Local Law Filing

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

■**County**

❒~~**City**~~ **of** Seneca
❒~~**Town**~~
❒~~**Village**~~

Local Law No. 9 **of the year 2007.**

A local law providing for the creation of the position of county manager and setting the duties and term of office thereof.
(Insert Title)

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

■**County**

❒~~**City**~~ **of** Seneca **as Follows**
❒~~**Town**~~
❒~~**Village**~~

Section 1. Definitions

As used in this local law the following terms shall mean and include:

1. "County". The County of Seneca, State of New York.

2. "Administrative unit". An office, department, division, bureau, board or commission, or any other agency of county government.

3. "Department Head". The Public Officer serving as supervisor of an administrative unit.

4. "County act". A local law or resolution adopted by the Board of Supervisors.

5. "Local law". A law adopted by the Board of Supervisors pursuant to this local law or other act of the Board of Supervisors in accordance with the provisions of the Municipal Home Rule Law.

Section 2. County Manager Office Created and Continued

Pursuant to the provisions of the Municipal Home Rule Law, there is hereby created the position of County Manager, who will be directly responsible to the Board of Supervisors and as County Manager perform the functions of the Chief Administrative Officer on behalf of the Board of Supervisors with the Board of Supervisors retaining the final administrative authority. The County of Seneca shall hereinafter have a chief administrative officer to be called "County Manager." The Board of Supervisors shall

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appoint the County Manager and shall delegate duties to the County Manager.

Section 3. County Manager Term of Office

A. The term of office of the county manager shall be four years from and including the first day of January. Successors shall be appointed for terms of four years each.
B. Vacancies occurring otherwise than by expiration of term shall be filled by appointment by the Board of Supervisors for the unexpired portion of the term.
C. Every County Manager appointed for a fixed term may hold over and continue to discharge the duties of his/her office after the expiration of his/her term until his/her successor is chosen and has qualified, but after the expiration of such term the office shall be deemed vacant for the purpose of choosing a successor. All provisions of section five of the public officer's law not inconsistent with this local law shall apply.
D. At least six months prior to the end of the County Manager's term of office, the Board of Supervisors shall determine if it wishes to advertise and seek applications for the position or to reappoint the incumbent County Manager. The County Manager shall receive written notification of either decision. If it is the wish of the Board of Supervisors to seek applications for the position of County Manager, the Chairman of the Board shall appoint a Selection Committee.

Section 4. Qualifications

A person holding the office of County Manager shall have the qualifications prescribed by section three of the public officer's law, except that, at the time of his/her appointment the county manager need not be a resident of the county or the state, but shall become a resident within ninety (90) days of his/her taking office. No member of the Board of Supervisors shall, during the term for which he/she was elected, be eligible for appointment as County Manager.

A. In addition to the above qualifications, the County Manager shall meet or exceed the following qualifications:
    1. Possess a Master of Public Administration or Master of Business Administration or equivalent degree from an accredited college or university, and have four years of full-time management experience in a business, educational or governmental enterprise, OR
    2. Possess a Baccalaureate degree in a business-related field from an accredited college or university and have six years of full-time management experience in a business, educational or governmental enterprise, OR
    3. Possess an Associate's Degree in a business-related field from an accredited college or university and have ten years full-time management experience in a business, educational or governmental enterprise, OR
    4. Possess an equivalent combination of education and experience listed above.

B. 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.

C. The County Manager shall be in the exempt class for Civil Service purposes.

Section 5. Compensation

The County Manager shall be paid annual compensation to be fixed by the Board of Supervisors of the County in accordance with the provisions of the County Law of the State of New York.

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Section 6. No partisan elective office

The County Manager shall, during the term for which he/she was appointed, hold no partisan elective office.

Section 7. Annual Evaluation

The County Board of Supervisors shall conduct an annual performance evaluation of the County Manager. The results of the evaluation shall be made known to the County Manager in a timely fashion.

Section 8. Powers and Duties

The county manager, except as otherwise provided by this local law or by other law, shall perform all the duties now and hereafter conferred or imposed upon the office by law and directed by the Board of Supervisors and exercise all the powers and perform all the duties necessarily implied or incidental thereto. Such powers and duties will include but are not necessarily limited to the following:

1. Be the administrative head of the county government.

2. Make recommendations to the appropriate jurisdictional committees of the Board of Supervisors or the Chairman of the Board for appointments by the Board of Supervisors of all heads of units of County government not administered by an elected official.

3. Select and appoint staff as necessary and authorized by the Board of Supervisors.

4. Have supervision, direction and control over governmental functions of all administrative units of the county.

5. Have and exercise all functions, powers and duties as the sole budget officer under article seven of the County Law of the State of New York.

6. Audit all claims, accounts and demands which are made county charges by law and which otherwise would be audited by the Board of Supervisors, and to cause an audit and examination to be made of the books, records and papers of any administrative unit of the county and of any county officer or other official paid from county funds and report thereon to the Board of Supervisors with all convenient speed.

