



# *Onondaga County Administrative Code*



Revised 1/2010

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SECTION 1

ONONDAGA COUNTY ADMINISTRATIVE CODE

ARTICLE I

ONONDAGA COUNTY AND ITS GOVERNMENT

Section

- 1.01. Title.
- 1.01A. Purposes.
- 1.02. County Status; Powers and Duties.
- 1.03. Effect of Code on State Law.
- 1.04. Effect of Code on Local Laws and Enactments.
- 1.05. Definitions.
- 1.06. Equal Opportunity Employer.
- 1.07. County Seal.
- 1.08. County Flag.

Section 1.01. TITLE.

This Administrative Code, and all amendments thereto, shall be known and cited as the "Onondaga County Administrative Code".

Section 1.01A. PURPOSES.

This Code is intended to secure maximum self-government for the people of the County of Onondaga through the exercise of the home rule powers granted under the Constitution of the State of New York and the Onondaga County Charter, as amended, and to achieve the establishment of an efficient and responsible County government.

Section 1.02. COUNTY STATUS; POWERS AND DUTIES.

The status, powers and duties of the County of Onondaga and its

government shall be as provided in Section 102 of the Charter.

Section 1.03. EFFECT OF CODE ON STATE LAW.

Except as may otherwise be required by law, any State law which is inconsistent with any or all of the provisions of this Code shall be superseded by this Code to the extent of inconsistency.

Section 1.04. EFFECT OF CODE ON LOCAL LAWS AND ENACTMENTS.

Except as may otherwise be required by law, all existing laws, ordinances, legalizing acts and resolutions of the County shall remain operative except where inconsistent with this Code.

Section 1.05.\* DEFINITIONS.

The introductory paragraph of Section 105 of the Onondaga County Charter is hereby amended to delete therefrom the words, "or administrative code".

Whenever used in this Administrative Code, local laws, ordinances, legalizing acts or resolutions, unless otherwise expressly stated or required by subject matter of context:

(a) "Act" or "act" shall mean a local law, resolution, ordinance or legalizing act heretofore or hereafter adopted by the Board of Supervisors or the County Legislature of the County;

(b) "Administrative Code" or "Code" shall mean this local law, which in part shall be a Charter Law as defined in Section 32 of the Municipal Home Rule Law, adopted by and for the County, and all amendments thereto;

(c) "Authorized agency" shall mean a corporation, association, institution or agency authorized to receive and expend County funds;

(d) "County Legislature", except as otherwise provided in the Charter or this Code, shall mean a body of persons appointed in the manner provided in the Charter or this Code for the purpose of studying and advising on matters of County interest;

(e) "capital project" shall mean (1) any physical public betterment, improvement or replacement or any appraisal, report, study, survey, plan and specification relative thereto, or (2) land or rights in land, or (3) any machinery, apparatus or equipment for any physical public betterment or improvement, or (4) furnishings in connection with any physical public betterment or improvement when such betterment or improvement is first constructed or acquired, or (5) any

combination of the above;

(f) "Charter" or "County Charter" shall mean the Onondaga County Charter, and all amendments thereto;

(g) "commission" shall mean a body of persons appointed in the manner provided in the Charter or this Code for the purpose of investigating, studying, reporting, drafting and advising on matters of County interest;

(h) "committee" shall mean a body of persons appointed in the manner provided in the Charter or Code for the purpose of investigating, studying or reporting on matters of County interest;

(i) "County" shall mean the County of Onondaga;

(j) "County Executive" shall mean the County Executive of Onondaga County, as more fully provided in Article III of the Charter and this Code;

(k) "department" shall mean each of those units of the executive branch set forth in Articles IV, VII, XI through XXIV, XXVII, and XXVIII of this Code, and, except where otherwise required by law or inconsistent with the provisions of the Charter or this Code, those units of County government set forth in Articles V and VIII through X of this Code;

(l) "deputy" shall mean a County officer authorized by his/her principal to exercise delegated discretionary powers and duties and authorized to act generally for and in place of the principal;

(m)\*\* "division" shall mean a unit within a department or office of an appointed elected officer;

(n) "encumbrance" shall mean a written statement of incurred liability signed by the head of an administrative unit of County government or his authorized agent setting forth the nature and amount of liability, or an estimate thereof if the exact amount is unknown, and the appropriation against which it is chargeable in the manner provided by Section 362 of the County law;

(o) "executive branch" shall mean the County Executive and all units of government within his jurisdiction;

(p) "judiciary" shall mean judges;

(q) "legalizing act" shall mean a legislative act, not subject to referendum, which legalizes and validates any act undertaken in connection with a lawful municipal object or purpose by the governing board or other local body, officer or agency of a municipality wholly within the County, in the manner and under the conditions prescribed in the County Law, as amended, or other applicable law;

(r) "local law" shall mean a law adopted pursuant to the Charter or

this Code within the power granted by the Constitution of the State of New York, an act of the State Legislature or a provision of the Charter or this Code, but shall not include ordinances, legalizing acts or resolutions;

(s) "officer" shall mean a person in the County government who has authority to exercise some portion of the sovereign power either in making, executing or administering the laws;

(t) "ordinance" shall mean a legislative act, not subject to referendum, adopted pursuant to the Charter or this Code and relating to property or any other subject of County concern not required to be enacted by local law, legalizing act or resolution;

(u) "qualified elector" shall mean a person qualified to cast a ballot in a County Election;

(v) "quorum" shall mean a majority of the total voting power or total number;

(w) "resolution" shall mean a legislative act other than a local law, ordinance or legalizing act, adopted pursuant to the Charter or this Code, but not subject to referendum;

(x) "sinking fund" shall mean a fund authorized or required by law to be established and maintained for the purpose of amortizing the bonded indebtedness of the County;

(y) "total voting power", or "whole voting power" or "total number" or "whole number" shall mean the number of a duly constituted body if there were no vacancies and no persons disqualified from acting; and

(z) "unit" shall mean any part of the County government, including officers thereof and quasi-independent agencies, boards, commissions receiving County funds on a budgeted basis by appropriation, but excluding bureaus, divisions sections or other subordinate parts of the foregoing.

Section 1.06. EQUAL OPPORTUNITY EMPLOYER.

The County of Onondaga is an equal opportunity employer.

Section 1.07. COUNTY SEAL.

The seal of the County of Onondaga, which shall be used for all authorized purposes, shall consist of (1) arms - upon a shield, in chief a sword horizontal with hilt sinister above a pair of scales, in base a bullock facing dexter; (2) supporters - dexter from top to base of shield, an olive branch, a drum pointed toward the shield and crossed drumsticks,

and sinister, military emblems consisting of, from top to base of shield and protruding from behind the shield, a bayonet, tops of two flags with pointed staffs, the muzzle and wheel of a cannon and a pyramid of ten cannon balls, and protruding from behind the second flag the ends of two ramrods; (3) crest - a sheaf of wheat upon an heraldic wreath arched; (4) legend - encircling the upper half of the design the words "ONONDAGA COUNTY SEAL"; and (5) the whole placed within a circle indented.

Section 1.08. COUNTY FLAG.

The flag of the County of Onondaga shall be rectangular in shape, 26 units wide by 33 units long. On a white field fringed with gold, the County seal with a diameter of 12 units shall appear in slate grey. Above the seal, in gold letters 3 units high, the words "COUNTY OF ONONDAGA" shall appear in a curved line. Below the seal, in gold letters 2 units high, the words "STATE OF NEW YORK" shall appear in a straight line. The distance between the seal and either line of lettering and between such lettering and the top or bottom edge of the flag, respectively, shall be  $2\frac{1}{4}$  units measured vertically throughout the center of the seal and flag.

