

CHAUTAUQUA COUNTY ADMINISTRATIVE CODE

3/24/04

Article 1

SHORT TITLE, EFFECT AND DEFINITIONS

Section 1.00 Title

This Code and all amendments hereto shall be known and may be cited as the "Chautauqua County Administrative Code."

Section 1.01 Purposes

The purpose of this Code is to clarify the administration, organization and implementation of all functions of County government consistent with the provisions of the Chautauqua County Charter. The County Executive hereby established this administrative code to set forth the details of administration of the County government in harmony with the provisions of the Charter and which may contain revisions, simplifications, consolidations, codifications, and restatements of special laws, local laws, resolutions, rules and regulations consistent with the Charter or amendments thereto, except as to those functions under the control and supervision of the Sheriff, District Attorney, Comptroller, County Clerk, and Board of Elections. The County Executive may continue to maintain a manual of organization, policies and procedures to further document the organizational structure of the executive branch of County government. Such organizational structure as provided in the County Charter is grouped into the following five general areas: (1) Administrative Services; (2) Public Facilities; (3) Human Services; (4) Planning and Economic Development; and (5) Intermunicipal Services.

Section 1.02 Continued Status and Powers

The County of Chautauqua shall continue to be a municipal corporation and shall have all the powers and perform all the duties now or hereafter conferred or imposed upon it by the Charter or applicable law, together with all rights, privileges, functions and powers necessarily implied or incidental thereto.

Section 1.03 Effect of Charter 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 in effect, is inconsistent with the Charter or the Administrative Code, such law shall be deemed to the extent of such inconsistency to be superseded by the Charter or Administrative Code insofar as the County of Chautauqua and its government are affected.

Section 1.04 Existing Legislation Continued

Except to the extent to which they may be inconsistent with the provisions of the Code, all existing laws, resolutions, rules and regulations heretofore adopted, shall continue in force and effect until amended, superseded or repealed. All commissions, agencies, committees and boards of the County of Chautauqua shall cease three years from this law's filing in the Office of the Secretary of State, and every three years thereafter, unless the County Legislature, and County Executive, by affirmative action, extend and continue said commissions, agencies, committees, and boards.

Section 1.05 Charter and Administrative Code Review Commission

Not later than July 1, 2004, and every ten (10) years thereafter, a Charter and Administrative Code Review Commission shall be established to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to the County Charter and Administrative Code. The Commission

shall consist of not more than ten (10) citizens of Chautauqua County, with five (5) of said members appointed by the County Executive and the remaining five (5) appointed by the Legislature.

The Legislature shall provide such funds as are necessary for the Commission to conduct its business properly.

The County Executive, any Legislator, the Legislature collectively or any other person shall have the right to make recommendations for amendments, additions or revisions to the Charter and/or Code.

The report of such Commission shall be presented to the Executive and Legislature not later than July 1 of the year following the appointment.

Section 1.06 Definitions

All words and phrases in this Code and in the Charter are used according to their accepted and ordinary meaning except where another meaning is specifically indicated or manifest. Words used in the singular number and words used in the plural number, shall extend to and include the singular number. Words used in the masculine or feminine gender shall extend to and include the feminine or masculine.

Article 2 COUNTY EXECUTIVE

Section 2.00 County Executive

Section 2.01 Election and Qualifications

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Section 2.00 County Executive

The Executive power of the County shall be vested in a County Executive, who shall be responsible for the proper administration of all County affairs placed in the County Executive's charge by law or under any of the provisions of the County Charter and this Code.

Section 2.01 Election and Qualifications

The County Executive shall be elected from the County at large and, at the time of the County Executive's nomination and election and throughout the County Executive's term of office, be and remain a qualified elector of Chautauqua County. The County Executive's term of office shall begin with the first day of January following the County Executive's election and shall be for four (4) years. The County Executive shall hold no other elected public office and shall devote full time to the duties of the office.

Section 2.02 Powers and Duties of County Executive

The County Executive shall be responsible for the administration of all County affairs. In addition to any other powers and duties provided by this Charter the Executive shall:

(a) Be the chief executive officer and administrative head of the County government. The executive branch shall be responsible for the administration, organization, and implementation of all functions of County government, except: (1) those functions under the control and supervision of the Sheriff, District Attorney, Comptroller, County Clerk and Board of Elections; (2) the internal functions of the County Legislature; and (3) the administration of the public defender and coroners, which shall be the responsibility of the County Legislature.

(b) Establish the administration, organization, and implementation of all functions of the executive branch of County government grouped into the following five general areas: (1) Administrative Services; (2) Public Facilities; (3) Human Services; (4) Planning and Economic Development; and (5) Intermunicipal Services. The staffing, internal organization and reorganization of these areas, including the appointment of heads of such areas and powers and duties, are prescribed within.

(c) Secure proper accounting for all funds, provide for the audit of claims in a manner consistent with generally accepted accounting principles (including claims relating to the function of elected officials and the internal functions of the County Legislature), oversee the physical property of the County, exercise general supervision over all County institutions and agencies, and coordinate the various activities of the County and unify the management of its affairs.

(d) Execute and enforce all local laws and resolutions of the County Legislature and see that all laws required to be enforced through the County Legislature or other County officers, subject to its control, are faithfully executed.

(e) Be responsible for the preparation and submission to the County Legislature of the annual budget, and capital program and to execute the same in accordance with the resolutions and appropriations made by the County Legislature. For this purpose, the County Executive shall have the power to obtain estimates of revenue and expenditures from all department heads.

(f) Be responsible for keeping the County Legislature fully advised as to the financial condition and needs of the County and file with the County Legislature an annual report of the financial affairs of the County.

(g) Except as otherwise provided in the Charter, make, sign, execute, and implement all contracts on behalf of the County, within the amounts appropriated by the County Legislature, except that a contract for: (1) the sale, purchase or transfer of real property or (2) the provision of facilities or the rendering of services by or for any other government must be approved by the County Legislature. In lieu of individual approval of each contract described in (1) and (2) above, the County Legislature may adopt policies authorizing the County Executive to execute and implement classes of such contracts. The County Executive shall have the power to delegate the making, signing, executing and implementing of contracts to other County officers.

(h) Be responsible for procuring legal services for all County entities, officers, and employees, other than the County Legislature and its employees, including prosecution and defense of all civil matters or proceedings involving the County.

(i) Appoint an administrative Cabinet to assist the County Executive in the day-to-day management of County government; such cabinet may include representatives from each of the designated general areas and such others as deemed appropriate by the County Executive.

(j) Call such Cabinet to order and convene at the pleasure of the County Executive to keep the Executive abreast of the general functioning of the operations of their respective departments.

(k) Appoint subject to confirmation by the County Legislature only those positions required by New York State law.

(l) Be responsible for the negotiation of all employee contracts.

(m) Perform such other duties and have such other powers as may be prescribed for the County Executive by law, administrative code, or resolution.

(n) In addition to the powers set forth in this Code, have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of County government not otherwise specified in this Code.

(o) In the event of an occurrence of an emergency affecting the life, health or safety of inhabitants of Chautauqua County, the County Executive, except as otherwise provided by law, shall have the power to declare the same an emergency and to perform all acts which are necessary for the protection of such inhabitants and to sign all necessary papers to carry this authorization into effect.

(p) Have the power to temporarily transfer employees between programs and designate and authorize any officer or employee paid from County funds, except member, officers, and employees of the County Legislature, to attend an official or unofficial convention, conference or school for the betterment of County government. All necessary and actual expenses including but not limited to a registration fee, not exceeding the amount as fixed by the general municipal law and mileage as fixed by the Legislature shall be paid from County funds.

Section 2.03 Executive Approval

Within ten (10) days after receipt of a legislative resolution as passed by the County Legislature, the County Executive shall approve or veto the same. A local law as passed by the County Legislature shall be submitted to the County Executive for action in accordance with Sections 20 and 21 of the Municipal Home Rule Law.

(1) APPROVAL. If the legislative resolution is approved by the County Executive, the County Executive shall endorse the original document and return it to the Clerk of the County Legislature within ten (10) days from the date on which the County Executive received the resolution.

(2) VETO. If the local law or legislative resolution is vetoed by the County Executive, the County Executive shall so indicate in writing setting forth the objections thereto and within ten (10) days after receipt of such resolution, return the original document to the Clerk of the County Legislature, with the County Executive's veto message attached. In the case of adoption of the annual budget, the County Executive shall have power to veto specific items, which the County Legislature may have changed from the original budget proposal submitted by the County Executive, without vetoing the entire budget. The County Executive shall also have the power to veto a portion or all of the dollar amount of each specific item (whether or not changed by the County Legislature) in the budgets of other elected county-wide officials, without vetoing the entire budget.

(3) FAILURE TO ACT. In the event that the County Executive fails to approve or veto a legislative resolution within ten (10) days following the date of its receipt from the Clerk of the County Legislature, such resolution shall be deemed enacted.

Section 2.04 Acting County Executive

The County Executive shall designate, within thirty (30) days of assuming office, subject to confirmation by the County Legislature, an appointive officer of the executive branch to be known as the Acting County Executive to perform the duties of such Executive during the County Executive's absence from the County or inability to act for any reason. Such designation shall be made in writing and filed with the Clerk of the County Legislature and may be changed by the County Executive at any time by a new designation, confirmed by the County Legislature and filed with said Clerk. In the event that no Acting County Executive has been so designated or that the Acting County Executive is unable to serve during an absence or disability of the County Executive, the County Legislature shall designate such Acting Executive.

Section 2.05 Vacancy in the Office

If a vacancy occurs in the Office of County Executive, the County Executive's successor shall be chosen at the next general election scheduled not less than sixty (60) days after such vacancy occurs.

Section 2.06 Executive Assistants

The County Executive shall have the power to appoint, and at pleasure remove, two (2) Executive Assistants, who shall assist the County Executive in the execution of duties and in the administration of the affairs of the County for which the County Executive is responsible.

Section 2.07 Deputy County Executive and Chief Information Officer

There may be a Deputy County Executive and Chief Information Officer who serves as a member of the County Executive's Cabinet, the head of the Department of Information Technology Services, a department which oversees all technology and network-related data, voice and video communications systems, records management functions, and assists the County Executive in coordinating County operations. The position is appointed by the County Executive and the Deputy County Executive and Chief Information Officer serves at the pleasure of the County Executive. The Deputy County Executive and Chief Information Officer directly consults with and advises the County Executive on problems and decisions relative to County operations, assists in the formulation of County-wide policies and procedures, acts as the chief deputy administrator on behalf of the County Executive, and performs such other duties as delegated by the County Executive.

Section 2.08 Deputy County Executive

The position of Deputy County Executive is an additional title which may be designated by the County Executive for a department head in Range 10 or above of the Management Salary Plan. In addition to department head duties, the Deputy County Executive directly consults with and advises the County Executive on problems and decisions relative to County operations, assists in the formulation of County-wide policies and procedures, acts as the chief deputy administrator on behalf of the County Executive, and performs such other duties as delegated by the County Executive.

Article 3

ADMINISTRATIVE SERVICES

There shall be a member of the County Executive's Cabinet from the Administrative Services branch of County government. Such person shall be responsible for the oversight of Office of Management and Budget, the Department of Law, the Department of Finance, the Department of Information Technology Services, the Department of Human Resources, and the County Historian.

Section 3.00 General Administrative Units

Office of Management and Budget, Law, Finance, Information Technology Services, Human Resources, and County Historian.

