.03. Charter Effect on Local Laws and Resolutions.**

Except to the extent inconsistent with this Charter or the Administrative Code, all existing laws and resolutions heretofore adopted by the board of supervisors and/or Legislature of the County of Steuben shall continue in force until amended, superseded or repealed as provided herein. Any reference or incorporation of any law, rule, ordinance or resolution in this Charter shall not merge with this Charter; nor shall such reference or incorporation require any additional formality or process in order to amend, modify, extend, repeal or any other change to such law, rule ordinance or resolution than that originally utilized to enact such provision(s).

## ARTICLE II

### THE COUNTY LEGISLATURE

- 2.00 The County Legislature.
- 2.01 Qualifications of Legislators.
- 2.02 Size of County Legislature, Term of Office, Weighted Voting, Reapportionment of Seats.
- 2.03 Vacancies.
- 2.04 Officers and Committees of the County Legislature.
- 2.05 Clerk of the County Legislature.
- 2.06 Legislative Enactments.
- 2.07 Powers and Duties of the County Legislature.
- 2.08 Publication of Local Laws.
- 2.09 Official Newspapers.

#### **Section 2.00. The County Legislature.**

(a) The County Legislature shall be the elective governing body of the County. The Legislators elected from the various County Legislative districts, as more specifically hereinafter set forth, shall, when lawfully convened, constitute the legislative, appropriating, governing and policy determining body of Steuben County.

(b) Whenever the words "board" or "board of representatives" or words of similar import are used herein they shall mean the "Legislature".

(c) Whenever the word "representative" or words of similar import are used herein they shall mean "Legislator" or "member of the County legislature".

#### **Section 2.01. Qualifications of Legislators.**

County Legislators, at the time of their official nomination for election, shall be electors of the County of Steuben qualified to vote in general elections from the districts they seek to represent. They shall continuously thereafter while seeking or holding such office, be residents of the district from which they are nominated or elected. The Board of Elections of the County of Steuben shall be the judge of the above qualifications of the members of the County Legislature, and for that purpose shall have the power to subpoena witnesses, take testimony, and require the production of records. Decisions made by the Board of Elections in the exercise of powers granted by this section shall be subject to review by the courts as prescribed by applicable statute.

Notwithstanding any law to the contrary as limited only the provisions of Section 1.02 of this Charter, all mayors of cities and village and all supervisors of towns and all members of legislative bodies of all Cities, Towns and Villages who possess the above qualifications shall be eligible to be elected as members of the County Legislature. All other elected officials who otherwise possess the above qualifications shall not be eligible to be elected as members of the County Legislature.

Notwithstanding any law to the contrary as limited only to the provisions of Section 1.02 of this Charter, the number of terms of office for which an individual County Legislator is qualified to serve shall be limited to four (4) successive full terms of office as a Steuben County Legislator, without regard to beginning date of the initial full term. A “full term” is a term where the full number of years are to be served under the “term of office” as provided under this Charter, Article II Section 2.02. Any disqualification under this limitation of four (4) successive full terms shall only be operative against an individual for one full term immediately following a four (4) successive full terms limit.<sup>1</sup>

**Section 2.02. Size of County Legislature, Term of Office, Weighted Voting, Reapportionment of Seats.**

The County Legislature shall be composed of seventeen (17) members, divided on the basis of population among the County districts. Upon passage of the Charter, the County Legislature shall remain as currently constituted without altering the terms of its members nor creating any modification in any district, pattern of voting or of any of the laws, rules, and regulations affecting the legislature except as set forth in this Charter

The term of office for all County Legislators shall be four years.

The Steuben County Legislature shall continue to employ a weighted voting system, with voting strength calculated by dividing a Legislator’s district population as of the most recent Federal decennial census by a factor of ten (10).

After each official Federal decennial census, the County Legislature shall develop a plan for reapportionment, which shall contain recommendations as to the number and geographic boundaries of districts from which Steuben County Legislators shall be nominated and elected. In developing a reapportionment plan, the Steuben County Legislature shall strive to minimize population variance among districts and maintain reasonable geographic size of districts.

Options for reapportionment may include, but are not limited to, adjustment of weighted voting strength based on population change, executed by passage of a local law; changes in legislative district boundaries to account for population shifts, subject to mandatory referendum; and/or change in the number of legislators and legislative districts, subject to mandatory referendum.