ARTICLE I - KEY

Section

Local Law

\*1.05(d) & (q) As amended by Local Law No. 8, 1994.

\*\*1.05(m) As amended by Local Law No. 18, 1991.

ARTICLE II

COUNTY LEGISLATURE

Section

- 2.01. County Legislature; Status and Title; Election; Term; Qualifications.
- 2.02. County Legislature; Powers and Duties.
- 2.03. Local Laws; Adoption; Amendment and Repeal; Procedure.
- 2.04. Ordinances; Adoption; Amendment and Repeal; Procedure.
- 2.05. Resolutions; Adoptions; Amendment and Repeal; Procedure.
- 2.06. Legalizing Acts; Adoption; Amendment and Repeal; Procedure.
- 2.07. Organizational Meeting.
- 2.08. Monthly and Special Meetings; Notice.
- 2.09. Chairperson of the County Legislature; Election; Vacancy.
- 2.10. Chairperson of the County Legislature; Powers and Duties.
- 2.11. Committees of the County Legislature.
- 2.12. Clerk of the County Legislature; Appointment; Vacancy; Powers and Duties; Deputy Clerks and Employees.
- 2.13. Vacancies in Membership of County Legislature and Committees.
- 2.14. Conference Expenses.
- 2.15. Petty Cash Funds; Establishment and Utilization.
- 2.16. Seal of the County Legislature.
- 2.17. Reapportionment.

Section 2.01.\* COUNTY LEGISLATURE; STATUS AND TITLE; ELECTION; TERM; QUALIFICATIONS.

The County Legislature, when lawfully convened, shall take the place of the prior Onondaga County Board of Supervisors, which shall thereby be abolished and superseded, and the County Legislature shall constitute the legislative, appropriating, policy determining and governing body of the County.

The County Legislature shall have and exercise all of the functions, powers and duties that were possessed by and shall be subject to the same

rules and procedures as applied to the prior Onondaga County Board of Supervisors.

Whenever the term "County Board", "Board of Supervisors", "Elective Governing Body of the County" is referred to in any law it shall be deemed to mean and refer to the County Legislature.

Except as may otherwise occur through the implementation of Section 2.17 of this Code, there shall be within the government of the County of Onondaga a County Legislature composed of twenty-four (24) legislators elected from the various districts within the County as established by local law. Each Legislator shall be deemed a County officer and shall be elected from his or her district at a general odd-numbered year election for a term of two years commencing the first day of January next following election. At the time of designation and election, and throughout the term of office, each Legislator shall be and remain an elector of the District from which designated or elected and shall have been a resident of the County continually for at least one year immediately preceding election. The County Legislature shall determine matters of qualification, subject to the provisions of the Election Law, the Charter and this Code, and further subject to review by courts of competent jurisdiction, and for that purpose it may subpoena witnesses, take testimony and require the production of books and records.

However, upon each and every reapportionment conducted pursuant to Onondaga County Administrative Code Section 2.17, subsequent to 1996, the number of districts shall be reduced to nineteen (19). One Legislator shall be elected from each of said nineteen (19) districts and district boundaries shall be revised to be consistent therewith.

#### Section 2.02. COUNTY LEGISLATURE; POWERS AND DUTIES.

The County Legislature shall be the policy determining, appropriating and governing legislative body within the County's government. Except as may otherwise be provided in the Charter or this Code, it shall have and exercise all the legislative powers and duties now or hereafter conferred or imposed upon it, or upon a county legislative body, by law, together with all the powers and duties necessarily implied or incidental thereto.

Among such powers and duties, and in addition to those prescribed in Section 208 of the Charter, as amended, it shall:

- (a) legalize, and validate by legalizing act, any act had or taken in connection with a lawful municipal purpose by a governing board

or other body, office, agency or unit of local municipality wholly within the County in the manner provided in the County law;

(b) override, as it may deem appropriate from time to time, the disapproval of legislation by the County Executive in the manner provided in Sections 210 and 214 of the Charter, as amended;

(c) approve the appointment of all heads of executive departments of County government, except those required to be elected, and except as otherwise provided in the Charter or this Code;

(d) establish by resolution one or more offices of deputy to the head of any executive unit of County government with power to act generally for and in place of the principal;

(e) establish or abolish positions of employment and titles thereof;

(f) fix, and from time to time change, the compensation and, further, except for members of the judiciary, by the adoption of such standard rules and regulations as it may deem appropriate, determine the working hours and other conditions of employment of all officers and employees paid from County funds, and except that the compensation of any elected official paid from County funds shall not be decreased during the term of office;

(g) fix by resolution, where not otherwise authorized by general appropriation, the compensation to be paid from County funds for persons rendering services to or on behalf of, but who are not officers or employees of, the County;

(h) abandon as it may deem appropriate from time to time, and by the affirmative vote of not less than two-thirds of the whole number of its members, any capital project voted or undertaken and for which County funds have been appropriated; and

(i) establish by resolution the method for correction of manifest clerical or other errors or omissions in assessment rolls or returns thereof as authorized by law.

### Section 2.03. LOCAL LAWS; ADOPTION; AMENDMENT AND REPEAL; PROCEDURE.

The County Legislature may adopt, amend and repeal local laws by not less than a majority vote of the members present and voting. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. All procedural details relating to the adoption, amendment and repeal of local laws, including the conduct of referenda thereon and the supersedence of acts of the State Legislature, shall be as provided in Sections 209, 210, 211, 212 and 213 of the Charter, as amended, and as further provided in Sections 2.05 and 3.02 of this Code and other applicable law.

Section 2.04. ORDINANCES; ADOPTION; AMENDMENT AND REPEAL; PROCEDURE.

The County Legislature may adopt, amend and repeal ordinances by not less than a majority vote of the members present and voting. Each ordinance shall embrace only one subject and may relate to property or any other subject of County concern not required by the Charter, this Code or other applicable law to be provided by local law. Ordinances may provide for their enforcement by legal or equitable proceedings, that violations thereof shall constitute offenses or misdemeanors and that punishment for violation may be by civil penalty, or by fine, imprisonment or both. All procedural details relating to the adoption, amendment and repeal of ordinances shall be as provided in Section 214 of the Charter, and as further provided in Sections 2.05 and 3.02 of this Code and other applicable law.

Section 2.05. RESOLUTIONS; ADOPTION; AMENDMENT AND REPEAL; PROCEDURE.

The County Legislature may adopt, amend and repeal resolutions by not less than a majority vote of the members present and voting. Each resolution shall embrace only one subject and may relate to property or any other subject of County concern not required by the Charter, this Code or other applicable law to be provided by local law or ordinance. All procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Charter, this Code or other applicable law, except, however, that resolutions shall not be subject to referenda.

Section 2.06. LEGALIZING ACTS; ADOPTION; AMENDMENT AND REPEAL; PROCEDURE.

The County Legislature may adopt, amend and repeal legalizing acts in the matter provided by law. Each legalizing act shall embrace only one subject. All procedural details relating to the adoption, amendment and repeal of legalizing acts shall be as provided in the Charter, this Code or other applicable law.

Section 2.07.\*\* ORGANIZATIONAL MEETING.