Section 3.00A Office of Management and Budget

There may be an Office of Management and Budget. The Office of Management and Budget shall perform the duties of the Division of Budget. The County Executive may appoint a Director of Office of Management and Budget who shall serve at the pleasure of the County Executive. The Director of Office of Management and Budget serves on the County Executive's Cabinet and is responsible to provide highly-efficient, cost-effective, coordinated delivery of Administrative Services within County Government. The Director of Office of Management

and Budget shall oversee County budgetary activities and is responsible for preparing Program Outcome Statements, Service Delivery Plans, Indirect Cost Allocation Plans and Annual Budgets. The Director of Office of Management and Budget shall assist the County Executive in preparation of the County's Tentative Budget and Budget Message.

Section 3.00B Department of Law

Section 3.01B Powers and Duties

Section 3.02B Deputy County Attorney

Section 3.03B Other County Attorneys

Section 3.00B Department of Law

There shall be a County Attorney appointed by the County Executive. There may be a Department of Law, under direction of the County Attorney. The County Attorney shall be duly admitted to the practice of law in New York State and be a resident of Chautauqua County at the time of appointment. The County Attorney shall serve at the pleasure of the County Executive and shall have the power to appoint such deputies, assistants and employees of the department as may be necessary to implement the duties of the office as outlined in this Section and as shall be authorized by the County Executive.

Section 3.01B Powers and Duties

All legal resources of county government shall be centered in the Department of Law, which shall constitute a pool of legal talent, responsible for providing to the County legal services and advice of any nature. Except as otherwise provided in this Charter or Code, the County Attorney shall be the sole legal advisor for and represent the County and every agency and office thereof in County matters of a civil nature; advise and represent all County officers and employees in relation to their official duties and, where in the interest of the County, prepare all necessary papers and written instruments in connection therewith; prosecute or defend all actions or proceedings of a civil nature brought by or against the County; when authorized by the County Executive or the Legislature, the County Attorney shall prosecute or defend all proceedings of a civil nature brought against the Legislature or any County Officer or employee whose compensation is paid from County funds for any official act except as otherwise provided by the Charter, Code or any applicable act of the Legislature not inconsistent with the Charter or Code; on request prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the Legislature together with notice and other items in connection therewith; and perform such other and related duties as may be prescribed by law not inconsistent with a Charter or Code by the County Executive, or by ordinance or resolution of the Legislature. The County Attorney shall supervise the Law Library.

Whenever the interest of the Legislature, the County Executive, or the County are inconsistent with the interest of any County officer or employee paid compensation from the County funds, the County Attorney shall represent the interests of the County Executive and the County. In such case, the officer or employee, including an officer or employee of the County Legislature, may at such employee's own expense employ an attorney-at-law.

The County Attorney shall have all the powers and duties and shall be subject to all obligations and liabilities heretofore or hereafter lawfully granted or imposed by the Charter, Code, local law, ordinance or resolution of the Legislature, order or direction of the County Executive or any applicable provision of any act of the Legislature not inconsistent with the Charter or Code.

The County Attorney may employ special counsel, professional, technical, or other consultant services and incur such expenses in connection therewith as deemed necessary for the performance of the duties.

Section 3.02B Deputy County Attorneys

The County Attorney may appoint such Deputy County Attorneys and assign them such duties pertaining to the office as the County Attorney may decide. The County Attorney may direct the location of their home office and that they work directly with other County officers.

Every appointment of a deputy shall be in writing and shall be filed with the County Executive and the Clerk of the Legislature. Any such appointment may be revoked by the County Attorney at any time by filing a written revocation with the County Executive and the Clerk of Legislature. If more than one deputy is appointed, the County Attorney shall designate in writing and file with the County Executive and the Clerk of the Legislature the order in which they may exercise the powers and duties of the County Attorney in the event of a vacancy, or the absence or inability of such County Attorney to perform the duties of the office.

Section 3.03B Other County Attorneys

Where the nature of the work is so specialized, or the work load so great that it is necessary to assign attorneys to work full time with a given department, such as the Social Services Department, the County Attorney shall have the power of designating such individuals, reviewing their performance and recommending dismissal, if there is justifiable cause.

Section 3.00C Department of Finance: Organization

Section 3.01C Powers and Duties of Director of Finance

Section 3.02C Division of the Treasury

Section 3.03C Division of Taxation

Section 3.04C Division of Insurance Service

Section 3.05C Division of Budget

Section 3.06C Division of Purchasing

Section 3.07C Purchasing Procedure

Section 3.00C Department of Finance: Organization

There shall be a Department of Finance. Its Director is the County's Chief Fiscal Officer and shall be appointed by the County Executive, subject to confirmation by the Chautauqua County Legislature. Such Director will serve at the pleasure of the County Executive. The Department may be organized into the following divisions:

- Division of the Treasury
- Division of Taxation
- Division of Insurance Services
- Division of Budget
- Division of Purchasing

(a) The Division of the Treasury may be headed by a Deputy Director, who may also be known as the First Deputy Director of Finance, appointed by the Director of Finance.

(b) The Division of Taxation will be headed by a Deputy Director who may also be known as the Director of Real Property Tax Services, and who will be appointed by the County Executive and serve in full accordance with Article 15-A of the Real Property Tax Law.

(c) The Division of Insurance Services may be headed by a Deputy Director, who may also be known as the Insurance Administrator, appointed by the Director of Finance.

(d) The Division of Budget may be headed by an Office for Management and Budget (OMB) Director and shall be appointed by the County Executive. Such OMB Director will serve at the pleasure of the County Executive.

(e) Each Deputy Director shall act for and on behalf of the Director of Finance with respect to the Deputy's division.

Section 3.01C Powers and Duties of Director of Finance

The Director of Finance shall:

(a) Have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the County Charter, this Code, local law, ordinance or resolution of the Legislature, order or direction of the County Executive, or any applicable provision of any act of the Legislature not inconsistent with the County Charter or this Code. Such powers, duties, obligations and liabilities shall include, but shall not be limited to, any power, duty, obligation or liability now or hereafter required by any law to be performed by or imposed upon a County Treasurer, the Chief Fiscal Officer of a county, or other county officers in relation to the collection of taxes.

(b) Have charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, taxes, revenues and other funds of the County or for which the County is responsible. The Director shall have charge of the performance of all other duties required by any law to be performed by a county treasurer, or other county officer in relation to the collection of taxes, except as they may be inconsistent with the Charter or Code.

(c) Have custody of all insurance policies, security bonds, and such other County instruments as the County Executive may direct.

(d) Shall audit claims, except for those previously audited in the Department of Social Services for state-mandated and assisted programs, and payrolls for services rendered the County, or for salaries of any County employees or County officer. Such audit will consist of verifying services or items purchased have been properly authorized and that it has been received or performed as indicated by written certification from the head of the appropriate unit or deputy to the effect that each person named therein was regularly appointed to the position held, that the services specified were actually performed and that the compensation stated in such claim or payroll is correct and true - or by a receiving document. No payroll shall be approved for payment until the Human Resources Director or designee has certified that the persons named therein are employed in their respective positions in accordance with law and rules made pursuant to law.

(e) Shall prepare and authorize payments of the payroll and all other lawful claims or charges against the County or against funds for which the County is responsible. No payment shall be prepared by the Director for the settlement of any claim against or obligation of the County, unless it states particularly against which of such funds it is drawn and the appropriation account chargeable therewith. No fund or appropriation account shall be overdrawn nor shall any check be drawn against one fund or appropriation to pay a claim chargeable to another.

(f) Shall prescribe such accounting methods, systems, forms and reports, and copies and distribution of same for all administrative units in the County, as seems necessary for proper control and administration.

(g) Depository and Investment Undertakings- The Director of Finance shall deposit and invest funds in accordance with resolutions duly adopted by the Legislature and in accordance with applicable provision of New York State Law and regulations adopted by the New York State Comptroller.

Whenever, in the judgment of the Director of Finance, additional facilities for the safeguarding of securities are required, a safety deposit box shall be rented and the cost thereof shall be paid as a County charge. The Director

of Finance shall not be liable for the loss of public funds of the County by reason of the default or insolvency of a designated Depository, provided such funds have been deposited in accordance with the provisions of this section.

Section 3.02C Division of the Treasury

The Division of the Treasury may be headed by a Deputy Director who may also be known as the First Deputy Director of Finance, who shall have charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, taxes, revenues and other funds of the County or for which the County is responsible. The Deputy Director shall have charge of the performance of all other duties required by any law to be performed by a county treasurer or other officer in relation to the collection of taxes. The Deputy Director shall oversee revolving petty cash funds which the County Executive may establish for any administrative unit or subdivision thereof or officer in such amount as is deemed necessary, upon approval of the County Legislature. Any such petty cash fund shall otherwise continue in existence from year to year until abolished. Expenditures from a petty cash fund may be made only for payment in advance of audit of properly itemized and verified or certified bills for materials, supplies or services other than employment, furnished to the County for the conduct of its affairs and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. Moneys in any such fund also may be used for the purpose of making change when such is required in the performance of official duties. Moneys in any such fund established for the office of the Sheriff, District Attorney, or any County peace officer may also be used, in an emergency, to advance travel funds to personnel of the sheriff's or district attorney's office or any County peace officer when required to travel on official business. Upon audit of bills by the Department of Finance, such petty cash fund shall be reimbursed from the appropriate budgetary item or items in an amount equal to the amount audited and allowed. Any of such bills or any portion thereof as shall be disallowed upon audit shall be the personal liability of the official responsible for the use of the petty cash fund from which payment in account thereof was made. Such official shall forthwith reimburse such petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to such official after the disallowance of any such bills or any portion thereof, the amount of such disallowance shall be such salary payment, and, if necessary, subsequent salary payments, and paid into such petty cash fund until an amount equal to the amount of such disallowance has been repaid to such petty cash fund.

On or before the 15th of the month following, excepting the month of January which shall be by the 31st of that month, submit to the Legislature, the County Executive and the Comptroller, a statement of the financial condition of the County as of the last day of the previous month. The statement shall include such information as the County Executive or the Comptroller may request or the legislature, by resolution, may direct.

Section 3.03C Division of Taxation

The Division of Taxation shall be headed by a Deputy Director, who may also be known as the Director of Real Property Tax Services. The Director of Real Property Tax Services shall serve as the County's Tax Enforcement Officer and such Director's duties shall include ascertaining, spreading, entering and extending taxes levied by the Legislature for all State, County, Town and special district purposes, and including the preparation of tax rolls and the issuance of tax bills for such taxes.

Section 3.04C Division of Insurance Services

The Division of Insurance may be headed by a Deputy Director who may also be known as the Insurance Administrator. The Deputy Director's duties shall include administration of the Liability and Casualty Reserve Fund; all of the County's health plans; the County Self-Insured Worker's Compensation Insurance Plan; the Municipal Self-Insured Health Insurance Plan; and the responsibility for obtaining such additional insurance policies

for property, liability, health, automobile and others as necessary. The Deputy Director shall also be responsible for the development and administration of a risk management program and perform such other and related duties as may be prescribed by the Director of Finance.

Section 3.05C Division of Budget

A Division of Budget may be created with duties fulfilled by a separately appointed OMB Director, appointed by the County Executive. Such OMB Director shall be responsible to design, prepare and distribute budget requests and instructions and make appropriate recommendations. The OMB Director shall assist the County Executive in preparation of the County's Tentative Budget and Budget Message.