**Section 2.03. Vacancies.**

A vacancy in the office of the County Legislator shall be filled by appointment of the County Legislature of a qualified elector of the County having the same political affiliation as the person last elected to such office and such person newly appointed shall also be a resident of the district to which such appointment is made and eligible under Section 2.02 hereof.

The person appointed by the County Legislature shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy at which election such vacancy can be filled for the remainder of the unexpired term, if any.

<sup>1</sup>Approved by Local Law No. 3 of 2015; Adopted April 27, 2015

#### **Section 2.04. Officers and Committees of the County Legislature.**

On January 1st of the even numbered year next following the election of any members of the County Legislature, or as soon thereafter as practicable, the County Legislature shall meet and organize by electing from among its members a chairman and such other officials as are deemed required. Notwithstanding the provisions of Section 200 of the County law or other applicable law, the Chairman, Vice Chairman, Majority and Minority Leaders may be paid an additional amount of salary which amount may be set from time to time in the tentative budget or within budgetary appropriations.

The Chairman shall appoint members of the County Legislature to serve on such legislative committees as are provided by the rules of the County Legislature.

#### **Section 2.05. Clerk of the County Legislature.**

The County Legislature shall appoint a Clerk of the Legislature who shall serve a term of five years. From time to time the Clerk shall appoint such additional personnel as are required for the efficient operation of the office of the clerk, within budgetary limitations.

#### **Section 2.06. Legislative Enactments.**

Every resolution before the County Legislature for enactment shall be in writing. Every written resolution shall have a title which shall concisely state the subject and contents thereof; shall completely embody the legislative initiatives from which it is preceded; shall expressly set forth the provisions of local law to be enacted; and shall expressly specify whether it is repealing or amending an existing local law.

The Rules of Procedure of the Legislature heretofore enacted shall continue in effect be amended, modified and vacated by the Legislature as it so elects from time to time to do.

#### **Section 2.07. Powers and Duties of the County Legislature.**

Except as otherwise provided in this Charter, the County Legislature shall have and exercise all such powers and duties conferred on the Steuben County board of supervisors, or generally conferred on a board of supervisors in the State of New York by applicable law, and all powers necessarily incidental thereto, and shall for the purposes of general laws conferring powers upon boards of supervisors be a board of supervisors.

The County Legislature shall have, but not by way of limitation, the following powers and duties which shall be broadly construed in favor of the legislature power:

1. To adopt by resolution all necessary rules and regulations for its conduct and procedure in accordance with Section 153 of the County law.
2. To make appropriations, incur indebtedness and adopt the budget.
3. To levy taxes, provided, however, that except as otherwise required by law the net cost of all general services rendered or made available by the County to the entire County shall be a charge against the entire County, and provided further that the net cost of all special services rendered or made available by the County to one or more

municipalities or special districts within such County shall be a charge against such municipalities or special districts or the taxpayers or taxable real property thereof.

4. To equalize real property taxes on the basis of information supplied by the New York State board of equalization and assessment, various municipalities within the County of Steuben, and various County administrative units.
5. To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, Charter laws, legalizing acts, ordinances or resolutions.
6. To adopt, amend, and repeal an Administrative Code which shall set forth the details of administration of the County government consistent with the provisions of this Charter and which may contain revisions, simplifications, consolidations, codifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this Charter or amendments thereto. The Administrative Code heretofore adopted shall remain unaffected by the adoption of this Charter as provided under Section 1.03 herein and may be amended, modified, repealed or reenacted according to the rules established by the County Legislature.
7. By local law to create, alter, combine or abolish County administrative units not headed by elective officers.
8. To fix the compensation of all officers and employees paid from County funds except members of the judiciary or those officials whose salaries are established in the Judiciary Law, and except that the compensation of any elected official paid from County funds shall not be decreased during his term of office.
9. To make or cause to be made such studies, audits and investigations as it deems to be in the best interest of the County, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study, audit or investigation.
10. To appoint, and at its pleasure to remove, the County Manager, and to appoint, or confirm, as the case may be, such other officials and employees as provided in this Charter or Administrative Code.
11. To fix the amount of bonds, if any, of officers and employees paid from County funds.
12. To determine and make provision for any matter of County government not otherwise provided for, without limitation due to lack of designating a specific power, including but not restricted to any necessary matter involved in the transition to this Charter form of government.

#### **Section 2.08. Publication of Local Laws.**

In addition to complying with Section 27 of the municipal home rule law, within ten days after the adoption of a local law by the County Legislature, the Clerk of the Legislature shall cause a copy of an abstract of the local law to be published in the official newspapers of the County.