The organizational meeting of the County Legislature shall be conducted on the first day, other than a Saturday, Sunday or holiday, in the month of January of each even-numbered year; provided, however, that the organizational meeting may be held within the first three days, other

than a Saturday, a Sunday or a holiday, when so designated in writing by the Chairman of the County Legislature. Notice of the date and time of said meeting shall be given to each legislator by the Clerk of the County Legislature as may be provided for in the rules of the County Legislature. In the event of a vacancy in the office of the Clerk of the County Legislature, or of the inability or failure of the Clerk to act in accordance with the provisions of this Section, notice shall be given by the County Clerk at the earliest practicable time.

Section 2.08. MONTHLY AND SPECIAL MEETINGS; NOTICE.

The County Legislature shall fix by rule the time and place of and notice for its regular meetings, which shall be conducted at least once each calendar month. Special meetings may be conducted at such other times and places, and upon such conditions and notice to all members, as the County Legislature may fix by their rules or resolution adopted by not less than a majority vote of the members present and voting.

Section 2.09. CHAIRPERSON OF THE COUNTY LEGISLATURE; ELECTION; VACANCY.

The County Legislature, at its organizational meeting, shall elect from among its members a Chairperson, who shall serve for a term of two years or until a successor shall be elected. In the event of a vacancy in the office of Chairperson, the County Legislature shall elect a Chairperson to serve for the balance of the unexpired term, except, however, that in the event of the County Legislature's failure to fill such vacancy in the manner hereinabove provided, it shall proceed so to do in the manner prescribed in Section 203 of the Charter, as amended.

Section 2.10. CHAIRPERSON OF THE COUNTY LEGISLATURE; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Chairperson of the County Legislature shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a chairperson of a county legislative body.

Section 2.11. COMMITTEES OF THE COUNTY LEGISLATURE.

Within twenty days after the election, the Chairperson of the County Legislature shall appoint from among its members the chairpersons and members of such standing committees as may be prescribed in Section 203 of

the Charter, as amended, together with the chairperson and members of such other committees as may be deemed appropriate. Each such appointment shall be in writing and filed with the Clerk of the County Legislature, who shall immediately mail written notice of such appointment to each such member. Members of all standing committees shall continue in such office until their successors shall have been appointed, provided, however, that nothing herein contained shall be construed to authorize or permit any member of the County Legislature whose term shall have expired, or who shall have resigned or otherwise been removed from office, to continue to serve thereafter upon any committee of the County Legislature. Committees other than standing committees of the County Legislature shall continue to function until disbanded by the Chairperson of the County Legislature.

Section 2.12. CLERK OF THE COUNTY LEGISLATURE; APPOINTMENT; VACANCY; POWERS AND DUTIES; DEPUTY CLERKS AND EMPLOYEES.

The County Legislature, at its organizational meeting, and in the manner provided by its rules, shall appoint a Clerk and such deputy clerks of the County Legislature as it may deem appropriate. All such appointees shall serve at the pleasure of the County Legislature, which shall fill vacancies in such offices in the manner, and within the time, provided by its rules. The Clerk shall be responsible for the day-to-day administration of the affairs of the County Legislature, serve as secretary to all standing committees of the County Legislature and perform such other and related duties as may be conferred or imposed by the County Legislature. The Clerk may also appoint, within appropriations therefore, such other assistants and employees of the office as shall be authorized by the County Legislature who, unless otherwise required by law, shall serve at the pleasure of the Clerk.

Section 2.13. VACANCIES IN MEMBERSHIP OF COUNTY LEGISLATURE AND COMMITTEES.

Pursuant to the provisions of Section 205 of the Charter, as amended, a vacancy in the membership of the County Legislature shall be filled by appointment of the County Executive within thirty days of the commencement of such vacancy. Each such appointee to the County Legislature shall serve until the next following general election, at which election the said vacancy shall be filled for the unexpired term. Any successor who shall be so appointed or elected shall possess all the qualifications required of members of the County Legislature, as more particularly set forth in

Section 202 of the Charter, as amended, and Section 2.01 of this Code. A vacancy in the membership of any standing committee of the County Legislature shall be filled by appointment of the Chairperson of the County Legislature.

Section 2.14. CONFERENCE EXPENSES.

The Chairperson of the County Legislature may designate and authorize any member, officer or employee of the legislative branch of County government to attend any convention, conference, school or other meeting determined to be in the best interest of the County. All necessary and actual expenses, including but not limited to registration fees and mileage, shall be paid from County funds within appropriations therefore.

Section 2.15. PETTY CASH FUNDS; ESTABLISHMENT AND UTILIZATION.

The County Legislature, upon the request of the County Executive, may establish by resolution a revolving petty cash fund in such amount as it may determine for any officer or unit of County government, the procedure for the utilization of which shall be as provided in Section 6.16 of this Code.

Section 2.16. SEAL OF THE COUNTY LEGISLATURE.

The seal of the County Legislature shall consist of the following: in the center, within the seal's circle, a beehive supported dexter by a wreath of flowers and sinister by a swarm of bees, encircled in chief by the words, "COUNTY LEGISLATURE", at the top and, "ONONDAGA COUNTY", at the bottom, with the word, "SEAL", appearing directly beneath the center of the beehive. It shall be used for all authorized and required purposes.

Section 2.17. REAPPORTIONMENT.

At least thirty days prior to the earliest date for circulation of designating petitions for the primary election next following publication of the results of each federal decennial census of the County, the County Legislature shall prepare and approve a plan of reapportionment reflecting the number and geographic boundaries of the various districts from which its subsequent membership shall be elected. Each such plan shall be based

upon the distribution of population throughout the County. It shall conform to applicable guidelines and rules relating to apportionment and, within such structures, provide for districts as nearly compatible with local governmental lines within the County as shall then be practicable. A reapportionment commission shall be created and appointed pursuant to Section 207 of the Onondaga County Charter as amended.

ARTICLE II - KEY

<u>Section</u>	<u>Local Law</u>
*2.01	As amended by Local Law No. 8, 1994 and Local Law No. 11, 1996.
**2.07	As amended by Local Law No. 10, 1995.

ARTICLE III  
EXECUTIVE BRANCH

Section

- 3.01. County Executive; Election; Term; Qualifications.
- 3.02. County Executive; Powers and Duties.
- 3.03A. Deputy County Executive; Deputy County Executive for Human Services and Deputy County Executive for Physical Services.
- 3.03B. Deputy County Executive, Deputy County Executive for Human Services and Deputy County Executive for Physical Services; Powers and Duties.\*
- 3.04A. Repealed.
- 3.04B. Repealed.
- 3.05A. Division of Research and Communications; Director of Research and Communications; Appointment; Term; Powers and Duties.
- 3.05B. Office of Environment; Director.
- 3.06. Division of Purchase; Purchasing Director; Appointment; Term; Powers and Duties.
- 3.07. Office of Economic Development; Director of Economic Development; Appointment; Term; Powers and Duties.
- 3.08. Repealed.
- 3.09A. Division of Museums and Historic Sites; Director of Museums and Historic Sites; Appointment; Term; Powers and Duties.
- 3.09B. Museums and Historic Sites Advisory Board; Membership; Appointment; Term; Powers and Duties.
- 3.10. Division of War Memorial; Director of War Memorial; Appointment; Term; Powers and Duties.
- 3.11. Capital Program Committee; Membership; Power and Duties.
- 3.12. Committees, Commissions and Boards.
- 3.13. Appointments by County Executive.
- 3.14. Vacancy in Office of County Executive.
- 3.15. Removal of County Executive.
- 3.16. Acting County Executive.
- 3.17. Confidential Secretary; Appointment.
- 3.18. County Executive's Seal.