Section 3.06C Division of Purchasing

The Division of Purchasing may be directed by a Deputy Director of Purchasing who may serve as the County Purchasing Director and have the following powers and duties:

- (a) Establish and maintain a central purchasing system.
- (b) Establish and enforce standard specifications with respect to supplies, materials, equipment and services.
- (c) Inspect, supervise or otherwise provide for the inspection of all deliveries of supplies, materials and equipment and establish their conformance to contract in respect to quality, quantity or other terms.
- (d) Sell or lease any surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by the Legislature.
- (e) Upon the request of any city, town, village, school district or other unit of local government, act as purchasing agent for the same either for all or part of its purchases, upon such conditions as established by the Legislature.
- (f) Process contracts to be signed by the County Executive as they relate to the buying, selling or leasing of supplies, materials, equipment and services.
- (g) Provide for the proper disposal of any unused or excess equipment through appropriate means.
- (h) Perform all other duties of a County purchasing agent under the laws of the State of New York, not inconsistent with the provisions of this Code.
- (i) Prepare procedural regulations to amplify the provision of this section and all purchasing, receiving, disbursement and stores procedures, and submit such regulations to the County Executive for approval - and upon such approval, promulgate and enforce compliance with such regulations.

Section 3.07C Purchasing Procedure

(a) The Division of Purchasing shall make all purchases of and contracts for supplies, materials, equipment and services for the County, the Legislature or any administrative unit for which the County shall be liable for payment. The Division of Purchasing shall make all such purchases or contracts of purchase in accordance with the competitive bidding requirements and limits set forth in Article 5-a of the General Municipal Law by publishing an advertisement when required by the General Municipal Law, in the County's official newspapers, which advertisement shall invite sealed bids for the same, provided that the purchase of perishable foodstuffs, drugs and medical supplies may be made without public advertisement when expressly permitted by written order of the County Executive.

(b) Such advertisement shall contain a statement of the time when and the place where all bids received pursuant to such notice will be publicly opened and read. The sealed envelope containing each bid shall be clearly marked "BID". At least five (5) days shall elapse between the first publication of such advertisement and the date specified therein for the opening and reading of bids. The Deputy Director of Purchasing or the person

designated by the Deputy Director to open the bids at the time and place specified shall make a record of such bids. The contract shall be awarded to the lowest responsible bidder furnishing the required security, if any, after advertising for the sealed bids in the manner provided by this section. In cases where two or more responsible bidders furnishing the required security, if any, submit identical bid as to price, the contract may be awarded to any of such bidders. The Deputy Director of Purchasing may with discretion reject all bids and re-advertise for new bids in the manner provided by this section.

(c) The Deputy Director of Purchasing may purchase supplies, materials, equipment or services to be rendered by contract without the advertisement required by Paragraphs 1 and 2 of this section in the following cases: (1) When the County Executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health or safety of inhabitants of the County of Chautauqua require immediate action which cannot await competitive bidding; (2) When, by resolution adopted by a vote of at least two-thirds (2/3) of the whole number, the Legislature has determined it to be impracticable to advertise for such bids; (3) When through some accident or other unforeseen circumstances the heating, air conditioning, ventilating, lighting, plumbing system, machinery, equipment or other apparatus of any of the public buildings of the County shall become disabled or any of such buildings or parts thereof shall be rendered untenable by reason of the sudden action of the elements or for some cause due to explosion or fire or from generally unforeseeable events creating an emergency, and the administrative head in charge of such building shall certify in writing to the Deputy Director of Purchasing such emergency and the necessity of immediate repair to the defect or defects, and such certificate of necessity is approved by the County Executive, or (4) Whenever the machinery, equipment or other apparatus of the Department of Public Facilities becomes disabled or worn and requires immediate repair, making necessary the immediate purchase of parts for repairs to the same, the Director of Public Facilities shall certify in writing to the Deputy Director of Purchasing of the necessity of such immediate repair and/or replacement and such certificate of necessity is approved by the County Executive.

(d) Upon the adoption of a resolution by a vote of at least two-thirds (2/3) of the whole number of the Legislature stating that for reasons of efficiency and economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, materials, and/or services in excess of the amount fixed by the Legislature pursuant to Paragraph 1 of this section may be awarded to the lowest responsible bidder furnishing the required security, if any, after advertisement for sealed bids therefore in the manner provided by the section. Such resolution shall contain a full explanation of the reasons for its adoption.

(e) Every effort shall be made to meet purchase requirements, without competitive bids from the State Department of Corrections and charitable non-profit agencies for the blind, incorporated under the laws of the State of New York, and through the State Office of General Services. Where quality, price and delivery service is not satisfactory, however, in the opinion of the Director of Finance, the above does not apply.

(f) Surplus and second hand supplies, materials or equipment may be purchased without competitive bidding from the Federal government, the State of New York or from any other political subdivision or district.

(g) Except as otherwise specifically provided, no supplies, materials or equipment shall be delivered except as specifically ordered by the Division of Purchasing. No supplies, materials or equipment shall be delivered by such division to any administrative unit, officer or employee except upon a requisition in writing.

(h) The Finance Department shall not audit any bill for supplies, materials, equipment or services unless it shall fully appear that such items or services were ordered by the Deputy Director of Purchasing and the Purchasing Director has certified the prices at which he made the purchases. All requisitions received by the Deputy

Director of Purchasing shall be filed in the office and open to public inspection under reasonable regulations for their safety and preservation. The Deputy Director of Purchasing shall make no purchase until the Deputy Director has first secured the certification of the Director of Finance that there are unencumbered balances available for the purchase.

(i) No bid for materials, supplies, equipment or services may be accepted from or contract therefore awarded to any person who is in arrears in taxes or upon debt or contract to or with the County or who has defaulted as surety or otherwise upon a contract or obligation to the County, or who may be otherwise disqualified under any act of the State Legislature not inconsistent with the Charter or Code.

Section 3.00D Department of Information Technology Services

Section 3.01D Division of Office Services & Print Shop

Section 3.02D Division of Records Management

Section 3.03D Division of Communications

Section 3.00D Department of Information Technology Services

There may be a Department of Information Technology Services and its director, who may hold the title of Chief Information Officer (CIO), shall be appointed by and serve at the pleasure of the County Executive. The Director of Information Technology Services shall have the power to appoint and remove such deputies, assistants and employees as shall be authorized by the County Executive. The Department of Information Technology Services shall be responsible for all centralized technology functions, including coordinating and overseeing all projects and duties related to all county technology systems regardless if owned or leased, information systems, network and communications infrastructure, and related functions. Such further duties include:

(a) Establish and maintain the County's technology related policies and a technology strategic plan.

(b) Responsible for recommending standards and coordinates, oversees and approves all technology-related purchases regarding computer hardware, software, peripherals, connectivity, systems security, and disaster planning, ensuring that all systems are compatible with overall county needs.

(c) Responsible for recommending standards and coordinates and oversees all technology-related purchases and operation of computer hardware, software, peripherals and technology-related services.

(d) Responsible for maintaining, updating, operation and security of the County's enterprise computing facilities.

(e) Coordinate efforts of County Departments in the automation of functions and training of personnel in respect to Information Technology Systems.

Section 3.01D Division of Office Services

The Division of Office Services may be directed by a Deputy Director of Office Services and shall provide a variety of services available to all County departments, including but not limited to central stores, mailing, printing, reproduction, and courier services. The Deputy Director of Office Services may:

(a) Maintain and operate facilities for central mailing, collection and dispersal of mail and courier service, except for electronic mail.

(b) Maintain and operate a print shop and reproduction facilities.

(c) Disperse and transfer supplies, materials and equipment in such Deputy's custody among the administrative units upon receipt of properly executed forms.

(d) Maintain storage facilities and appropriate records for all materials, supplies and equipment related to office use. In this connection, the Deputy Director will work closely with the Division of Purchasing to determine office equipment needs, maintaining a record of the location of all office equipment and indicating when replacements are needed or standardization seems desirable.

(e) Staff the central switchboard.

(f) Coordinate service calls and repair work related to office equipment. Requests for such service will be channeled to the Deputy Director who will arrange for repair or replacement.

(g) Maintain rules for Office Equipment - The Division of Office Services will maintain a record for internal processing of all items with a value in excess of \$5000 for the County's financial statements. Records will comply with applicable minimum Governmental Accounting Standards Board (GASB) requirements and will work in conjunction with the County's approved Capital Assets Inventory System. Portable equipment will continue to be identified as County Property.

Section 3.02D Division of Records Management

The Division of Records Management is responsible for the proper storage, maintenance and retrieval of County records. The Division may be led by a Records Management Coordinator who shall provide the following:

- (a) planning, development and oversight for a Records Center, where the County stores permanent records and those with varying retention schedules;
- (b) development and maintenance of a disaster recovery plan for records;
- (c) consultation and advice to County department directors and managers on the proper storage and retention of records in keeping with the New York State Archives schedules;
- (d) Serve as the County's official liaison on the Records Advisory Board and work in conjunction with the County's Records Management Officer (RMO).

Section 3.03D Division of Communications

The Division of Communications is responsible for central voice/telephone services. This includes:

- (a) Responsibility for the operation and maintenance of all County government telecommunications resources including but not limited to, telephone and fax services;
- (b) Responsibility for the moves, adds and changes at facilities and the oversight for maintenance agreements with outside vendors for telecommunications-related services;
- (c) Responsibility for agreements for local and long-distance services and the proper billing of such services to the user base;
- (d) Responsibility for the planning, procurement, implementation, and maintenance of

Section 3.00E Department of Human Resources- Organization

Section 3.01E Powers and Duties of Director

Section 3.02E Information and Aid

Section 3.03E Personnel Roster

Section 3.04E Certification of Payrolls

Section 3.05E Salary Plan

Section 3.06E Labor Negotiations

Section 3.00E Department of Human Resources - Organization

There may be a Department of Human Resources. Its Director shall be appointed by the County Executive subject to confirmation by the County Legislature. The Director shall serve in accordance with State Law and shall have the power to appoint such deputies, assistants and employees of the department as may be necessary to implement the duties of the office and as shall be authorized by the County Executive.

Section 3.01E Powers and Duties of Director

Except as otherwise provided in this Code, the Director shall be responsible for the administration of personnel benefits, assisting in the negotiation of employee contracts, training of personnel, health, safety, long range staff planning, and all other personnel functions assigned by State law to County and municipal civil service commission or personnel officer.

The Director of Human Resources shall also be responsible for administering the County's affirmative action policy in accordance with the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and as may be further amended.

Section 3.02E Information and Aid

It shall be the duty of the head of each administrative unit of the county to furnish the Director of Human Resources with such information and aid as such Director may deem necessary in the performance of the duties of this office.

Section 3.03E Personnel Roster

The Director of Human Resources shall establish and maintain a roster of all county officers and employees. Such roster shall show for each county officer and employee the date of appointment, the title of the position, the rate of pay and rate changes, promotions, demotions, transfers, and any other information the Director of Human Resources considers necessary for a proper personnel record. At least annually, the Director of Human Resources shall establish or update, as part of the public records of the County, an organizational chart for the County showing current areas of responsibilities and interrelationships among the various agencies and offices.

Section 3.04E Certification of Payrolls

No payroll, estimate, or account providing for the payment of wages or salaries, except for the Board of Elections payroll, shall be authorized for payment by the Director of Finance unless it bears the certificate of the Director of Human Resources that the persons named therein have been, during the period specified, employed in their respective positions in accordance with law and rules made pursuant to law.