**Section 2.09. Official Newspapers.**

Notwithstanding the provisions of Section 214 of the County law or other applicable law, the Legislature shall be required to designate annually two newspapers as the official newspapers for the publication of all local laws, notices and other matters required by law to be published.

## ARTICLE III

### THE COUNTY MANAGER

- 3.00 The County Manager; Appointment; Qualifications.
- 3.01 Term.
- 3.02 Powers and Duties.
- 3.03 Deputy County Manager.
- 3.04 Acting County Manager.

#### **Section 3.0. The County Manager; Appointment; Qualifications.**

The County Manager shall be the Chief Executive Officer of the County, and shall serve at the pleasure of the County Legislature. The County Manager shall have direct supervision over all County departments, offices, agencies and administrative units except as otherwise provided in this Charter, and shall hold no other public or political office.

At the time of appointment, the County Manager shall possess a Bachelor's Degree and at least six (6) years' experience, or a Master's Degree and at least four (4) years' experience, said experience shall be in an administrative or supervisory position which shall have involved budget oversight and responsibility for the development, implementation, and enforcement of policies, rules and regulations. The County Manager shall be appointed on the basis of these and such other qualifications as may be required for the responsibilities of the office.

#### **Section 3.1. Term.**

The County Manager shall be appointed by the County Legislature. A two-thirds majority of the whole membership of the County Legislature is required to appoint, suspend or remove the County Manager. The County Legislature may negotiate and by resolution authorize the Chairman to execute a written contract of employment with the County Manager for a term of up to, but not exceeding five years, such contract to contain terms and conditions of employment.

#### **Section 3.2. Powers and Duties.**

The County Manager shall be responsible to the County Legislature for the administration of all County affairs. In addition to such other powers and duties provided by this Charter or Administrative Code, the County Manager shall:

1. Serve as the Chief Executive Officer and administrative head of County government;
2. Appoint to serve at his/her pleasure the heads of all departments, unless otherwise specified in this Charter, subject to confirmation by the County Legislature, except such officers required to be elected, and except as otherwise provided in this Charter;
3. Appoint a Deputy County Manager and other support staff as deemed necessary for the operation of the Office of the County Manager, each of whom serves at his/her pleasure;
4. Exercise supervision and control of all administrative units, the heads of which he/she appoints, and prescribe the internal organization of such departments, offices and agencies;

5. Administer all local laws, legalizing acts, ordinances and resolutions of the County Legislature and all other acts as required by operation of law;
6. Serve as an advisor to the County Legislature and develop policy and procedural recommendations for consideration of the Legislature;
7. Undertake research and submit to the County Legislature reports and recommendations regarding governmental operations as he/she may deem appropriate or the County Legislature may request, and provide such assistance to the Legislature and its committees, as may be requested by the Legislature;
8. Serve as liaison between the Legislature and the boards, commissions and advisory committees established by the Legislature;
9. Maintain liaison and represent the Legislature in conjunction with the Chairman of the Legislature, in contacts with political subdivisions, State and Federal officials and agencies;
10. Be the Chief Budget Officer of the County and be responsible for the preparation of the operating and capital budgets of the County in manner provided by the Charter and Administrative Code;
11. In conjunction with the Personnel Officer, serve as the designated representatives of the County Legislature in the conduct of collective negotiations with organized employee representatives;
12. Report to the County Legislature annually at the close of the fiscal year or as soon thereafter as practicable, and at such other times as the County Legislature shall direct, the activities of the several administrative units of the County during the preceding fiscal year;
13. Have all necessary incidental powers to perform and exercise any of the duties and functions specified in this section or lawfully delegated;
14. Supervise Youth Bureau, Records Management, and County Auditor functions, with employees of these services appointed by the County Manager;
15. Perform such other duties and have such other powers as may be prescribed for by law, Administrative Code, ordinance or resolution, or as may be prescribed by the County Legislature.

### **Section 3.3. Deputy County Manager.**

The Deputy County Manager shall be appointed by and serves at the pleasure of the County Manager. The Deputy County Manager shall exercise the powers and duties of the County Manager in the event of the County Manger's absence from the County or inability to perform the duties of the office.