Section 3.01. COUNTY EXECUTIVE; ELECTION; TERM; QUALIFICATIONS.

There shall be a County Executive who shall be elected in the manner, subject to the conditions and for the term prescribed in Section 301 of the Charter.

Section 3.02. COUNTY EXECUTIVE; POWERS AND DUTIES.

The County Executive shall be the chief executive officer of the County, and except as may otherwise be provided in the Charter or this Code, shall have all the executive and administrative powers and perform all the duties now or hereafter conferred or imposed by law upon a county executive officer or the executive branch of county government, together with all the powers and duties necessarily implied or incidental thereto.

Among the powers and duties of the County Executive shall be to:

(a) appoint to serve at the pleasure of the County Executive, except as may otherwise be provided in the Charter or this Code, all department heads and appointive executive officers, subject where herein provided to the approval of the County Legislature;

(b) appoint, except as may otherwise be provided in the Charter or this Code, such deputies, administrators, assistants, officers and employees of the office as shall be authorized by the County Legislature;

(c) supervise and direct the internal structure, organization and administration of every department and other unit of the executive branch of the County government, including, except as may otherwise be provided in the Charter, this Code or applicable law, the appointment and dismissal of employees;

(d) approve or disapprove, upon recommendation of a department or unit head, and except as may otherwise be provided in the Charter or this Code, the appointment of such subordinate officers of County government as may be deemed appropriate;

(e) appoint, supervise and terminate, subject to the provisions of Section 3.13. of this Code, and except as may otherwise be provided in the Charter or this Code, all executive committees, commissions, and boards, of which the County Executive shall be an ex-officio member, to assist in the planning, formulation and administration of executive policies and programs;

(f) approve or disapprove every proposed local law or ordinance adopted by the County Legislature in the manner prescribed in Sections 210 and 214 of the Charter, as amended;

(g) fill vacancies in the membership of the County Legislature in the manner prescribed in Sections 205 of the Charter and 2.14 of this Code;

(h) be the chief budget officer of the County with responsibility for the preparation of the annual County budget as hereinafter provided;

(i) determine and fix real property equalization rates for each of the County tax districts for County purposes and annually file copies thereof in writing with the Clerk of the County Legislature;

(j) approve a uniform system for the procurement of goods and services by the County and all its units, oversee its implementation and the purchase and sale of all materials, supplies and equipment therefor, and, unless otherwise delegated, contract for the rental and servicing of equipment for the County, all subject to the provisions of applicable law and authorized appropriations;

(k) make, sign and implement, except as may otherwise be provided in the Charter or this Code, all contracts on behalf of the County within authorized appropriations;

(l) authorize where appropriate the temporary transfer of employees among units of the executive branch of the County government;

(m) assign to the officers and employees of the executive branch of the County government such other powers and duties not otherwise prescribed by the Charter, this Code, local law, ordinances, resolutions or other provisions of law;

(n) designate one or more official depositories within the County for the deposit and withdrawal of County funds;

(o) report to the County Legislature regarding the activities of the executive units of County government in such manner and at such times as may be provided in the Charter of this Code.

(p) declare the existence of emergencies affecting the life, health or safety of inhabitants of the County and, except as otherwise provided by law, exercise all the powers and duties necessary for the protection thereof;

(q) make such recommendations to the County Legislature with respect to the affairs of the County and its government as may be deemed appropriate; and

(r) except as may otherwise be provided in the Charter or this Code, have all the powers and perform all the duties now or hereafter conferred or imposed upon the County Executive by law.

Section 3.03A. DEPUTY COUNTY EXECUTIVE; DEPUTY COUNTY EXECUTIVE FOR HUMAN SERVICES AND DEPUTY COUNTY EXECUTIVE FOR PHYSICAL SERVICES.\*\*\*\*\*

There shall be within the office for the County Executive a Deputy County Executive, a Deputy County Executive for Human Services and a Deputy County Executive for Physical Services. All shall be appointed by, and unless otherwise designated by the County Executive, be directly responsible to, and serve at the pleasure of, the County Executive and shall be in the exempt class of civil services. The Deputy County Executive shall be the Acting County Executive as hereinafter prescribed in Section 3.16.

Section 3.03B\*. DEPUTY COUNTY EXECUTIVE, DEPUTY COUNTY EXECUTIVE FOR HUMAN SERVICES, DEPUTY COUNTY EXECUTIVE FOR PHYSICAL SERVICES; POWERS AND DUTIES.

(1) Except as may otherwise be provided in the Charter or this Code, and subject to the provisions of paragraph (4) of this Section, the Deputy County Executive shall exercise general administrative responsibility on behalf of the County Executive, subject to the direction of the County Executive, over all financial and administrative units of the County government, including, but not limited to, the Law Department, Personnel, Economic Development, Community Development, Purchase Division, Emergency Management, Onondaga County Public Library, Information Technology, CNY Works, the Finance Division of Management and Budget, the Insurance Division, and the Finance Division of Treasury and Real Property, the Industrial Development Agency, the Comptroller, the County Clerk, the District Attorney, the Chief Fiscal Officer, and such other assigned units and agencies of County government as perform financial and administrative services or services of related or similar nature.

(2) Except as may otherwise be provided in the Charter or this Code, and subject to the provisions of paragraph (4) of this Section, the Deputy County Executive for Human Services shall exercise general administrative responsibility on behalf of the County Executive, subject to the direction of the County Executive, over all units of County government providing human services, including, but not limited to, Mental Health, Aging and Youth, Corrections, Probation, Health, Social Services, Department of Long Term Care Services, Human Rights Commission, Veterans Services, Sheriff, Onondaga Community College, and such other assigned units and agencies of County government as perform human services or services of related or similar nature.

(3) Except as may otherwise be provided in the Charter or this Code, and subject to the provisions of paragraph (4) of this Section, the Deputy County Executive for Physical Services shall exercise general administrative responsibility on behalf of the County Executive, subject to the direction of the County Executive, over all units of County government providing physical services, including, but not limited to, the Oncenter Complex, Facilities Management, Metropolitan Water Board, Water Environment Protection, Parks and Recreation, Emergency Communications, Transportation, Board of Elections, Syracuse-Onondaga County Planning Agency, Office of the Environment, and such other assigned units and agencies of County government as perform physical services or services of related or similar nature.

(4) Within the authority hereinabove prescribed, the Deputy County Executive, the Deputy County Executive for Human Services, and the Deputy County Executive for Physical Services shall, on behalf of the County Executive:

(a) exercise general administrative supervision over, and monitor compliance with, the delivery-of-service commitments and day-to-day operations of the various departments, offices, divisions, agencies and other units of County government assigned to them in relation to their responsibilities within allocated appropriations;

(b) plan and implement from time to time such systems and work flow improvements as may be authorized by the County executive;

(c) implement training programs designed to improve productivity, discipline, the utilization of employee time and work capacity and the economical delivery of services;

(d) act as liaison between the County Executive and the various departments, offices, divisions, agencies and other units of County government assigned to them;

(e) maintain close liaison with all other units of government at every level, with private agencies and with quasi-independent agencies, boards and commissions performing services or activities associated with or otherwise affective units of County government assigned to them; and

(f) perform such other and related duties as may be required by the County Executive.