Section 3.05E Salary Plan

The Director of Human Resources will maintain and administer a job evaluation and salary plan for county employees and periodically resurvey prevailing positions and salaries and recommend amendments to eliminate inequities, recruiting difficulties, and employee turnover problems.

Section 3.06E Labor Negotiations

The Director of Human Resources shall monitor performance of agreements with recognized employee representatives concerning conditions of employment, wages, employees' sick leave, vacation, health insurance, retirement plans, and such other matters as may come before the Director; counsel with department heads and the County Executive as to employee/employer responsibilities and methods for meeting individual problems;

advise the County Executive regarding needed changes in agreements and the impact of other proposed changes; and conduct negotiations with employee representatives as designated by the County Executive.

Section 3.00F County Historian

There may be appointed, by the County Executive, a County Historian to serve at the pleasure of the County Executive. The County Historian shall collect and preserve material relating to the history of the County; notify the County of any material of local historic value which should be acquired for preservation; report annually, as provided by law, to the County Executive and the State Historian, of the work accomplished in the preceding year; coordinate the activities of local historians in towns and villages within the County in performing the historical work recommended by the State Historian and cooperate to the extent permissible with the Historical societies and museums in the County in their efforts to obtain Charters and in their other endeavors, prepare and present to the County Legislature a report of the important occurrences within the County each calendar year, assist to the extent permissible with individuals and groups in the effort to have buildings or areas placed on the National Register of Historic places and such other duties as may be now or hereafter be required by applicable law.

Upon retirement or removal from office, the County Historian shall turn over to the County Executive, the County Executive's designee or the County Historian's successor, all materials gathered during the Historian's incumbency and all correspondence thereto relating.

(a) Historical Advisory Board

There may be a Historical Advisory Board, appointed by the County Executive subject to confirmation by the County Legislature, to perform the duties as may be prescribed by the County Legislature, County Executive, or law.

Article 4

PUBLIC FACILITIES

There shall be a member of the County Executive's Cabinet from the Public Facilities branch of County government. Such Cabinet member shall be appointed by the County Executive and shall serve at the County Executive's pleasure and shall be responsible for oversight of the Department of Public Facilities, including oversight over the County's roads and bridges, landfill, airports, parks, and County buildings and grounds.

Section 4.00 Department of Public Facilities: Organization

Section 4.01 Powers and Duties of Director

Section 4.02 Division of Engineering

Section 4.03 Division of Transportation

Section 4.04 Division of Solid Waste, Airport, Buildings & Grounds, and Parks

Section 4.05 Division of CARTS

Section 4.00 Department of Public Facilities: Organization

There may be a Department of Public Facilities. Its Director shall be appointed by the County Executive. Such Director shall serve at the pleasure of the County Executive and may also fill the position of one or more of the department deputies. The department may be organized into the following divisions, each of which may be headed by a Deputy Director:

Division of Engineering

Division of Transportation

Section 4.01 Powers and Duties of Director

The Director of Public Facilities may delegate by designation to one or more persons within the department the specific powers and the duties of a county engineer or county superintendent of highways. Such designations, setting forth the specific powers and duties granted, shall be filed with the County Executive and Clerk of the Legislature. If the powers or duties so designated or revoked are those which the Director of Public Facilities has as County superintendent of highways, a duplicate of such written designation or revocation shall be filed with the New York State Commissioner of Transportation. The acts performed by such persons pursuant to such designations shall have the same effect in law as if performed by the Director of Public Facilities. Any professional engineering work required to be practiced by said Director in the exercise of the powers and duties of the office shall be delegated to one or more licensed professional engineers unless said Director shall be a licensed professional engineer. The Director of Public Facilities or designee:

(a) May when authorized by the County Executive, employ such special engineering, architectural or other technical counsel and incur such expenses as may be necessary for the performance of any of the duties prescribed by this Code or by Charter.

(b) May contract, subject to the approval of the County Executive and the County Legislature, with any public corporation, public authority or any combination of the same for Public Facilities services.

(c) Assist the County Executive or Purchasing Agent in the advertising and calling for bids on the construction of any capital project of the County, when such advertising and calling for bids is required, and further assist in the preparation of specifications, and submit recommendations with respect to the awarding of such bids to the County Executive.

(d) Assist all administrative units in the preparation of and development of information for their respective capital project requests, when such assistance is requested.

(e) File with the County Executive copies of statements and reports required to be filed with the County Legislature and the State Department of Transportation by the New York State Highway Law.

(f) May with the approval of the County Executive and County Legislature, provide mutual aid for highway projects and maintenance, or permit the rental, with or without operator, of highway machinery tools, equipment and implements by the County or by or from another governmental unit or public corporation, upon such terms as may be agreed upon. All sums obtained by the County pursuant to any terms agreed upon shall be deposited in the County Road Machinery Fund.

Section 4.02 Division of Engineering

(a) The Division of Engineering may be headed by a Deputy Director who shall be appointed on the basis of administrative experience and qualifications for the duties of the office. Such Deputy Director shall be licensed by the State of New York to practice professional engineering, or shall possess the qualifications to become so licensed within one year from the date of appointment and shall become so licensed within such year to maintain eligibility.

(b) Such Deputy Director shall (1) have charge and supervision of all personnel of the Department of Public Facilities performing professional engineering, surveying and related engineering services for the County; (2) upon the request of the Director of Public Facilities, assign such personnel from the Division of Engineering as may be needed by other Divisions of the Department of Public Facilities to work on projects designated by such Director; (3)

upon the request of the County Executive or the Legislature, perform such professional engineering, surveying and related engineering services as may be required by other County administrative units; (4) supervise the design and construction of all capital projects when any of such capital projects are designed and constructed by (i) the Department of Public Facilities or other administrative unit, (ii) by any other governmental unit or private contractor under contract to the County, or (iii) any combination of (i) or (ii).

(c) Such Deputy Director shall perform such other related duties and make such reports as are required by the Director of Public Facilities. The cost of rendering specific services for established agencies will be considered as a charge to such agency.

Section 4.03 Division of Transportation

(a) The Division of Transportation may be headed by a Deputy Director who shall possess the administrative and highway engineering experience and qualifications for the duties of office. Said Deputy shall, to the extent that the Director of Public Facilities shall designate the same in writing, have all of the powers and duties vested in and imposed upon a county superintendent of highways or a county engineer by the Highway Law. Such Deputy Director shall have such other duties as may be prescribed by local law, ordinance or resolution of the Legislature or by direction of the Director of Public Facilities.

(b) Except as the provisions of the Highway Law conflict with or are changed by the Charter or this Code, such provisions shall apply to and define the powers, duties obligations and liabilities of the Director of Public Facilities, or of the designated deputy when exercising any of the powers or performing any of the duties of a County superintendent of highways.

(c) The Deputy Director shall be responsible for maintaining and operating transportation related facilities for which the County is responsible, including the airports.

Section 4.04 Division of Solid Waste, Airport, Buildings & Grounds and Parks

The Division of Solid Waste, Airport, Buildings & Grounds and Parks may be headed by a Deputy Director who shall possess the administrative qualifications for the duties of the office. Such Deputy Director shall be responsible for coordinating all County interests in drainage, flood control, forestry, air pollution, sanitation, sewerage, water supply, solid waste management, parks and the County Airports, including the management of such related facilities as designated by the County Executive. The cost of rendering specific services for established agencies whose principal function relates to these matters will be considered as a charge to such agency. Such Deputy Director shall provide assistance to Sewer Districts created in accordance with County Law Article 5-A when requested by the Intermunicipal Services Director and the Sewer District Board(s).

Such Deputy Director shall also have charge of the maintenance of all buildings and grounds owned or leased by the County for County purposes, except, custodial care of the County Jail, and such other facilities where maintenance and custodial care are included in the lease. The Deputy Director shall have charge and control of all janitors, caretakers, engineers and any other employees connected with the care and maintenance of County buildings and grounds as provided in this section. The Deputy Director may make such rules and regulations governing such employees as are deemed proper, subject to the approval of the Director of Public Facilities. The Deputy Director shall be the immediate deputy to the Director of Public Facilities and as such the Deputy Director is authorized to serve generally for and in place of the Director over all divisions at all times.

Section 4.05 Division of CARTS

The Division of CARTS (Chautauqua Area Regional Transportation Services) may be headed by a Deputy Director who may be appointed by the County Executive based upon administrative experience and

qualifications for the duties of the office. Such Deputy Director shall have charge and supervision of all personnel of the Department of Public Facilities performing services related to the County's area regional transportation service. Such Deputy Director may perform such other related duties and make such reports as are required by the Director of Public Facilities.

Article 5
HUMAN SERVICES

There shall be a member of the County Executive's Cabinet from the Human Services branch of County government. Such Cabinet member shall be responsible for the oversight of the Department of Social Services, Health Department, Mental Hygiene Department, County Home, Office of Probation, Office for the Aging, Youth Bureau, Veterans Service Agency and Emergency Services.

Section 5.00 General Administrative Units: DSS, Health, Mental Hygiene, County Home, Probation, Aging, Youth Bureau, Veterans, and Emergency Services

Section 5.00A Department of Social Services: Organization

Section 5.01A Powers and Duties of Commissioner of Social Services

Section 5.02A Division of Family and Children's Services

Section 5.03A Division of Transitional and Medical Assistance

Section 5.04A Division of Administrative Services

Section 5.05A Division of Legal Affairs

Section 5.00A Department of Social Services; Organization

There shall be a Department of Social Services, or such other department as may be required and authorized by New York State Law for the administration of public assistance and care for which the County Public Welfare District is responsible. Its Commissioner shall be appointed by the County Executive in accordance with New York State Law. The Department shall be organized into these divisions, or such other divisions as required by New York State Law for the separation of social services from eligibility and assistance payment functions:

- Division of Family and Children's Services
- Division of Transitional and Medical Assistance
- Division of Administrative Services
- Division of Legal Affairs

In addition, certain staff functions such as Staff Development will operate directly under the Commissioner of Social Services.

There may be Deputy Commissioners of Social Services, appointed by the Commissioner of Social Services, who shall assume the power and duties of the Commissioner in the Commissioner's absence, and who shall be assigned such line and staff functions as designated by the Commissioner.

Section 5.01A Powers and Duties of the Commissioner of Social Services

The Commissioner of Social Services shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the County Charter, this Code, local law, ordinance or resolution of the Legislature, order or direction of the County Executive, or any applicable provision of any act of the State Legislature not inconsistent with the County Charter or this Code. Such powers and duties, obligations and liabilities shall include but shall not be limited to any power, duty, obligation or liability granted or imposed upon a County Commissioner of Public Welfare by the Social Welfare Law or any other applicable law.

In addition to such applicable state requirements, the Commissioner shall endeavor to coordinate such other government and private agency programs with County programs so as to most effectively serve those in need and unable to provide for themselves, including the financially and health challenged.

Section 5.02A Division of Family and Children’s Services

The Division of Family and Children’s Services, or such other separate unit as required by New York State Law, shall provide a variety of services designed to preserve the home and protect children, as needed, including: providing child protective services; adult protection services; counseling and adoption services; and such other duties as assigned by the Commissioner of Social Services. It may be directed by a Director of Family and Children’s Services, appointed by the Commissioner of Social Services.