**Section 3.4. Acting County Manager.**

In the event that both the County Manager and Deputy County Manager are unable to perform the duties of the office, the Chairman, with the approval of the County Legislature, shall appoint a department head as the Acting County Manager. In no event, may a person serve as Acting County Manager for a period greater than sixty (60) days in a calendar year unless authorized by the County Legislature. The Acting County Manager shall have all the powers and duties of the County Manager during the period of his/her designation or until a new County Manager shall be appointed pursuant to law and shall qualify to assume that office.

## **ARTICLE IV**

### **ADMINISTRATIVE CODE**

The Steuben County Administrative Code, which prescribes County operations and procedures, shall remain in effect, unless otherwise altered or superseded by this Charter. The Administrative Code may be amended as detailed within Section 2.07, Subsection 6 of this Charter. The Administrative Code also contains the policies and procedures utilized by Steuben County in authorizing, executing, and managing contracts with private and nonprofit organizations.

## ARTICLE V

### DEPARTMENT OF LAW

- 5.00 Department of Law; County Attorney.
- 5.01 Powers and Duties.
- 5.02 Deputy and Assistant County Attorneys.

#### **Section 5.00. Department of Law; County Attorney.**

There shall be a Department of Law headed by the County Attorney, appointed by the County Legislature. The County Attorney shall have been admitted to practice law in the State of New York, and be a resident of the County of Steuben. The County Attorney shall serve a term of five years.

#### **Section 5.01. Powers and Duties.**

Except as otherwise provided in this Charter or the Administrative Code, the County Attorney shall be the legal advisor for the County and, on its behalf in County matters of a civil nature, advise all County officers and employees and where in the interest of the County, prepare all necessary papers and written instruments in connection therewith; prosecute or defend all action or proceedings of a civil nature brought by or against the County; execute tax foreclosure proceedings and perform such other additional and related duties as may be prescribed by law, by the County Manager, or by resolution of the County Legislature.

#### **Section 5.02. Deputy and Assistant County Attorneys.**

The County Attorney shall have the power to appoint such confidential Deputy County Attorneys and Assistant County Attorneys as shall be authorized by the County Legislature and within the appropriations made therefor. Such appointees shall be in the exempt class of the civil service, and shall serve at the pleasure of the County Attorney.

## ARTICLE VI

### DEPARTMENT OF FINANCE

- 6.00 Department of Finance; Commissioner.
- 6.01 Powers and duties.

#### **Section 6.00. Department of Finance; Commissioner.**

There shall be a Department of Finance headed by a Commissioner who shall be appointed by the County Legislature, on the basis of his administrative experience and qualifications for the office. The Commissioner shall be appointed for a five-year term.

#### **Section 6.01. Powers and Duties.**

The Commissioner of Finance shall have all the powers and perform all the duties conferred or imposed by law on a Chief Fiscal Officer, a County Treasurer, or Commissioner of Finance.

The Commissioner of Finance shall administer the fiscal affairs, records, and accounts of all departments; manage and coordinate debt issuance; prescribe approved methods of financial record keeping for all departments; collect, have custody of, deposit, and disburse all fees, revenues, and other funds except as otherwise provided by law; coordinate an annual examination of financial records by an independent certified public accountant; and certify and process the County payroll in an accurate and timely manner.

The Commissioner of Finance is also responsible for enforcement of the provisions of the Real Property Tax Law as it relates to recovery of delinquent property taxes, and shall coordinate with the County Attorney on the foreclosure of tax liens and the disposal of tax acquired property.

The Commissioner of Finance shall have the power to appoint such other deputies, assistants, and employees as may be necessary to perform the duties of the Office of the Commissioner of Finance and as shall be authorized by the Steuben County Legislature.

## ARTICLE VII

### DEPARTMENT OF PERSONNEL

- 7.00 Department of Personnel; Personnel Officer.
- 7.01 Powers and Duties.

#### **Section 7.00. Department of Personnel; Personnel Officer.**

There shall be a Department of Personnel, headed by a Personnel Officer, who shall be appointed by the County Manager, subject to confirmation by the Steuben County Legislature. The Personnel Officer shall be appointed to a six-year term on the basis of administrative experience and other qualifications appropriate to the responsibilities of the office and shall be directly responsible to the County Manager, unless otherwise required by law, for the implementation of policies established by the Steuben County Legislature.

#### **Section 7.01. Powers and Duties.**

The Personnel Officer shall have the power to appoint such deputies, assistants, and employees of the Department of Personnel as may be necessary to perform the duties of the office and as shall be authorized by the Steuben County Legislature. All deputies, assistants, and employees of the Department shall be directly responsible to the Personnel Officer. Except as otherwise provided in this Charter, the Personnel Officer shall have all the powers and perform all the duties of a Municipal Civil Service Commission as provided by the Civil Service Law of the State of New York. The Personnel Officer will also participate in collective bargaining matters with the County Manager.