Section 3.04A. Repealed by Local Law No. 9, 1995.

Section 3.04B. Repealed by Local Law No. 9, 1995.

Section 3.05A.\*\* DIVISION OF RESEARCH AND COMMUNICATIONS; DIRECTOR OF RESEARCH AND COMMUNICATIONS; APPOINTMENTS; TERMS; POWERS AND DUTIES

There shall be within the office of the County Executive a Division of Research and Communications under the direction of the Director of Research and Communications, who shall be appointed by, be directly responsible to, and serve at the pleasure of, the County Executive. Unless otherwise provided by law, the Director shall be in the exempt class of civil service. The powers and duties of the Director shall be to:

(1) initiate, implement and coordinate such research activities, studies and programs involving the County, its activities, services and government as may be required by the County Executive or as may otherwise be appropriate.

(2) maintain up-to-date records of all research and study programs conducted by or on behalf of the County at a cost in whole or in part to the County or involving funds obtained through the aid of the County government.

(3) submit to the County Executive such reports, data and other information as may be requested, or as may otherwise be appropriate from time to time regarding research and public information activities affecting the County government.

(4) develop and implement, under the direction of the County Executive a system for the dissemination of information and regarding County government policies, procedures, programs and activities among and between units of County government.

(5) maintain a complete library of newspaper, radio, television and other media reports, articles and coverage regarding or affecting the County and its government, together with such other special reports, departmental and unit annual reports and other related materials as may be deemed appropriate.

(6) assist in County Executive and other units of County government in preparing material for public release.

(7) inform the public of County activities through news releases, newsletters, special reports and publications, public information meetings, speaker bureaus, photographs and correspondence.

(8) conduct ongoing research responsibilities as relates to the management and operations of County government.

(9) assist the County Executive through research and compilation of data which will effect productivity improvement of County services and employees.

(10) assist departments in planning and research concerning the objectives of units of County government and the effectuation thereof.

(11) maintain complete and current information relating to the availability of funds from all public and private sources which may be available to the County in the discharge of its functions, including the source of such funds, the methods of procurement and any and all other related and pertinent information with respect thereto.

(12) initiate, coordinate or otherwise assist in the departments, division, offices and other units, of State and federal funds in support of its or their programs, including the preparation and filing of applications and supporting data.

(13) with the approval of the County Executive, delegate to a Crime Control Coordinator within the office the coordination of special funding for crime control within the County, including the maintenance of complete and current information relating to the availability of funds therefor, their sources, the methods or procurement thereof, and any and all other related and pertinent information with respect thereto; and

(14) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

Section 3.05B\*\* OFFICE OF ENVIRONMENT; DIRECTOR.

The Office of Environment shall be headed by a Director who shall possess a Master's Degree in Public Administration, Environmental Science, or Sanitary Engineering or other appropriate advanced degree with at least six years of satisfactory experience in environmental issues with intensive involvement in investigation and analysis of environmental episodes. The Director shall organize the Office of Environment under the supervision of the County Executive. The Powers and Duties of the Director of the Office of Environment shall be to:

(a) the Director of the Environment shall have all the powers and duties lawfully granted or imposed by the County Charter, this Code, local law, ordinance, resolution of the County Legislature or direction of the County Executive;

(b) the Director shall represent the County Executive and Legislature in environmental issues and the Director shall coordinate Onondaga County agencies in meeting environmental problems and shall assist in the environmental aspects of economic development;

(c) the Director of Environment shall meet with citizen groups and members of the media on environmental concerns and shall negotiate with federal and State environmental regulatory agencies.

Section 3.06.\*\*\* DIVISION OF PURCHASE; PURCHASING DIRECTOR; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Office of the County Executive a Division of Purchase under the direction of a Purchasing Director, who shall be appointed by, be directly responsible to, and serve at the pleasure of, the County Executive. The Purchasing Director shall be in the exempt class of civil service. The powers and duties of the Director shall be to:

(a) promulgate, consistent with the provisions of Section 6.17A through 7.17G of this Code, a uniform system for the procurement of goods and services by the County and all its units not otherwise specifically

provided for in this Code, and, upon its approval by the County Executive, be responsible for its implementation;

(b) transact, to the extent not otherwise specifically provided for in this Code, the purchase, rental and servicing of materials, supplies and equipment for all departments and other units of County government in accordance with their requirements and in the manner prescribed by law;

(c) transact the purchase, sale, rental and servicing of materials, supplies and equipment for other levels of government with the County pursuant to agreement and as provided by law;

(d) be responsible, except as may otherwise specifically be provided in this Code, for the maintenance of all current inventories of materials, supplies and equipment owned by or otherwise within the jurisdiction of the County government and maintain such records of use and maintenance thereof as may be appropriate;

(e) transfer materials, supplies and equipment among departments and other units of County government as required, subject to the approval of the County Executive;

(f) except as may otherwise specifically be provided in this Code, provide or approve suitable specifications or standards for all materials, supplies and equipment to be purchased by the County, provide for the inspection of all such deliveries to determine compliance with such specifications and standards and determine their acceptability within such standards;

(g) submit to the County Executive such reports, data and other information as may be required, or as may otherwise be appropriate from time to time, regarding purchase and procurement policies within the County government;

(h) receive, store, protect, maintain, issue and otherwise provide for the protection, use and disposition of stock, supplies, materials, and equipment utilized by the County government throughout its various departments, offices, divisions, agencies and other units;

- (i) submit to the County Executive such reports, data and information as may be required or as may otherwise be appropriate from time to time, regarding the stock, supplies, materials and equipment of the County; and
- (j) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the County Executive.

Section 3.07. OFFICE OF ECONOMIC DEVELOPMENT; DIRECTOR OF ECONOMIC DEVELOPMENT; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Office of the County Executive an Office of Economic Development under the direction of a Director of Economic Development, who shall be appointed by, be directly responsible to, and serve at the pleasure of, the County Executive. The Director shall be in the exempt class of civil service. Except as may otherwise be provided in the Charter or this Code, the Office of Economic Development shall:

- (a) promote and safeguard the commercial and industrial growth and welfare of the Syracuse metropolitan area, including, but not limited to, the solicitation of new industry, business and commerce;
- (b) assist established industry, business and commerce throughout the County in the growth and welfare of their activities;
- (c) coordinate local governmental activities in their efforts to improve the general economic welfare and climate of the community;
- (d) plan and administer manpower training programs within the County;
- (e) cooperate with public and private agencies in the promotion of community development throughout the County;
- (f) provide staff service to the office of the Onondaga County Industrial Development Agency; and
- (g) perform such other and related duties as may be required by the County Executive.

Section 3.07\*\*\*\* DIVISION OF EMERGENCY MANAGEMENT; DIRECTOR OF EMERGENCY MANAGEMENT; APPOINT; TERM; POWERS AND DUTIES.

REPEALED BY Local Law No. 7, 2003.

Section 3.09A. DIVISION OF MUSEUMS AND HISTORIC SITES; DIRECTOR OF MUSEUMS AND HISTORIC SITES; APPOINTMENT; TERM; POWER AND DUTIES.