Section 5.03A Division of Transitional and Medical Assistance

The Transitional Assistance unit, or such other separate unit as required by New York State Law, shall act as a vehicle through which various monetary assistance programs are disbursed. These will include, but not be limited to, supplemental income; food stamps, and family assistance and safety net assistance, or such other names as designated by Federal, State or County regulations. Its responsibilities and duties shall include determining individual and family eligibility, establishing the extent of aid, checking for false claims and establishing renewal periods, and such other duties as assigned by the Commissioner of Social Services. It may be headed by a Deputy Director of Social Services, appointed by the Commissioner of Social Services.

The Medical Assistance unit, or such other separate unit as required by New York State Law, shall be responsible for all programs of the Department of Social Services through which moneys are disbursed for medical, or medically-related needs of the client. These will include, but not be limited to, Medicaid, Health Maintenance Organizations (HMO’s), Managed Care Programs, and the Community Alternative Systems Agency (CASA). The Division’s responsibilities and duties shall include determining individual eligibility for medical programs; establishing the extent of aid; checking for false claims; establishing renewal periods; provider relations; medical accounting; and such other duties as assigned by the Commissioner of Social Services. The Division may be directed by a Deputy Director of Social Services, appointed by the Commissioner of Social Services.

Section 5.04A Division of Administrative Services

The Division of Administrative Services may be responsible for auditing and certifying program payment claims for State programs, maintaining client eligibility and payment records, assisting with the maintenance of staff payroll and personnel records, fulfilling the personnel liaison function of the department with the centralized Human Resources Department, accumulating statistics, making required State and County reports, and such other functions as designated by the Commissioner of Social Services. It may be directed by a Director of Administrative Services, appointed by the Commissioner of Social Services.

Section 5.05A Division of Legal Affairs

The Division of Legal Affairs may be responsible for providing legal advice or opinion to the Commissioner or staff; serving as counsel in the Family Court for the Family and Children's Services Division; representing the Department in and out of court as needed; reviewing, approving and/or drawing of all Departmental contracts; drawing and filing liens on behalf of, and in favor of, the Department; filing claims against estates; acting as counsel for the Support Collection, Fraud, and the Fair Hearing Units; supervising disposition or other legal actions related to real property in which the Department has an interest; enforcing of support orders, judgments, and such other functions as designated by the Commissioner of Social Services. Such division may be directed by a Director of Legal Affairs, appointed by the Commissioner with the advice and consent of the County Attorney. The Commissioner shall also appoint such other attorneys as necessary, subject to approval of the County Attorney. The County Attorney, with the advice and consent of the Social Services Commissioner, may deputize a Social Services attorney as an acting Assistant County Attorney to perform duties on behalf of the County Attorney in connection with the work of the Social Services Department.

All attorneys within the Division of Legal Affairs will be subject to all the limitations and liabilities of the Social Services Laws and have such powers and duties as therein defined, subject to such limitations as imposed by the Charter, this Code, and legislative laws and resolutions.

Section 5.00B Department of Health

Section 5.01B Powers and Duties of the Commissioner of Health Services or Public Health Director

Section 5.02B Chautauqua County Board of Health

Section 5.00B Department of Health

There may be a Department of Health. The County Executive may appoint a Commissioner of Health Services or a Public Health Director for a three (3) year term as provided in the New York State Public Health Law.

Section 5.01B Powers and Duties of the Commissioner of Health Services or Public Health Director

The Commissioner of Health Services or Public Health Director may be responsible for coordinating the programs of the Department of Health and all County health facilities under the Department's care in consultation with a Medical Consultant licensed to practice medicine in New York State, with other County health programs and other public and private health agencies throughout the County; assigning programs to and supervising and maintaining a public health education program; and planning to meet anticipated health needs. The Medical Consultant shall be appointed by the County Executive.

Insofar as the Commissioner of Health Services or Public Health Director fills the functions of a deputy, such Commissioner of Health Services or Public Health Director shall meet such requirements as the position has and be accorded the associated powers and duties; and be subject to the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the County Charter, this Code, local laws, or any applicable provisions of any act of the State Legislature not inconsistent with the County Charter or this Code.

The Commissioner of Health Services or Public Health Director shall perform the duties prescribed by law in the administration of Public Health and the enforcement of the Chautauqua County Health District Sanitary Code and the New York State Sanitary Code as may be required.

The Commissioner of Health Services or Public Health Director may designate a deputy qualified in accordance with the provisions of the New York State Sanitary Code to whom shall be delegated all the powers and duties of the Commissioner of Health Services or Public Health Director when such Commissioner of Health Services

or Public Health Director is unable to act by reason of absence or disability. Such designation shall be in writing, filed and recorded with the County Clerk, the County Executive and in such other places as may be required by the Public Health Law or any other applicable law. The Commissioner of Health Services or Public Health Director may appoint a Director of Environmental Health Services who shall be responsible, under the direction of the Commissioner of Health Services or Public Health Director, for the enforcement of the Chautauqua County Health District Sanitary Code and the New York State Sanitary Code and other duties as prescribed by the Commissioner of Health Services or Public Health Director.

Section 5.02B Chautauqua County Board of Health

There shall be a Chautauqua County Board of Health composed of nine members appointed by the County Executive for a six-year term, and approved by the Legislature. Its purpose shall be to formulate, promulgate, adopt and publish rules, regulations, orders and directions for the security of life and health in the Chautauqua Health District, under provisions of the Public Health Law.

Section 5.00C Department of Mental Hygiene

Section 5.01C Powers and Duties of Commissioner or Director

Section 5.02C Chautauqua County Mental Hygiene Community Services Board

Section 5.03C Division of Health Administration

Section 5.00C Department of Mental Hygiene

The Department of Mental Hygiene may be headed by a Director of Community Mental Hygiene Services (hereinafter Director) who shall be appointed by the County Executive. Such Director shall possess at the time of appointment and maintain throughout the term all qualifications and licenses prescribed by the Mental Hygiene Law and the rules and regulations adopted pursuant thereto by the New York State Department of Mental Hygiene.

Section 5.01C Powers and Duties of Director

The Director of Mental Hygiene may have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the County Charter, this Code, local law, ordinance or resolution of the Legislature, order or direction of the County Executive, or any applicable provision of any act of the State Legislature not inconsistent with the County Charter or this Code.

The Director may appoint such deputies, directors, assistants, officers and employees, and employ such consultants as may be necessary for the performance of the duties.

The Director shall designate in writing filed with the County Executive and filed in such other places as may be required by the Mental Hygiene Law or any other applicable law, the order in which such deputies shall exercise the powers and duties of the office in the event of a vacancy or in the absence of the Director from the County or inability to perform the duties of the office.

The Director shall have charge of the County mental health, alcohol and substance abuse clinics, and any other facility related to outpatient community mental hygiene programs hereafter established by the County.

Section 5.02C Chautauqua County Community Services Board

There may be an advisory community services board, designated as the Chautauqua County Community Services Board, composed of at least nine (9) and not more than fifteen (15) members appointed by the County Executive for a four (4) year term and approved by the Legislature. Its purposes shall be to review and evaluate community mental hygiene services and facilities, recommend policies and procedure to the Department of

Mental Hygiene and other Mental Hygiene Agencies and to perform such other acts appropriate to improving the effectiveness of mental hygiene services in the County.

Section 5.00D Department of the Chautauqua County Home

The Chautauqua County Home shall be operated under the supervision of a Nursing Home Administrator, licensed and registered as required by New York State Law. Such Administrator shall serve at the pleasure of the County Executive and shall have total responsibility for operating the Chautauqua County Home including employment and discharge of staff members, admitting and discharging patients (subject to applicable New York State Law, rules and regulations and other policies set by the County Legislature). Maintenance of the County Home facilities may be through the Department of Public Facilities.

Section 5.00E Office of Probation

There shall be an Office of Probation. Its Director shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The Director of Probation shall have all powers and duties conferred upon such Director by the Charter, this Code, local law, ordinance or resolution of the Legislature, order or direction of the County Executive, by Sections 256 and 257 of State Executive Law and by any other applicable section thereof or any other applicable law not inconsistent with the County Charter or this Code.

Section 5.00F Office for the Aging

There may be an Office for the Aging to perform the duties as may be prescribed by the Chautauqua County Legislature, County Executive or law. Its Director shall serve at the pleasure of the County Executive.

(a) Office for the Aging Advisory Board

There may be an Office for the Aging Advisory Board, appointed by the County Executive subject to confirmation by the County Legislature to perform the duties as may be prescribed by the County Legislature, County Executive or law.

Section 5.00G Youth Bureau

There may be a Youth Bureau to perform the duties as may be prescribed by the County Legislature, County Executive or law. Its Director shall serve at the pleasure of the County Executive.

(a) Youth Bureau Advisory Board

There may be a Youth Bureau Advisory Board, appointed by the County Executive subject to confirmation by the County Legislature, to perform the duties as may be prescribed by the County Legislature, County Executive or law.

Section 5.00H Veterans Service Agency

There may be a Veterans Service Agency to perform the duties as may be prescribed by the County Legislature, County Executive or law. Its Director shall be appointed by the County Executive and shall serve at the pleasure of the County Executive.

Section 5.00I Emergency Services.

There may be a Director of Emergency Services, appointed by the County Executive and serve at the pleasure of the County Executive, to perform the duties as may be prescribed by the County Legislature, County Executive or law. Such duties may include administration of county programs for fire training and mutual aid in cases of fire or other emergencies necessitating the services of firefighters. The Director of Emergency Services may be

designated to act as a liaison among the County Executive, County Legislature and the County Fire Advisory Board and the firefighting forces in the county and the officers and governing boards or bodies thereof.

Article 6

PLANNING AND ECONOMIC DEVELOPMENT

There may be a member of the County Executive's Cabinet from the Planning and Economic Development branch of County government. Such Cabinet member shall be responsible for the oversight of the Department of Planning and Economic Development and shall assist the County of Chautauqua Industrial Development Agency when necessary.

Section 6.00 Department of Planning and Economic Development

Section 6.01 Powers and Duties

Section 6.02 County of Chautauqua Industrial Development Agency

Section 6.03 Planning Board

Section 6.04 Environmental Management Council

Section 6.00 Department of Planning and Economic Development

There may be a Department of Planning and Economic Development. Its Director shall be appointed by the County Executive. The Director shall serve at the pleasure of the County Executive and shall have the power to appoint such deputies, assistants and employees of the department as may be necessary to implement the duties of the office, and as shall be authorized by the County Executive. Wherever the appointment of a deputy is authorized, such deputy is hereby authorized to act generally for and in place of the Director.

The Director shall also serve as chief administrative officer of the County of Chautauqua Industrial Development Agency and shall have all the powers and duties prescribed for such an officer by Article 18A of the General Municipal Law.

Section 6.01 Powers and Duties

(a) Be responsible for originating programs and activities to improve the economy and quality of life in Chautauqua County by working with private interests and public agencies to market Chautauqua County as an ideal place for economic location, maintenance and expansion.

(b) Assist business and industries wishing to locate, expand or modernize in Chautauqua County in securing funding, governmental services and other types of assistance necessary for such location, expansion or modernization.

(c) Coordinate the efforts of government and not-for-profit agencies in promoting tourism in the County.

(d) Coordinate the efforts of all appropriate entities in providing skilled and motivated personnel in the most efficient way, for the County's work force needs.

(e) Ensure the development needs of the County's small businesses are being met.

(f) Provide staff assistance for the County of Chautauqua Industrial Development Agency.