The Personnel Officer shall also be responsible for the administration and maintenance of the following:

- (a) Agreements with recognized employee organizations concerning terms and conditions of employment;
- (b) Employee Orientation Program;
- (c) Salary Plans/Grids;
- (d) Job Postings;
- (e) Employee Benefits (in conjunction with County Manager and Commissioner of Finance).



## ARTICLE VIII

### DEPARTMENT OF SOCIAL SERVICES

- 8.00 Department of Social Services; Commissioner.
- 8.01 Powers and Duties.

#### **Section 8.00. Department of Social Services; Commissioner.**

There shall be a Department of Social Services headed by a Commissioner appointed by the County Manager, subject to confirmation by the County Legislature. The Commissioner of Social Services shall have received a bachelor's degree from an accredited college or university, and shall possess the qualifications required by State law. The Commissioner of Social Services shall be appointed for a five-year term and shall be directly responsible to the County Manager for the implementation of policies as directed by the Steuben County Legislature.

#### **Section 8.01. Powers and Duties.**

The Commissioner of Social Services shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation. The Commissioner shall have the power to appoint such Deputy Commissioners, assistants, and other employees as may be necessary to perform the duties of the office of Commissioner of Social Services and as shall be authorized by the Steuben County Legislature. Such Deputy Commissioners, assistants, and employees shall meet the qualifications prescribed by the Social Services Law and the Commissioner of Social Services of the State of New York. All Deputy Commissioners, assistants, attorneys, and other employees shall be directly responsible to the Commissioner of Social Services, except where otherwise provided by this Charter or applicable law and/or regulation. Except as otherwise provided in this Charter, the Commissioner of Social Services shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a County Commissioner of Social Services, and perform such other and related duties as may be required by the Steuben County Legislature.

The Commissioner of Social Services shall administer all social welfare services for qualified recipients, as required by State law or authorized by the Steuben County Legislature; maintain contracts with public or private agencies regarding the provision of aid to qualified individuals, as authorized by State law or the Steuben County Legislature; investigate suspected fraudulent applications for, and the receipt of, assistance and refer cases where appropriate to the District Attorney for prosecution; and manage such facilities as shall be operated for the purpose of providing assistance, except as otherwise specifically assigned in this Charter or by applicable law and/or regulation.

## ARTICLE IX

### DEPARTMENT OF COMMUNITY SERVICES

- 9.00 Department of Community Services; Community Services Board.
- 9.01 Powers and Duties.
- 9.02 Community Services Board.

#### **Section 9.00. Department of Community Services; Director of Community Services.**

There shall be a Department of Community Services headed by a Director of Community Services who shall be appointed by the County Manager, upon recommendation of the Community Services Board, subject to confirmation of the Steuben County Legislature. The Director shall be responsible to the Community Services Board for the implementation of policies established by said Legislature pursuant to duties prescribed within this Charter, and directly responsible to the County Manager for the implementation of financial, personnel, and administrative policies established by the Steuben County Legislature.

#### **Section 9.01. Powers and Duties.**

The Director of Community Services shall have the power to appoint such Deputy Directors, Medical Directors, assistants, and employees of the Department as shall be authorized by the Steuben County Legislature. Such persons shall meet the qualifications fixed by the Mental Hygiene Law and the State Office of Mental Health. All Deputies, assistants, and employees of the Department shall be directly responsible to the Director. The Director of Community Services shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a Director of Community Mental Health Services. The Director serves as Chief Executive Officer of the Local Government Unit and Community Mental Health Center as defined in Mental Hygiene Law.

The Director of Community Services shall:

- (a) Administer and maintain programs for the prevention, rehabilitation, and treatment of mental health, developmental disabilities, and alcohol and substance abuse within the County pursuant to administrative orders of funding authorities having the effect of law;
- (b) Manage contracts for services as recommended by the Community Services Board and authorized by the County Legislature;
- (c) Make recommendations to the Community Services Board on the availability and suitability of sources of funding for mental health facilities or services;
- (d) With the approval of the Community Services Board, the Steuben County Legislature, and the appropriate State Commissioner, establish and collect fees from a patient or a person or private or public agency responsible for his/her care for services rendered to such patient. Fees so collected shall be paid to the chief fiscal officer of the County at such times and in such manner as shall be required by said fiscal officer;

- (e) Perform such other and related duties as may be required by the Steuben County Legislature and/or the Community Services Board.