There shall be within the office of the County Executive a Division of Museums and Historic Sites under the direction of a Director of Museums and Historic Sites, who shall be appointed by, be directly responsible to, and serve at the pleasure of, the County Executive. Unless otherwise provided by law, the Director shall be in the exempt class of civil service. The powers and duties of the Director shall be to:

- (1) appoint a curator of an Onondaga County Museum of History who may also be the Director of Museums and Historic Sites;
- (2) develop effective policies and programs for the preservation, restoration, promotion and enhancement of the county's historic sites, artifacts and archives;
- (3) bring into association with the Museum, on a voluntary basis, all organizations within the county which dedicate themselves to historical preservation and scholarship;
- (4) encourage research into, publication of, and creation of audio and graphic aids for the presentation of the history of Onondaga County;
- (5) present Onondaga County to its state and national audiences as a vigorous center for historical recreation, education and research.
- (6) collect, house, preserve, catalog, collate and publish or print manuscript and archival materials, official and private and collate artifacts pertinent to Onondaga County's history;
- (7) report from time to time to the County Executive, or designee, on the general physical conditions of museums and historic facilities owned or managed by the County of Onondaga and make such recommendations as the Director may deem appropriate; and
- (8) except as may be otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the County Executive.

Section 3.09B. MUSEUMS AND HISTORIC SITES ADVISORY BOARD; MEMBERSHIP; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Division of Museums and Historic Sites a Museums and Historic Sites Advisory Board whose members shall be appointed in the manner hereinafter provided in Section 3.13. of this Code. Except as may otherwise be provided in the Charter or this Code, it shall;

(1) render assistance and advice to the Director and the County Executive from time to time, either at their request or upon its own initiative, regarding historic sites, programs and services throughout the County and the operation of the Division;

(2) assist in the procurement of federal and state funds, or funds from other public or private sources in furtherance of the implementation of the Division's policies, programs and services;

(3) serve as liaison between the County Executive, the Director and the public both in the dissemination of information regarding the Division's policies, programs and services and in the interpretation, and reporting thereon to the County Executive and the Director, of the public's reactions thereto and acceptance thereof;

(4) prepare and submit to the Director an annual report on the policies, programs and services of the Division, and regarding such other matters as it may deem appropriate, which said report shall be forwarded within thirty days of submission to the County Executive together with whatever comments the Director may wish to endorse thereupon;

(5) submit to the Director such other reports, data and information as may be requested by the Director, or as it may deem appropriate from time to time, regarding historic sites, programs and services throughout the County; and

(6) perform such other and related duties as may be required by the Director.

Section 3.10. DIVISION OF WAR MEMORIAL; DIRECTOR OF WAR MEMORIAL; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the office of the County Executive a Division of War Memorial under the direction of a Director of War Memorial, who shall be appointed by, be directly responsible to, and serve at the pleasure of, the County Executive. Unless otherwise provided by law, the Director shall be in the exempt class of civil service. The powers and duties of the Director shall be to:

(a) promote and coordinate such artistic, musical, educational, religious, business, commercial, athletic and other programs and events of general public interest at the County War Memorial as may be appropriate from time to time.

(b) report from time to time to the County Executive, or designee, on the general physical condition of the County War Memorial and Make such recommendations thereupon as may be deemed appropriate; and

(c) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the County Executive.

#### Section 3.11. CAPITAL PROGRAM COMMITTEE; MEMBERSHIP; POWER AND DUTIES.

There shall be within the office of the County Executive a Capital Program Committee consisting of the County Executive as Chairperson, the Budget Director as Secretary, the Deputy County Executive for Physical Services\*\*\*\*\*, the County Attorney, the Commissioner of Finance, the Director of Planning the Chairperson of the County Legislature, the Chairperson of the County Legislature's Committee on Public Works, and the Chairperson of the County Legislature's Committee on Ways and Means. The Committee shall meet at the call of the County Executive. Among its powers and duties, and except as may otherwise be provided in the Charter or this Code, it shall:

(a) review annually, and make recommendations on, the capital requirements of the County and related proposals with respect thereto;

(b) review annually, and make recommendations on, all capital projects already undertaken by the County;

(c) prepare annually a proposed county-side capital projects program for the next six fiscal years reflecting, among other things, an enumeration and description of each capital improvement proposed to be undertaken, the purposes and amounts of recommended capital expenditures by years, the estimated cost of each such expenditure and the suggested method of payment thereof and its estimated effect upon future operating budgets, with

particular referenced to operation, maintenance, debt service and other costs, total expenditures remaining beyond the six year period for capital projects included within the program, the order of priority of all such programs and such other information as it may deem appropriate;

(d) select from the foregoing capital projects which it recommends to be undertaken in the forthcoming capital budget (1) those capital projects in progress on which new work is recommended, and (2) new capital projects to be initiated, and within said framework assist the Budget Director in the implementation of the responsibilities regarding the preparation of a proposed capital budget; and

(e) have all the powers and perform all the duties now or hereafter conferred or imposed upon it by law, together with such other and related duties as may be required by the County Executive.

#### Section 3.12. COMMITTEES, COMMISSIONS AND BOARDS.

All committees, commissions and boards hereafter appointed pursuant to the provisions of Section 302(f) of the Charter and 3.02(e) of this Code shall be limited in number to not more than fifteen members, exclusive of the County Executive who shall serve ex-officio. Members shall serve at the pleasure of the County Executive, provided, however, that no term of appointment made hereafter shall exceed three years in duration and that no member shall serve for more than two consecutive terms. The chairperson of all such committees, commissions and boards shall report to the County Executive in writing the unexcused absence of any member from any three consecutive meetings, upon receipt of which report the County Executive may consider such member's position vacant for purposes of appointing a replacement.

#### Section 3.13. APPOINTMENTS BY COUNTY EXECUTIVE.

Every appointment by the County Executive shall be in writing and filed with the County Clerk and the Clerk of the County Legislature. Each appointee shall enter upon the duties of the office immediately upon such filing, except that where confirmation or approval of the County Legislature shall be required pursuant to the Charter or this Code, each such appointee shall enter upon the duties of the office immediately upon such confirmation or approval. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the County Executive. Except as may otherwise be provided in the Charter or this Code, the County Executive may appoint a qualified person to serve temporarily as an acting department or unit head for a

period not exceeding sixty days in any calendar year, unless extended by resolution of the County Legislature.

Section 3.14. VACANCY IN OFFICE OF COUNTY EXECUTIVE.

In the event of a vacancy in the Office of County Executive as described in Section 30 of the Public Officers Law, the Acting County Executive shall succeed to the office of County Executive, and shall hold the office of County Executive until the commencement of the calendar year next following the first annual election held not less than sixty days after the occurrence of such vacancy, at which annual election a County Executive shall be elected from the County at large for the balance of the unexpired term.

Section 3.15. REMOVAL OF COUNTY EXECUTIVE.

The County Executive may be removed from office only in the manner provided in Section 303 of the Charter.

Section 3.16. ACTING COUNTY EXECUTIVE.

The Deputy County Executive shall serve as the Acting County Executive in the event of the County Executive's absence from the County or inability to perform and exercise the powers and duties of the office. The County Executive shall designate in writing, and in order of succession, either the Deputy County Executive for human Services or the Deputy County Executive for Physical Services\*\*\*\*\* who shall serve as Acting County Executive in the event of the absence of both the County Executive and the Deputy County Executive from the County or inability to perform and exercise the powers and duties of the County Executive or Acting County Executive, respectively. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Executive filing a new written designation. In the absence of such written designation and order of succession, and in the event of both the County Executive's and the Deputy County Executive's absence from the County or inability to perform and exercise the powers and duties of County Executive or Acting County Executive, respectively, the County Legislature shall appoint a department head to serve as Acting County Executive. The Acting County Executive shall have all the powers and perform all the duties of the County Executive during the period of succession or until a new County Executive shall be elected and shall qualify to assume that office.