7. Execute and approve contracts, in the name of the County, up to $10,000.00, subject to the rules and regulations of the Board of Supervisors.

8. Be authorized to transfer funds within the budget within all object codes, up to $10,000.00, subject to the transfer policy of the Board of Supervisors.

9. Prepare the annual budget and provide for the appropriate budgetary controls to promote effective and efficient management, including authorization to transfer personnel both full and part-time, such transfers to be reported to the Board of Supervisors at their next regular session.

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10. Work in conjunction with and coordinate the activities of County department or unit heads and the administration of all units of County government to most efficiently implement the directives of the Board of Supervisors.

11. Transfer employees temporarily from one department, unit or office to another after consultation with the affected department heads and the County Personnel Officer.

12. Oversee all collective bargaining processes in County-based negotiations with organizations representing employees and be responsible for all personnel grievances.

13. Present to the Board of Supervisors, from time to time, such information concerning the affairs of the county as he/she may deem necessary or as the Board of Supervisors by county act may request.

14. Aid the Board of Supervisors in evaluating proposals presented to it and make recommendations concerning those proposals.

15. Serve as an advisor to the Board of Supervisors and to develop policy and procedural recommendations for consideration by the Board which will promote economy and efficiency in the operation of Seneca County government.

16. Undertake studies and submit to the Board of Supervisors reports and recommendations regarding governmental operations as he/she deems appropriate or as the Board may request.

17. Provide for the enforcement of all local laws, legalizing acts, ordinances and resolutions of the Board of Supervisors and all other actions required by operation of law.

18. Report to the Board of Supervisors the failure of any county officer or other official paid from county funds, or the head of any administrative unit, institution or other county agency to enforce any law or county act which such official has been charged to perform.

19. Promulgate such administrative regulations and procedures as needed to implement provisions of local laws, legalizing acts and resolutions and all other actions required by operation of law.

20. Attend all meetings of the Board of Supervisors and other meetings as requested by the Board of Supervisors.

21. Provide and coordinate all staff services to the Board of Supervisors, the Chairman of the Board, and the committees of the Board.

22. In conjunction with the Board of Supervisors, maintain liaison and represent the Board in contacts with political subdivisions and state and federal officials and agencies.

23. Serve as liaison between the Board of Supervisors and the boards, commissions and advisory committees established by the Board of Supervisors.

24. Perform such additional acts, duties and governmental functions as may be delegated to him/her by county act.

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Section 9. Acting County Manager

The County Manager shall designate the head of a department to perform the duties of the office during the absence or inability of the County Manager without additional compensation. In no event shall that person serve in excess of sixty consecutive (60) days without a resolution by the Board of Supervisors.

Section 10. Department Heads

A. The County Manager shall nominate the head of every department or office in the exempt class of the civil service which is appointed for a fixed term and not administered by an elective official. Nothing herein shall change the term of office of any such department head. The nomination of any such head of any department or office in a county shall by subject to confirmation by the Board of Supervisors by affirmative weighted vote of a majority of the whole number of members of the Board of Supervisors taken at a regular meeting or at a special meeting of the Board of Supervisors called for that purpose. All appointees shall be subject to the provisions of the Public Officer's Law of the State of New York.

B. Pending confirmation and qualification of a department head, any incumbent shall hold over and continue to discharge the duties of his/her office after the expiration of his/her term until his/her successor is chosen and has qualified, but after the expiration of such term the office shall be deemed vacant for the purpose of choosing his/her successor. All provisions of section five of the public officer's law not inconsistent with this local law shall apply.

C. The heads of such departments shall remain in the exempt class for Civil Service purposes.

Section 11. No Divestiture of Powers or Duties of the Board of Supervisors

Nothing contained in this local law shall operate or be constructed to divest the Board of Supervisors of Seneca County of any of its powers or duties.

Section 12. Separability of Provisions

If any clause, sentence, paragraph, subdivision, section or part of this local law be adjudged by any court or competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.

Section 13. Ballot Proposition

Upon the adoption of this local law the clerk of the Board of Supervisors is hereby directed to transmit, forthwith, to the board of elections, the form of the ballot proposition to be voted upon on the November ballot, in substantially the following form: "Proposition No. 1, submitting a local law for the 2007 to the electors of the County of Seneca. To be voted upon at the General Election of the County of Seneca, to be held on the 6th day of November, 2007. Shall there be approved and adopted in the County of Seneca, New York, a local law entitled 'A local law providing for the creation of the position of county manager and setting the duties and term of office thereof,' as enacted by the Board of Supervisors of the County of Seneca on (the date of enactment)."

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Section 14. Laws Repealed

Local Law No. 7 of the Year 1995, entitled "A local law to create the position of County Manager," and all acts amendatory thereof or supplemental thereto, including, but not limited to Local Law No. 3 of the Year 1996, Local Law No. 4 of the Year 2001, and Local Law No. 2 of the Year 2002, are hereby repealed except as otherwise provided herein. Such repeal shall take effect upon the effective date of this local law.

Section 15. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law of the State of New York.

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