**Section 9.02. Community Services Board.**

There shall be an advisory Community Services Board consisting of nine (9) members appointed by the County Manager, subject to the confirmation of the Steuben County Legislature. Whenever practicable at least one member shall be a licensed physician and one member shall be a certified psychologist. The other members shall represent the community interest in all the problems of the mentally disabled and shall include representatives from community agencies for the mentally ill, the developmentally disabled, and those suffering from alcoholism and substance abuse.

The Community Services Board shall have the authority to draft bylaws for approval by the Steuben County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws must be kept on file in the office of the Clerk of the Steuben County Legislature. The Board shall meet regularly, at least quarterly, at the call of its chairperson.

The Community Services Board shall:

- (a) Assess the mental health needs of the community and develop programmatic and service recommendations to be considered by the County Manager and County Legislature;
- (b) Direct and administer the development of local comprehensive plans for mental health, developmental disabilities, and alcohol and substance abuse;
- (c) Assist in coordinating services between public and private agencies providing mental health services to ensure the needs of the population are met;
- (d) Recommend contracts for services to the County Manager and County Legislature;
- (e) Submit annually to the applicable State departments for approval and subsequent State aid, a report of long-range goals and specific intermediate-range plans as modified since the preceding report, along with a local services plan or unified services plan for the next local fiscal year;
- (f) Establish procedures for execution of the local services plan or the unified services plan;
- (g) Assist in the development of policy and have advisory authority over local services and facilities provided or supervised by it whether directly or through agreements; monitor the effectiveness of the services provided by other facilities of local government and by voluntary and private facilities which have been incorporated into its comprehensive program;
- (h) Serve as a center for the promotion of community and public understanding of mental disabilities and of the services necessary for their care and treatment;
- (i) Operate within the financial, personnel, and administrative policies as established by the Steuben County Legislature.

## **ARTICLE X**

### **DEPARTMENT OF PUBLIC WORKS**

10.00 Department of Public Works; Commissioner.

10.01 Powers and Duties of Commissioner of Public Works.

#### **Section 10.00. Department of Public Works; Commissioner**

There shall be a Department of Public Works headed by a Commissioner appointed by the County Manager subject to confirmation by the County Legislature. He/she shall be appointed to a term of five years.

#### **Section 10.01. Powers and Duties of Commissioner of Public Works.**

The Commissioner shall have the power to appoint such Deputy Commissioners, assistants, and other employees as may be necessary to perform the duties of the Department of Public Works and as shall be authorized by the Steuben County Legislature. Such subordinate employees will be directly responsible to the Commissioner.

The Commissioner of Public Works shall have all the powers and duties of the County Superintendent of Highways including but not limited to supervision of the construction, improvement, maintenance, repair, cleaning and lighting of all highways, roads, bridges, and grade separation structures, drains and drainage structures under jurisdictions of the County. The Commissioner shall have charge and supervision of the maintenance and operations of docks, marinas, parks, preserves, and other structures and facilities under the jurisdiction of the County. The Commissioner will also be responsible for supervision of engineering functions including design, survey, and other engineering related matters of structures under the jurisdiction of the County as provided by applicable law and/or regulation. The Commissioner will also be responsible for all duties related to solid waste, recycling, and pretreatment operations of the County.

## ARTICLE XI

### MUNICIPAL COOPERATION

- 11.00 Local Government Functions, Facilities and Powers not Transferred Altered or Impaired.
- 11.01 Contracts for Municipal Cooperation.

#### **Section 11.00. 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 is transferred, altered or impaired by this Charter or the Administrative Code.

#### **Section 11.01. Contracts for Municipal Cooperation.**

The County of Steuben shall have power to contract with any public corporation, including but not limited to a municipal, district, or public benefit corporation or with any 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. Each of such contracting parties shall bear a fair proportionate share of the costs as agreed upon.