Section 3.17. CONFIDENTIAL SECRETARY; APPOINTMENT.

The County Legislature shall create positions of confidential secretary to both the County Executive and the Deputy County Executive and may create such

position for the Deputy County Executive for Human Services and the Deputy county Executive for Physical Services\*\*\*\*\*, all of which positions shall be in the exempt class of civil service. Each such person shall be appointed by and serve at the pleasure of the County Executive in the manner hereinabove provided.

Section 3.18. COUNTY EXECUTIVE'S SEAL.

The County Executive's seal shall consist of two circles, one within the other, with the words, "COUNTY EXECUTIVE,' and, "ONONDAGA COUNTY, NEW YORK,' around the outer circumference of the inner circle and in the center the word, "SEAL." It shall be used for all authorized and required purposes.

ARTICLE III - KEY

<u>Section</u>	<u>Local Law</u>
*****3.03A	As amended by Local Law No. 12, 2009
*3.03B	As amended by Local Law No. 9, 1995 and Local Law No.12, 2009.
**3.05	As amended by Local Law No. 21, 1986 and Local Law No. 13, 1987.
***3.06	As amended by Local Law No. 22, 1989. (Local Law No. 18, 1986 repealed).
****3.08	Repealed by Local Law No. 7, 2003. See Article XXX.
*****3.09B	As amended by Local Law No. 2, 1977.
*****3.11	As amended by Local Law No. 12, 2009
*****3.16	As amended by Local Law No. 12, 2009
*****3.17	As amended by Local Law No. 12, 2009

ARTICLE IV\*

DEPARTMENT OF FINANCE

Section

- 4.01. Department of Finance; Appointment; Qualifications; Term.
- 4.02. Chief Fiscal Officer; Powers and Duties.
- 4.03. Division of Treasury; Director of Treasury; Appointment; Term; Powers and Duties.
- 4.04A. Division of Real Property Tax Services; Director of Real Property Tax Services; Appointment; Term; Powers and Duties.
- 4.04B. Director of Real Property Tax Services; Technical Assistants; Appointment; Qualifications; Terms.
- 4.04C. Division of Management and Budget.
- 4.04D. Deputy Director of the Division of Management and Budget; Appointment, Term; Powers and Duties.
- 4.05. Depository Undertakings; Liability of Chief Fiscal Officer.
- 4.06. Departments Divisions and Units; Deputy Chief Fiscal Officers and Staff; Appointment; Revocation.
- 4.07. Acting Chief Fiscal Officer.
- 4.08. Seal of the Chief Fiscal Officer

Section 4.01. DEPARTMENT OF FINANCE; CHIEF FISCAL OFFICER; APPOINTMENT; QUALIFICATIONS; TERM.

There shall be a Department of Finance under the direction of a Chief Fiscal Officer, who shall be appointed by the County Executive, subject to the approval of the County Legislature. In addition to the qualifications prescribed in Section 401 of the Charter, the Chief Fiscal Officer shall possess at the time of appointment a degree in the field of financial or business administration, or five years experience in the financial field, and shall be appointed on the basis of these and any qualifications as may be possessed for the responsibilities of the office. The Chief Fiscal Officer shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 4.02. CHIEF FISCAL OFFICER; POWERS AND DUTIES.

(a) The Chief Fiscal Officer shall be the chief fiscal officer of the County, as provided in Section 402.a of the Charter. As such, the Chief Fiscal Officer shall be responsible for the administration of the County's financial affairs. The powers and duties of the Chief Fiscal Officer in addition to those prescribed in Section 402 of the Charter shall be to:

(1) submit to the County Executive and the County Legislature on or before the 15th days of January, April, July and October, and at such other times as they may require, a statement of the financial condition of the County as of the last day of the preceding calendar quarter, including aggregate revenues received for general County purposes and for each appropriate account or fund when required by law to be expended, reflecting as to each such account the amounts appropriated or encumbered but remaining unexpended, the aggregate expenditures of the unencumbered balance and such other information as they may require;

(2) conduct the sale of all bonds pursuant to the provisions of the Local Finance Law and maintain records of all indebtedness of the County;

(3) provide adequate insurance and surety bond coverage protecting the County from all reasonable risks of loss or damage;

(4) have all of the powers and duties formerly performed by the Commissioner of Finance, the County Treasurer and the Director of the Division of Management and Budget; and

(5) except as may otherwise be provided in the Charter or this Code, have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

Section 4.03. DIVISION OF TREASURY; DIRECTOR OF TREASURY; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Department of Finance a Division of Treasury under the direction of a Director of Treasury, who shall be appointed in the manner, subject to the conditions and for the term prescribed in Section 4.06 of this Code. The powers and duties of the Director shall be to:

(a) collect and receive on behalf of the Chief Fiscal Officer all property and sales tax revenues, state and federal aid funds, fees, grants and trust funds and other funds of the County;

(b) deposit, invest and disburse all such taxes and revenues, fees,

grants and funds and assist the Chief Fiscal Officer in the borrowing of monies by the County as authorized from time to time by the County Legislature;

(c) assist the Chief Fiscal Officer in the issuance and sale of bonds on behalf of the County;

(d) submit to the Chief Fiscal Officer such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding the collection, investment and disbursement of revenues and the issuance and sale of bonds; and

(e) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Chief Fiscal Officer; and

(f) receive monthly bank statements, reconcile outstanding and canceled checks and be the depository for said records.

Section 4.04A. DIVISION OF REAL PROPERTY TAX SERVICES; DIRECTOR OF REAL PROPERTY TAX SERVICES; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Department of Finance a Division of Real Property Tax Services which shall combine the functions of assessment and real property tax services under the direction of a Director of Real Property Tax Services, whose qualifications shall conform to those prescribed by the State of New York for county directors of real property tax service agencies and who shall be appointed in this manner, subject to the conditions and for the term prescribed in Section 4.06 of this Code. The powers and duties of the Director shall be to:

(1) ascertain, spread, enter, and extend taxes levied by the County 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;

(2) maintain records of transfer of title to real property within the County and notify appropriate assessing officers thereof;

(3) assist in the establishment, preparation and annual submission to the County Executive of proposed County tax equalization rates consistent with standards prescribed by the County Legislature or otherwise required by law;

(4) establish suitable procedures and facilities for the coordination of all tax mapping and tax roll activities within the County;

(5) provide advisory appraisal service to city, town and village assessors within the County as they may request from time to time;

(6) assist in providing County sponsored and coordinated programs for basic and advanced training of local assessors, with a view

toward upgrading their proficiency and technical skills and promoting equality and uniformity throughout the County in local assessing practices;

(7) serve as intermediary in obtaining from the State Board of Assessment and Equalization advisory assistance for city, town and village assessors within the County;

(8) submit to the Chief Fiscal Officer such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding assessment procedures within the County; and

(9) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Chief Fiscal Officer.

Section 4.04B. DIRECTOR OF REAL PROPERTY TAX SERVICES; TECHNICAL ASSISTANTS; APPOINTMENTS; QUALIFICATIONS; TERMS.

The Director of Real Property Tax Services, subject to the approval of the Chief Fiscal Officer, may appoint to the Division of Real Property Tax Services from time to time such additional technical assistants as may be authorized by the County Legislature. At the time of appointment, each such appointee shall possess at least three year's professional experience within the last ten years in the field of real property tax services or assessment, together with such other qualifications as may be required by law. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Director. These appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 4.04C. DIVISION OF MANAGEMENT AND BUDGET.