(g) Acquire, construct, operate and maintain roads, sewage collection and disposal facilities, water supply facilities and drainage facilities, solid waste collection and disposal facilities, electric and gas transmission and generating facilities, and railroad and other transportation facilities to serve any economic development project.

(h) Provide for the acquisition, maintenance, clearance, improvement, demolition, change of topographical, subsoil, or other physical conditions, and other necessary site preparation work, of any site as part of an economic development project.

(i) Assist the County Executive in executive planning, including planning for the capital budget and capital improvement program and the preparation of all County plans, and shall supervise the writing of all planning reports.

(j) Maintain strong relationships with municipalities, promoting inter-municipal cooperation and partnerships and make available to cities, towns, and villages in Chautauqua County, at their request, advice and assistance on matters relating to the planning function.

(k) Make surveys, analyses and/or reports of County departments as requested by the County Executive, and assist all other County departments and agencies in their long range planning efforts.

(l) Perform research concerning County programs with a view to obtaining all financial and technical assistance available through local state, federal or other revenue sources.

(m) Coordinate the County development and planning efforts so that they are directed in a unified manner.

(n) Coordinate the overall physical development of the County by working with all other governmental entities to ensure economically, aesthetically and environmentally sound growth.

(o) Provide staff assistance for the Planning Board and Environmental Management Council.

(p) Perform such other and related duties as shall be required or delegated to such Director by the County Executive.

Section 6.02 County of Chautauqua Industrial Development Agency

In accordance with Resolution 122-72, there shall be a County of Chautauqua Industrial Development Agency. It shall function as prescribed by this law and Sections 856 and 895-h of the New York State Industrial Development Agency Act, and its membership shall consist of not less than three (3) nor more than nine (9) members as follows: the chairman of the Chautauqua County Legislature committee that has primary responsibility for dealing with the economic welfare of the County, who shall serve as an ex officio member with full voting powers; one member appointed by the County Legislature, subject to the County Executive's approval or veto and County legislative reconsideration, as provided in the Chautauqua County Charter; and up to seven (7) members appointed by the County Executive, subject to confirmation by the County Legislature.

In addition to the powers defined in the New York State Act, its principal purpose shall be to borrow money and issue bonds to underwrite undertakings fostered by the Industrial and Economic Development Commissions and/or the Department of Economic Development. It shall have all the powers and duties of a County Industrial Development Agency, heretofore or hereafter lawfully granted or imposed by the County Charter, this Code, local law, ordinance or resolution of the Legislature, order or direction of the County Executive, or by any applicable provision of any act of the State Legislature not inconsistent with the County Charter or this Code.

Section 6.03 Planning Board

There shall be a Planning Board composed of eleven (11) members, each serving a term of three (3) years. The Director of Public Facilities and the Director of Finance shall serve as ex-officio, non-voting members of the Planning Board.

The members of such Board shall receive no salary or compensation for their services as members of such Board, but shall, within the appropriations provided therefore, be entitled to the actual and necessary expenses incurred in performing the duties of their office.

The Planning Board shall have all the powers and authority established by Section 239-d of the General Municipal Law. The Director of Planning and Economic Development shall advise and guide the Board in its operation, and shall act as its agent in performing the planning function.

Section 6.04 Environmental Management Council

There may be an Environmental Management Council comprised of nine (9) citizen members appointed by the County Executive subject to confirmation by the County Legislature. The Environmental Management Council shall be staffed by the Department of Planning and Economic Development and shall have the following powers and duties:

1. The Council may advise the County Executive, the Legislature and the appropriate agencies on all matters affecting the preservation, conservation and ecologically suitable use of the natural and man-made resources of the County.
2. The Council may be responsible for ensuring that the various County departments and agencies be responsible for environmental matters and coordinate their activities and resources.
3. The Council may review the state of the County environment as a whole, and may prepare and submit an annual report of its findings and recommendations to the County Legislature and the County Executive. This report also shall include an account of the Council's activities and accomplishments which shall be based on accurate records of its meetings and other works. Said report may be submitted no later than February 1st of each year.
4. The Council, in cooperation with the Department of Planning and Economic Development and other appropriate departments and agencies, may prepare and revise a plan for the protection of the County's Environment and the management of its natural and man-made resources, and may transmit it to the County Legislature and the County Executive at regular intervals as necessary, but not greater than three (3) years. In addition, the Council may obtain from the Department of Environmental Conservation a copy of the state environmental plan. To the extent practicable, the preparations, content and subsequent revision, if any, of the County environmental plan shall be coordinated with the State Environmental plan and a copy of said County plan and any subsequent revision shall be filed with the State Commissioner of Environmental Conservation.
5. The Council may investigate and recommend to the County Executive and the County Legislature ecologically sound methods of planning and the use of the County's departments and activities.
6. The Council may keep an index of all open areas within the County, with the plan of obtaining information pertinent to sound ecological utilization of such areas including land owned by a municipality within the County. It may keep an index of all open marshlands, swamps, and all other wetlands in a like manner, and may recommend a program for their ecologically suitable utilization.
7. The Council may develop and maintain an inventory of natural and man-made resources within the County and such other environmental information as may be appropriate. Said inventory may include wetlands and open spaces and may include, but not be limited to, factors relating to geology, soils, slope, water resources, vegetation, wildlife habitat, unique natural areas, and scenic, historic and archaeological sites.
8. The Council may cooperate with and assist such other governmental or non-governmental boards or organizations in the preparation of plans or reports or the review of proposals or applications as the County may direct.

9. The Council may also conduct research into the land area of the County and may seek to coordinate the activities of unofficial bodies organized for similar purposes. It may advertise, prepare, print and distribute books, maps, charts and pamphlets, if in its judgment it deems them necessary for its work, to the extent funds have been appropriated for such purposes by the County Legislature.

10. When authorized by resolution of the County Legislature, the Council may accept by gift, grant, bequest or otherwise, money or other personal property in the name of the County for use in the furtherance of the provisions of this article.

11. The Council may act as an advocate for the County, when appropriate and when authorized by the County Legislature, in all areas having a bearing on the County and environmental quality.

12. The Council may develop and, after receiving general approval by resolution of the County Legislature, conduct a program of public information in the County which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.

13. The Council may encourage the establishment of commissions for conservation of the environment in cities, towns, and villages within the County, advise and assist them in developing their own programs, and foster an effective interchange between the Council and such agencies.

14. The members of the Council, including ex officio members, shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within appropriations made available by the County Legislature.

Article 8

FINANCIAL PROCEDURES

Section 8.00 Financial Procedures

Section 8.01 Budgetary Guidelines

Section 8.02 Preparation of Tentative Capital Budget

Section 8.03 Preparation of Tentative Budget

Section 8.04 Development of Capital and Operating Budget

Section 8.05 Budget Filing and Legislative Review

Section 8.06 Public Hearing

Section 8.07 Adoption of Budget

Section 8.08 Levy of Taxes

Section 8.09 Appropriations and Transfers after Budget Adoption

Section 8.10 Budget Controls

Section 8.00 Financial Procedures

There shall be established certain uniform financial procedures to be followed by all County officers, County Departments, County Boards Agencies, and Districts in making budgetary requests, establishing the annual County budget and requesting budgetary changes throughout the County fiscal year.

Section 8.01 Budgetary Guidelines

The County Legislature shall adopt by resolution on or before June 15th goals and objectives, as well as specific performance measurements for those goals and objectives to be utilized by the County Executive and all other County elected officers, County Districts, and other County entities during the preparation of the tentative budget.

Section 8.02 Preparation of Tentative Capital Budget

The Director of Finance, pursuant to Section 3.02(f) of the Charter, shall prepare the proposed capital budget for submission to the County Executive, according to the procedure set forth in the following paragraphs of this section.

Preparation and filing of capital projects requests.

Not later than the 1st day of April in each year, the OMB Director shall furnish to the head of each Administrative unit or authorized agency, forms on which to prepare and file a description, justification and estimate for each capital project which such administrative head or authorized agency proposes to start the next fiscal year, and any additional funds required for projects started in prior years.

The term "capital project" as used herein shall mean: (a) any physical betterment or improvement which would include capital projects only for such physical betterment or improvement when first constructed or acquired, or (b) any preliminary studies and surveys relating to any physical betterment or improvement, or (c) land or rights in land, or (d) any combination of (a), (b) and (c).

Such capital projects requests shall be prepared and completed by the head of each administrative unit or authorized agency, and shall set forth, among other things, but not limited to:

1. A description of the proposed project; the estimated total cost thereof; recommended priority; estimates of costs for planning; site; right-of-way; construction, equipment and other features; status of plans and land acquisition; development time schedule.

2. The proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the Federal and/or State governments; and the amount to be financed by the issuance of obligations. If the project cannot be completed within the next fiscal year, an estimate must be made of the anticipated funding required for each subsequent fiscal year.

3. (a) An estimate of the effect, if any, upon operating costs of the county for up to the next twenty (20) years following completion of the project. The capital projects requests shall contain such other and additional information as the OMB Director may deem advisable.

- (b) Not later than May 15th immediately following, the head of each administrative unit or authorized agency shall sign and file an original capital project request in the office of the OMB Director.

- (c) The OMB Director shall sort, collate, and shall cause to be printed or otherwise reproduced at least one (1) copy of the requests for each member of the Planning Board, the County Executive, the Chair and the Clerk of the Legislature, the Chair and ranking member of each Legislative committees, County Comptroller, the Director of Planning and the County Executive's Cabinet. Said copies shall be made available for distribution no later than May 31st.

- (d) The Director of Planning will call a meeting of the Planning Board to review the proposed capital projects. Not later than July 15th, the Planning Board will submit a report on the capital budget requests including its opinion of specific requests, as they bear upon the long-range capital needs of the County. In addition, the Planning Board shall consult with Legislators, department heads and other community leaders and submit a

projection of the capital needs of the county for the next six (6) years. The report shall identify specific projects, estimated costs, justification of the level of priority, year project to be started, and recommended source(s) of funding. Major highway and bridge projects shall be specifically identified; other highways and bridges shall be allocated funds as one project. The Director of Planning may submit a supplementary report at the Director's discretion. The reports will be delivered to the Capital Projects Committee.

(e) Capital Projects Committee will assist in the consideration of the capital projects budget and six (6) year projection, there shall be a capital projects committee consisting of the County Executive, as Chair; the OMB Director, as vice-chair; and the following members: The Directors of Finance, Public Facilities, Planning, the County Attorney, the Chair of the Legislature, the majority and minority leaders thereof, and the Chair of the Public Facilities and Administrative Services Committee, if any, of the Legislature. The County Executive shall have the right to request and require other administrative heads to meet and consult with the capital projects committee, as he may deem advisable. The County Executive shall be solely responsible for the capital budget and six (6) year projection as submitted to the Legislature.

The committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between July 15th and August 30th at least twice.

On or before August 30th, such committee shall prepare a written report with recommendations and file a copy with the Legislature, the County Executive and the Budget Director.

Section 8.03 Preparation of Tentative Budget

(a) Not later than the 1st day of July in each year, the OMB Director shall furnish each program administrator forms on which to prepare and set forth estimates of revenues and expenditures of the respective program for the ensuing fiscal year, exclusive of capital projects. Such forms shall be as prescribed by the Budget Director. Budget costs will be separated as required to meet New York State Office of State Comptroller compliance.