## ARTICLE XII

### OTHER COUNTY FUNCTIONS

- 12.00 Department Configuration and Alterations.
- 12.01 911 Department; Director.
- 12.02 Board of Elections; Commissioners.
- 12.03 Department of Buildings and Grounds; Superintendent.
- 12.04 Office of the Conflict Defender; Conflict Defender.<sup>2</sup>
- 12.05 Office of the County Clerk; County Clerk.
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- 12.05 Department of Information Technology; Director.
- 12.09 Office for the Aging; Director.
- 12.10 Department of Planning; Director.
- 12.11 Department of Probation; Director.
- 12.12 Office of Public Defender; Public Defender.
- 12.13 Public Health & Nursing Services; Director.
- 12.14 Department of Purchasing; Director.
- 12.15 Real Property Tax Service Agency; Director.
- 12.13 Risk Manager.
- 12.17 Office of the Sheriff; Sheriff.
- 12.18 Veterans' Service Agency; Director.
- 12.19 Office of Weights and Measures; Director.
- 12.20 Other County Boards; Appointment.
- 12.21 Miscellaneous Administrative Functions.

#### **Section 12.00. Department Configuration and Alterations.**

The following departments represent the remaining administrative and operational units of Steuben County government. The structure, function, and responsibilities of any department, other than those headed by a duly elected official, may be altered, merged, or eliminated via a resolution of the County Legislature.

#### **Section 12.01. 911 Department; Director.**

There shall be a 911 Department, headed by a Director, responsible for emergency dispatch operations for Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

#### **Section 12.02. Board of Elections; Commissioners.**

There shall be a Steuben County Board of Elections constituted according to the State election law. The Commissioners of Election shall be appointed by the County Legislature in accordance with the State election law, and shall have and exercise all powers and duties now or hereafter conferred or imposed upon them by Administrative Code applicable law and/or regulation.

**Section 12.03. Department of Buildings and Grounds; Superintendent.**

There shall be a Department of Buildings and Grounds, headed by a Superintendent, responsible for the maintenance and management of County facilities. The Superintendent shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Superintendent shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

**Section 12.04. Office of the Conflict Defender; Conflict Defender.**

There shall be an Office of Conflict Defender, headed by a Conflict Defender, who shall be an attorney admitted to practice law in the State of New York and a resident of the County of Steuben, responsible for representing clients in legal matters where the Public Defender has determined that a conflict exists which disqualifies the Office of Public Defender from representation. Such representation shall be in accordance with any Plan of the Steuben County Bar Association adopted pursuant to Section 722 of the County Law. The Conflict Defender shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.<sup>2</sup>

**Section 12.05. Office of the County Clerk; County Clerk.**

There shall be an Office of the County Clerk, headed by a County Clerk who shall be duly elected by the residents of Steuben County. The County Clerk shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation.

**Section 12.06. Office of the District Attorney; District Attorney.**

There shall be an Office of the District Attorney, headed by a District Attorney who shall be duly elected by the residents of Steuben County. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation.

**Section 12.07. Office of Emergency Services; Director.**

There shall be an Office of Emergency Services, headed by a Director, responsible for coordination of disaster preparedness and response activities. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

**Section 12.08. Department of Information Technology; Director.**

There shall be a Department of Information Technology, headed by a Director, responsible for computer and telephonic operations. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

<sup>2</sup>Amended by Local Law No. 7 of 2015; Adopted October 26, 2015

**Section 12.09. Office for the Aging; Director.**

There shall be an Office for the Aging, headed by a Director, responsible for the administration of services for senior citizens of Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

**Section 12.10. Department of Planning; Director.**

There shall be a Department of Planning, headed by a Director, responsible for municipal planning and economic development operations, including possession of the duties of a County Planning Board. The Director shall also have oversight of the County Historian. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

**Section 12.11. Department of Probation; Director.**

There shall be a Department of Probation, headed by a Director, responsible for administration of probation and criminal diversion activities of the County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

**Section 12.12. Office of Public Defender; Public Defender.**

There shall be an Office of Public Defender, headed by a Public Defender, who shall be an attorney admitted to practice law in the State of New York and a resident of the County of Steuben, responsible for coordination and administration of indigent defense for Steuben County. The Public Defender shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Public Defender shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

**Section 12.13. Public Health & Nursing Services; Director.**

There shall be a Department of Public Health & Nursing Services, headed by a Director, responsible for administration and provision of public health and immunization services, as required by State law and/or local initiative. The Director shall also oversee the operations of Special Children's Services. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.



**Section 12.14. Department of Purchasing; Director.**

There shall be a Department of Purchasing, headed by a Director, responsible for coordination and oversight of all purchasing activities of Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

**Section 12.15. Real Property Tax Service Agency; Director.**

There shall be a Real Property Tax Service Agency, headed by a Director, responsible for coordination of operations related to property tax preparation and administration. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

**Section 12.16. Risk Manager.**

There shall be a Risk Manager, responsible for administration of insurance policies and plans, along with the workers' compensation program. The Risk Manager shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Risk Manager shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

**Section 12.17. Office of the Sheriff; Sheriff.**

There shall be an Office of the Sheriff, headed by a Sheriff who shall be duly elected by the residents of Steuben County. The Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law and/or regulation.

**Section 12.18. Veterans' Service Agency; Director.**

There shall be a Veterans' Service Agency, headed by a Director, responsible for coordination of programs for veterans of Steuben County. The Director shall be appointed by the County Manager, subject to confirmation of the Steuben County Legislature. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

**Section 12.19. Office of Weights and Measures; Director.**

There shall be an Office of Weights and Measures, under the supervision of a Director of Weights and Measures, who shall be appointed by the County Manager, subject to confirmation by the County Legislature. The Director shall also be the County Sealer of Weights and Measures, and shall have the powers and duties heretofore or hereafter conferred or imposed upon sealers of weights and measures by the County Manager, County Legislature, Administrative Code, and applicable law and/or regulation.

**Section 12.20. Other County Boards; Appointment.**

All other County Boards shall continue as provided by law, except that the members thereof required to be appointed by County government shall be appointed by the County Manager, with confirmation by the County Legislature.

**Section 12.21. Miscellaneous administrative functions.**

Administrative functions not otherwise assigned by this Charter or the Administrative Code shall be assigned by the County Manager to an appropriate administrative unit.

## ARTICLE XIII

### GENERAL AND TRANSITIONAL PROVISIONS

- 13.00 Adoption of Charter; When Effective.
- 13.01 Elective Office Abolished; Incumbent Continued.
- 13.02 Civil Service Rights Continued.
- 13.03 Continuity of Authority.
- 13.04 Charter Clarification.
- 13.05 Amendment of Charter.
- 13.06 Separability.
- 13.07 Charter to be Liberally Construed.

#### **Section 13.00. Adoption of Charter; When Effective.**

This Charter shall become effective only if approved by the affirmative vote of a majority of the qualified electors voting upon the Charter in the manner provided by law at an election to be held in November 2013, and when so approved, certified copies thereof are filed in the office of the Secretary of State.

#### **Section 13.01. Effective Office Abolished; Incumbent Continued.**

The elective office of County Treasurer is abolished, effective January 1, 2014. The person holding this office on January 1, 2013, shall be continued in the appointive position relating to their functions for the remainder of their respective terms of office, at the conclusion of which the provisions of this Charter relating to the appointment of a Commissioner of Finance shall take effect.

#### **Section 13.02. Civil Service Rights Continued.**

The civil service status and rights of all County employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this Charter. County officers currently within their term shall serve the remainder of such term, which will be unaffected by this Charter, except as provided in Section 13.01 of this Charter. Subsequent appointments shall be made in accordance with the Charter.

#### **Section 13.03. Continuity of Authority.**

All existing State, County, Local and other laws or enactments having the force of law shall continue in force until lawfully amended, modified, superseded or repealed, either by this Charter or an enactment adopted subsequent to its effective date. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible therefor under this Charter or the Administrative Code.

**Section 13.04. Charter Clarification.**

If any provision of this Charter is not clear or requires elaboration in its application to the County, the County Legislature may interpret such provision in a local law not inconsistent with the provisions of the municipal home rule law. Where any question arises concerning the transition to a Charter which is not provided for herein, the County Legislature may provide for such transition by a local law not inconsistent with the provisions of the municipal home rule law.

**Section 13.05. Amendment of Charter.**

This Charter may be amended in the manner provided by the municipal home rule law. Any proposed amendment which would have the effect of transferring a function or duty of the County, or of a City, Town, Village, District or other unit of local government wholly contained in the County, shall not become operative unless and until it is approved by mandatory referendum as required by the municipal home rule law. Any amendment which would create or abolish an elective County office, change the power or method or removing an elective County officer during his term of office, abolish, curtail or transfer to another County officer or agency any power of an elected County officer or change the method of election of the County Legislature, as provided in Article II of this Charter, shall be subject to a permissive referendum.

**Section 13.06. Separability.**

If any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the particular provision directly involved in the controversy.

**Section 13.07. Charter to be Liberally Construed.**

This Charter shall be liberally construed to achieve its objectives and purposes.