(b) Not later than August 1st, each program administrator shall estimate its request and file one (1) copy thereof in the office of the OMB Director. In the event of the failure of the program administrator to submit and file such request on or before August 1st, the OMB Director shall forthwith prepare and file same accordingly.

(c) Upon receipt of the requests, the OMB Director shall examine and review all program budgets, inclusive of the Sheriff, District Attorney, Comptroller and County Clerk. Among other things, by notice in writing, the OMB Director may require the program administrator or any officer or employee thereof requesting county funds to appear before the OMB Director to furnish data and information and to answer inquiries pertinent to such examination and review.

(d) Upon completion of such technical examination and review, the OMB Director shall recommend in whole or in part the program requests submitted.

(e) The County Executive may require the program administrator or any officer or employee thereof requesting county funds to appear before the County Executive to furnish data and information and to answer inquiries pertinent to the County Executive.

(f) No later than September 11th, the County Executive and the OMB Director shall distribute the final program budgets and capital project budgets to the program administrators.

Section 8.04 Development of Capital and Operating Budget

(a) Budget Preparation and General Scope

The County Executive shall review the proposed tentative program budget, the proposed tentative capital budget, and the six (6) year projection of capital needs as submitted by the OMB Director, together with any

other anticipated items of county expenditure or revenue, and shall prepare the tentative budget of the county for the ensuing fiscal year for both current operating and capital purposes. Such budget shall be in such form as the County Executive may deem advisable and shall show in parallel columns the following comparative information (1) actual expenditures and revenues for the last completed fiscal year; (2) the budgeted expenditures and revenues for the current fiscal year, reflecting transfers and supplemental appropriations as to a date not more than three (3) months prior to the date of the filing of the tentative budget by the County Executive with Clerk of the Legislature; (3) the estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of the various departments and authorized agencies; and (4) the County Executive's recommendations and estimates as to expenditures and revenues for the ensuing year. In addition to the items of operation and maintenance, the tentative budget shall include or be supplemented by: (1) all items of capital project expenses for which the County Executive recommends be undertaken in the ensuing fiscal year; (2) a six (6) year projection of capital needs; (3) other items as set forth in paragraphs (b) and (c) of this section; and (4) a statement showing the bonded indebtedness of the county government and its agencies, the debt redemption and interest requirements, the indebtedness authorized and unissued, the condition of the capital reserve and sinking funds, and the borrowing capacity of the county.

(b) Recommended Appropriations

The recommendations for expenditures in the tentative budget shall be classified by program according to the internal organization of such program. Such recommendations shall contain (1) an estimate of the several amounts which the County Executive deems necessary in the ensuing fiscal year for conducting the business of the county for each program, separately stated, and for other county purposes and charges, classified to show separately (i) the ordinary recurring expense of the operation and maintenance of county government, and (ii) any extraordinary or non-recurring expenses to be financed from current revenue; (2) an estimate of the general contingent fund which the County Executive recommends to be provided for unanticipated or emergency county purposes or charges; (3) a statement of the several amounts recommended by the County Executive for appropriation to the reserve funds and sinking funds, if any; (4) a statement of the amount required to pay the interest on and amortization of or redemption of indebtedness becoming due in the ensuing fiscal year; and (5) the amount of any judgment recovered against the county and payable during the fiscal year and for which no bonds have been or will be issued.

(c) County Executive Review

Between August 31st and on or before September 11th, the County Executive the tentative capital project budget. The amount proposed for the capital program to be financed by direct budgetary appropriation in the next fiscal year, proposed down payments and other expenditures for new projects, all proposed capital financing, including, but not limited to, reserve funds, sinking funds, current revenues, temporary borrowing, bond sales, Federal and State grants, loans or advances and such other considerations and requirements mandated by the General Accounting Standards. The County Executive may arrange the tentative capital project budget to set forth clearly: (1) each previous authorized capital project, including the original estimated cost of completion, the current estimated cost of completion, the amount of all liabilities outstanding, the unencumbered balances of authorizations and estimated additional authorizations required for its completion; (2) the estimated cost for each new capital project recommended; (3) as to each previous or new recommended project: a brief description, the estimated date of completion, the amount of liabilities estimated to be incurred in each fiscal year to completion, the estimated useful life in years the amounts, nature and terms of obligations recommended to be authorized, and the estimated annual operating and maintenance charges such project will entail; (4) any recommendations that a previous project be

modified or abandoned or further authorization therefore postponed; (5) at least a six (6) year projection of the capital needs of the county in such form as to identify the total cost, sources of funding and local share cost for each of the projects for each of the six (6) years; and the total local share cost of all projects for each of the six (6) years; and (6) any other information that the County Executive may deem advisable.

(d) Estimated Revenues

The estimates of revenues in the tentative budget shall be classified by accounts within program areas and shall show the sources of income and shall contain: (1) a statement of all revenues which it is estimated will be received by the county during the ensuing fiscal year, except from county taxes to be levied; (2) a statement of all unexpended balances, if any, at the end of the last completed fiscal year, which are available to meet the expenditure requirements of the fiscal year for which the tentative budget is being prepared; (3) a statement as to the amounts, if any, from the capital reserve fund and/or sinking funds available for down payments, other current capital payments or debt service during the ensuing fiscal year; and (4) a statement of the estimated net county tax requirements, determined by subtracting the total estimated revenues, other than taxes to be levied, from the total recommended expenditures for the ensuing fiscal year.

Section 8.05 Budget Filing and Legislative Review

(a) A tentative budget and a budget message from the County Executive will be delivered to the Clerk of the Legislature by September 25th.

(b) The Clerk of the Legislature shall cause to be printed or otherwise reproduced for distribution, a sufficient number of copies of the Tentative Budget as determined by the OMB Director or as otherwise directed by the Legislature.

(c) Between September 25th and the third Wednesday of October the home committees of the Legislature will review the budget with the County Executive and OMB Director. Each respective program administrator may be required to appear before the Legislature or such other duly authorized committee to furnish data and information and to answer inquires pertinent to such review. Notwithstanding the above, those requesting county funds may submit a written explanation in support of the request for funds to the Legislature or such other duly authorized committee with a copy of the statement to the County Executive. Any reports prepared shall be delivered to the County Executive and program administrators.

Section 8.06 Public Hearing

The date and time of the public hearing on the tentative budget shall be 2:00 p.m. and 6:30 p.m. on the fourth Wednesday of October, at which time any person may be heard for or against recommendations made by the County Executive or any other comments relevant to the tentative budget.

Section 8.07 Adoption of Budget

After the conclusion of the public hearing, the Legislature will meet to consider the tentative budget. The Legislature may add, strike, increase or decrease the tentative budget, excepting appropriations required by law or for debt service. Further, revenues based on reimbursement for expenditures must be adjusted in proportion to any changes in the appropriations budget for those expenditures. Any changes made by the Legislature must be stated separately and distinctly. The meeting to consider the tentative budget may be adjourned from day to day, but may not last past six (6) calendar days following the public hearing, to take legislative action.

If the budget, as submitted by the County Executive, is passed by resolution of the Legislature with no changes, such budget shall be deemed to have been conditionally adopted without any further action by the County Executive. If, however, the budget, as passed by the Legislature, contains any changes, the same shall be presented

by the Clerk of the Legislature to the County Executive on the seventh (7th) calendar day following the public hearing, for examination and consideration. If the County Executive approves all the changes, then the County Executive shall affix the County Executive's signature to a statement thereof and return the budget, together with such statement to the Clerk of the Legislature and the budget, including the changes as part thereof, shall be deemed conditionally adopted.

If a budget with the changes is not returned by the County Executive to the Clerk of the Legislature within ten (10) calendar days of receipt, the budget with changes shall be deemed conditionally adopted.

If the County Executive objects to any one or more of such changed items, the County Executive shall append to the budget a statement of the changed items to which the County Executive objects setting forth the reasons therefore and shall not later than the 10th calendar day following receipt, return the budget with the County Executive's objections to the Clerk of the Legislature who shall present the same to the Legislature at a meeting to be held not later than one (1) week thereafter. The Legislature shall thereupon enter the objections upon its journal and proceed to reconsider the changes to which objection is made by the County Executive. The changes objected to by the County Executive shall be reconsidered and voted upon. If upon such reconsideration, two-thirds (2/3) of all members of the Legislature vote to approve such objected to changes, or any of them, the budget with the objected to changes so approved, together with any changes not so objected to by the County Executive, shall be deemed conditionally adopted. If the Legislature fails to act on or override such objections by a two-thirds (2/3) vote of all members of the Legislature, the budget shall be deemed conditionally adopted without the changes objected to by the County Executive.

On the day of conditional adoption of the budget, it shall be submitted to the OMB Director who shall make any corrections as may be required due to any typographical, mathematical or technical errors. The OMB Director shall thereafter return the corrected budget to the County Legislature, which shall consider any correction made on or before December 1st. If said corrections cause a change of less than \$25,000.00 in the Real Property Tax Levy after application of County and Town shares of the County Sales Tax, the Budget, as corrected pursuant to this paragraph, shall be the adopted budget for the ensuing fiscal year.

If the alterations of the Budget Director cause a change of \$25,000.00 or more in the Real Property Tax Levy after application of County and Town share of the County Sales Tax, the Budget as corrected, pursuant to this paragraph shall be resubmitted to the Legislature not later than December 1st. The Legislature may vote to adjust the Real Property Tax Levy or to adjust the Contingency Fund to compensate for said alteration termed necessary by the OMB Director. The Budget as amended by said vote shall be the adopted budget for the ensuing year.

Upon adoption of the Budget, the Legislature shall adopt resolutions appropriating the money therefore and authorizing the levy of taxes. In the event the Legislature fails to finally adopt a budget for the ensuing fiscal year on or before December 1st, the tentative budget shall constitute the budget for such ensuing fiscal year. The appropriation resolution and the resolution authorizing the levy of taxes shall be deemed to have been passed by the Legislature as of such date.

Six (6) copies of the budget, as adopted, shall be certified by the County Executive and by the Clerk of the Legislature and one (1) each of such copies shall be filed in the office of the County Executive, the offices of the Comptroller, the Director of Finance and the Clerk of the Legislature and two (2) of such copies shall be filed in the OMB Director's office. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

Section 8.08 Levy of Taxes

The net county tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget, shall be levied in advance on or before December 31st immediately following, by the Legislature on the taxable real property of the several tax districts of the County. Further, the Legislature shall levy as a tax on all taxpayers estimated amounts for uncollected taxes and deferred tax revenue sufficient to produce in cash from the collection of taxes and other revenues during the year moneys required to meet the estimated expenditures for the year. Further, the Legislature shall as required by law, relevel certain taxes on the delinquent taxpayer.

The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the Legislature shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.

Section 8.09 Appropriations and Transfers after Budget Adoption

(a) If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the County Executive shall report to the Legislature without delay the estimated amount of the deficit, remedial action taken by the County Executive, and recommendations as to further action. The Legislature may take such action as it deems necessary to prevent or minimize any deficit. For that purpose it may by resolution reduce one (1) or more appropriations; but no appropriation for debt service may be reduced and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated. The board may also, if it desires, borrow temporarily pursuant to the local finance law in an amount not greater than such deficit for such purpose.

(b) The County Executive shall have the power to determine the portions of program appropriations expended for personnel, equipment or contractual purposes but the County Executive may not transfer funds between program appropriations budgets.

(c) The County Executive shall have the power to transfer within program appropriation budgets, including staffing, internal organization and reorganization, as necessary to carry out, achieve and accomplish the goals set by the County Legislature,

Section 8.10 Budget Controls

No county officer, employee, department or program administrator shall during a fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract, which by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose except as otherwise provided in this Code, the Charter or the local finance law. The unexpended balance of each appropriation, less the commitments outstanding at the close of such fiscal year for which it was made, shall lapse at the close of such fiscal year and shall be deemed as revenue for the purpose of preparing, during the following fiscal year, the tentative budget for the ensuing fiscal year. No assignment of a requisition number or a request by letter or other means to the Director of Finance or any other county officer from any administrative unit for the purpose of holding over after the close of such fiscal year any unencumbered balance, or part thereof, of any appropriation shall be construed to be a commitment or the encumbering of any such appropriation. Nothing herein contained shall be construed to require the lapsing of appropriations which may or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provision of law; and provided further that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property

therefore, or the establishment of bond or capital accounts, sinking funds or reserve funds, and each such appropriation, account or fund shall continue in force until the purpose for which it was made shall have been accomplished or shall have been abandoned by majority vote of the Legislature. Any contract, verbal or written, made in violation of this section shall be null and void.

Article 9

General Provisions

Section 9.00 General Provisions

Section 9.01 Classified Service, Exemptions

Section 9.02 Civil Service Rights Continued; Status of County Officers

Section 9.03 Filling Vacancies Other than Elected Officials

Section 9.04 Filling other Vacancies

Section 9.05 Power to Administer Oaths and Issue Subpoenas

Section 9.06 Administrative and Advisory Boards

Section 9.07 Approval of Contracts

Section 9.08 Surety Bonds

Section 9.09 Reports

Section 9.10 Adoption of Code - when effective

Section 9.11 Amendment of Code Section

Section 9.12 Separability

Section 9.13 Code to be Liberally Construed

Section 9.14 Gender Neutral

Section 9.15 Other County Functions

Section 9.16 Board of Elections

Section 9.17 County Jury Board

Section 9.18 All County Boards

Section 9.00 General Provisions

Except as may be otherwise provided in the Code, the provisions set forth in this article shall apply to the operation of the County Government.

Section 9.01 Classified Service, Exemptions

Section 9.02 Civil Service Rights Continued; Status of County Officers

The civil service status and rights of all County employees and their beneficiaries, including but not limited to those with respect to retirement, shall not be affected by the Charter or Code. Except as otherwise provided by the Charter or Code, the terms of all County officers whose appointment under the Charter is vested in the County Executive shall terminate on December 31, 1974, provided that any officer, unless removed, shall continue to serve until the successor is appointed and has qualified or until an interim appointment is made. Any County officer appointed by the County Executive for a definite term or whose appointment is subject to confirmation by the Legislature may be removed by the County Executive prior to the end of such term, after receipt of written notice from the County Executive.

Section 9.03 Filling Vacancies Other than Elected Officials

Except as otherwise provided in the Charter or Code, a vacancy in the office of the head of any administrative unit, the head of which by virtue of the Charter the County Executive shall have the power to appoint or remove, shall be filled by a person who shall be appointed on the basis of administrative experience and qualifications for the duties of such office by the County Executive, subject to confirmation by the Legislature where required. Except as otherwise provided in the Charter or Code, the head of any administrative unit shall have the power to fill vacancies occurring within such administrative unit pursuant to the Civil Service Law.

(a) 1. Each appointment by the County Executive which is subject to confirmation by the County Legislature shall be in writing, signed by the County Executive and filed in the Office of the Clerk of the County Legislature, who shall within five (5) days of such filing, deliver a copy of said appointment to the members of the County Legislature. Delivery shall be effected by personal service of a copy of said appointment on said members of the Legislature or by mailing a copy thereof within the five (5) day period addressed to their respective places of residence. Each appointment shall be valid until such appointment has been approved or rejected by the County Legislature or until forty-five (45) days, exclusive of the day of filing whichever shall first occur, have expired after the filing of notice of such appointment. If a majority of the County Legislature shall vote in favor of confirmation, the appointment shall be deemed confirmed immediately. If a majority of the County legislature shall fail to vote for confirmation, such vote shall constitute a rejection and the term of the interim appointee shall be terminated immediately. Only resolutions to confirm an appointment may be considered by the County Legislature. A vote resulting in a tie shall be considered a rejection of the appointee. A person who has been rejected may not be appointed to the same position within the same calendar year unless the County Legislature shall have reconsidered and reversed its vote to reject. If within forty-five (45) calendar days, exclusive of the day of filing, after the filing of written notice of appointment with the Clerk of the Legislature, no vote to confirm the appointment has been taken by the County Legislature, the appointment shall be deemed to have been confirmed as of the forty-sixth (46th) day after such filing.

2. The County Executive may (1) nominate for confirmation the same person who the County Executive has appointed or is appointing to an office or position, or (2) appoint a person to serve in such office or position and nominate a different person for confirmation. Under the second alternative, the appointment shall be considered a temporary appointment not subject to confirmation by the County Legislature and shall, except as otherwise provided, terminate upon the confirmation of the permanent appointee. In the event the permanent nominee shall not have been confirmed, the person holding the temporary appointment shall continue in office providing the County Executive shall, within fifteen (15) days after the rejection of the permanent appointment, submit for confirmation as herein provided another nominee for such office or position. If the County Executive fails to submit such nominee within fifteen (15) days, then the term of the temporary appointee shall be terminated. No temporary appointee may be re-appointed on a temporary basis to the same position more than once in any calendar year.

3. If the County Charter, this Code or any applicable statute describe specific qualifications for any appointment as the head of a County department or administrative unit made by the County Executive, the written notice of appointment herein required shall also contain a statement setting forth the qualifications of such nominee.

4. Unless otherwise provided by the County Charter or this Code, each administrative head shall have the power, when such positions are authorized by the County Legislature and within the appropriations provided therefore, to appoint all deputies, other officers and employees in the respective administrative unit. Such administrative head shall designate in writing the relative rank of such deputies, including the order of temporary

succession to the duties of administrative head during absence or disability or in the event of a vacancy prior to the filling of such vacancy by the County Executive and delegate among them such of the powers and duties as may be determined appropriate. A copy of all such designations and delegations shall be filed with the County Clerk.

Section 9.04 Filling other Vacancies

Section 9.05 Power to Administer Oaths and Issue Subpoenas

The Chair of the Legislature, the County Executive, the Comptroller and such other County officers as may be authorized by the Charter, Code or other applicable law, shall have the power to subpoena and compel the attendance of witnesses and the production of books, records and papers as the same may be pertinent to their respective offices. Any County officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths or affirmations, subpoena witnesses and compel attendance of witnesses in connection therewith.

Section 9.06 Administrative and Advisory Boards

Except as otherwise provided in the Charter or Code, every other board, the members of which are appointed, shall be an advisory board. The members thereof shall be appointed for such terms as are or may be provided in the Charter or Code. Wherever provision is made in the Charter or Code for the appointment of an advisory board, the members so appointed, unless otherwise provided, shall serve at the pleasure of the appointing authority. In accordance with Local Law No. 3-94, members of any boards, councils, or commissions shall either be a resident of the County, own real property in the County, or be employed in the County.

All members of such advisory boards, however appointed, shall be deemed to have resigned their membership on any advisory board when such member shall fail to attend three (3) consecutive meetings of the advisory board without being excused by the Chairperson.

Section 9.07 Approval of Contracts

Except as otherwise provided in the Charter or Code, the County Executive shall make, sign, execute, and implement all contracts on behalf of the County, except for (a) the sale, purchase or transfer of real property or (b) the provision of facilities or the rendering of services by, or for any other government must be approved by the County Legislature. Prior to signature, all contracts to which the County is a party, including contracts to be executed by elected officers other than the County Executive pursuant to the Charter, shall be approved as to form by the County Attorney, the Finance Director, and Budget Director in accordance with this Code and/or administrative procedures promulgated by the County Executive. Copies of such contracts when executed shall be filed with the Director of Finance and the County Legislature. All settlements of insurance claims or other contractual claims shall not be executed without approval as to form by the County Attorney and the Insurance Administrator

Section 9.08 Surety Bonds

The Legislature shall have the power to require and direct the giving of a surety bond conditioned on the faithful performance of any County officer or employee paid from County funds. The Legislature shall fix the amount of all such bonds required by law or by resolution of the Legislature. Such bonds shall be approved as to sufficiency of surety, by the County Executive and as to form by the County Attorney.

Section 9.09 Reports

The head of each administrative unit of the County shall make an annual report at the close of each fiscal year and shall submit such report not later than the first day of February to the County Executive, the Cabinet and the County Legislature, covering generally the work of the office and including such information as the County Executive or the Legislature shall require and such information as such head shall deem necessary or desirable to report.

Section 9.10 Adoption of Code - when effective

This Code shall take effect thirty (30) days after it is promulgated unless rejected by a 2/3 majority of the County Legislature.

Section 9.11 Amendment of Code Section

This Code may be amended and such amendments shall take effect thirty (30) days after promulgated unless rejected by a 2/3 majority of the County Legislature.

Section 9.12 Separability

If any clause, sentence, paragraph, section or article of this Code shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 9.13 Code to be Liberally Construed

This Code shall be liberally construed to effectuate its objectives and purposes.

Section 9.14 Gender Neutral

Whenever a term is used in feminine or masculine gender, this term shall be construed as gender neutral.

Section 9.15 Other County Functions

Except as limited by State Law, there may be established and created such other commissions, agencies, committees, councils, bureaus, boards or units of the County to meet specific needs and requirements not otherwise provided for in State Law, the Charter or this Code. The membership, appointment and terms of such members may be designated as deemed appropriate to carry out the respective duties and obligations. In accordance with Local Law 3-94, throughout the term of office, the members of any such boards, councils, or commissions shall either be a resident of the County, own real property in the County, or be employed in the County.

Section 9.16 Board of Elections

There shall be a Chautauqua County Board of Elections constituted according to State Election Law. The Commissioners shall be appointed by the County Legislature in accordance with State Elections Law, and shall have and exercise all the powers and duties now or hereafter conferred or imposed upon them by applicable law. The Board of Elections shall have the power, without public advertising, to make purchases of and contracts for primary or election supplies and services necessary for the operation of its office and the performance of its duties. At the County Executive's discretion, the County Executive may review such purchase and contract arrangements after the fact and make suggestions to reduce cost or improve service.

Section 9.17 County Jury Board

There may be a County Jury Board to perform the duties as specified in State Law and as may be prescribed by the County Legislature, County Executive or law.

Section 9.18 All County Boards

All County boards and commissions required by State Law shall be continued. Other boards and commissions may be continued and/or created as deemed necessary by the County Legislature.

**Article 10
APPLICATION OF CODE**

Section 10.00 Application of Code

Section 10.01 Continuity of Authority; Completion of Unfinished Business

Section 10.00 Application of Code

The provisions of the Code shall be applied in a manner consistent with the intent and provisions of the Chautauqua County Charter.

Section 10.01 Continuity of Authority; Completion of Unfinished Business

The performance of functions pursuant to the provisions of the Charter or Code shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings, action or rights of action or other business undertaken or commenced prior to the effective date of this Code may be conducted and completed by the County officer or administrative unit responsible therefore under the Charter or Code.

The Code shall not be deemed to invalidate any obligations heretofore issued by the County or by any of its commissions, boards or agencies and such obligations shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of bonds by the County or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.