There shall be within the Department of Finance a Division of Management and Budget under the direction of the Chief Fiscal Officer whose powers and duties, in addition to those set forth elsewhere in the Charter and this Code, shall be to:

- (1) assist the County Executive in the preparation and administration of the operating and capital budgets and the capital programs;
- (2) recommend and assist departments to affect improvements in organization and management methods and procedures, and report his or her findings in these matters to the County Executive;
- (3) review and make programmatic evaluations as to expenditures of county funds and report to the County Executive regarding the same;

(4) advise the County Executive as to the effectiveness of policy management, internal organization and operating procedures within the units of county government;

(5) review and report to the County Executive regarding the character, amount and cost of service rendered by each department in county government;

(6) formulate recommendations for the County Executive regarding departmental structure and organization, work flow and distribution, and cost control;

(7) develop operating reports that shall be periodically required from all departments, boards and agencies supported in whole or in part by funds from the County of Onondaga; and

(8) perform the duties formerly performed by the Director of the Division of Management and Budget under former Section 3.04A of this Code and perform such other and related duties as may be required by the County Executive.

Section 4.04D. DEPUTY DIRECTOR OF THE DIVISION OF MANAGEMENT AND BUDGET; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Department of Finance, Division of Management and Budget, a Deputy Director of the Division of Management and Budget who shall be appointed by, shall be directly responsible to, and shall serve at the pleasure of the Chief Fiscal Officer. The Deputy Director of the Division of Management and Budget shall be in the exempt class of civil service unless otherwise provided by law. The powers and duties of the Deputy Director of the Division of Management and Budget shall be to:

(1) provide guidance in the form of budget forecasts to the County Executive, the Chief Fiscal Officer and to all departments and units of County Government for the purpose of assisting in the preparation of budget requests;

(2) review and investigate unit budget requests and assist the Chief Fiscal Officer and the County Executive in the preparation of the proposed County budget;

(3) assist the Chief Fiscal Officer and the County Executive in exercising budgetary and management control and checks on program performance;

(4) review the quarterly financial reports of the Chief Fiscal Officer prior to delivery thereof to the County Legislature together with the financial records and accounts of all units of County government charged with any duty relating to the funds of the County or for which the County is responsible in whole or in part;

(5) initiate and administer under the guidance of the Chief Fiscal Officer the planning and budgetary phases of the County's capital improvement program including serving as the secretary to the capital program committee, as hereinafter provided;

(6) conduct at the direction of the County Executive or the Chief Fiscal Officer special fiscal studies and appropriate investigations of County departmental organization, administration and systems;

(7) make recommendations to the Chief Fiscal Officer and the County Executive with regard to fiscal policy;

(8) act as a liaison, under the direction of the County Executive and the Chief Fiscal Officer, between the Executive branch of County government and the County Legislature with regard to budgetary and fiscal matters; and

(9) perform such other and related duties as may be required by the Chief Fiscal Officer or by the County Executive.

#### Section 4.05. DEPOSITORY UNDERTAKINGS; LIABILITY OF CHIEF FISCAL OFFICER.

(a) Each depository designated by the County Executive pursuant to the provisions of Section 3.02(n) of this Code shall, for the security of the County, give good and sufficient security as provided for in the General Municipal Law. The Chief Fiscal Officer 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 law.

#### Section 4.06. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY CHIEF FISCAL OFFICERS AND STAFF; APPOINTMENT; REVOCATION.

The Chief Fiscal Officer may, within appropriations therefor, create such other divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, and consistent with the provisions of Section 4.04B of this Code, the Chief Fiscal Officer may appoint such Deputy Chief Fiscal Officers, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Chief Fiscal Officer. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

#### Section 4.07. ACTING CHIEF FISCAL OFFICER.

The Chief Fiscal Officer, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting Chief Fiscal Officer in the event of absence from the County or

inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Chief Fiscal Officer filing a new written designation. The Acting Chief Fiscal Officer shall have all the powers and perform all the duties of the Chief Fiscal Officer during the period of succession or until a new Chief Fiscal Officer shall be appointed pursuant to law and shall qualify to assume that office.

Section 4.08. SEAL OF THE CHIEF FISCAL OFFICER.

The seal of the Chief Fiscal Officer shall consist of two circles, one within the other, with the words, "CHIEF FISCAL OFFICER" and "ONONDAGA COUNTY, NEW YORK", around the outer circumference of the inner circle and in the center the word, "SEAL". It shall be used for all authorized and required purposes.

ARTICLE IV - KEY

Section

Local Law

\*Article IV As amended by Local Law No. 9, 1995.

ARTICLE V

DEPARTMENT OF AUDIT AND CONTROL

Section

- 5.01. Department of Audit and Control; Comptroller; Election; Term; Qualifications.
- 5.02. Comptroller; Powers and Duties.
- 5.03. Procedure for Payment and Audit of Claims.
- 5.04. Employment of Expert Assistance.
- 5.05. Departmental Divisions and Units; Deputy Comptrollers and Staff; Appointment; Revocation.
- 5.06. Acting Comptroller; Vacancy in Office of Comptroller.
- 5.07. Comptroller's Bond.
- 5.08. Comptroller's Seal.

Section 5.01. DEPARTMENT OF AUDIT AND CONTROL; COMPTROLLER; ELECTION; TERM; QUALIFICATIONS.

There shall be a Department of Audit and Control under the direction of a Comptroller, who, unless otherwise required by law, shall be elected from the County at large for a term of four years beginning with the first day of January next following election. At the time of nomination and election, and throughout the term of office, the Comptroller shall be and remain a qualified elector of the County and shall devote the entire time to the duties of the office and shall hold no other public office.

Section 5.02. COMPTROLLER; POWERS AND DUTIES.

The Comptroller shall be the chief accounting and auditing officer of the County. Except as may otherwise be provided in the Charter or this Code, the Comptroller shall:

(a) maintain records of revenue, appropriations, encumbrances and expenditures and prescribe approved methods of accounting for all units of County government, unless otherwise required by State Comptroller;

(b) certify the availability of funds for all requisitions,

contracts, purchase orders and other documents by which the County shall incur financial obligations or for the expenditure of funds for which the County shall be responsible;

(c) prescribe the form of receipts, vouchers, bills and claims, unless otherwise required by the State Comptroller;

(d) audit and certify for payment all lawful claims or charges against the County, whether for payroll or otherwise, or against funds for which the County shall be responsible in whole or in part;

(e) audit annually, and at such other times as may be deemed appropriate, or as directed by the County Executive or the County Legislature, the financial records and accounts of all units of County government charged with any duty relating to funds of the County or for which the County shall be responsible;

(f) develop, within appropriations therefor, a cost accounting system for such units of County government as may be deemed appropriate from time to time or as the County Executive may designate;

(g) make available to the County Executive, the County Legislature and the head of any unit of County government any information from the records and accounts of the office as they may require to assist in the performance of their duties;

(h) prepare and submit to the County Executive annually, and on such dates and forms as the County Executive shall prescribe, information required by the County Executive in the preparation of a tentative County budget;

(i) maintain records of all accounts, claims and demands against the County presented for audit and the action taken thereupon;

(j) procure annually a certified copy of the latest available inventory of County property and determine the accountability thereof;

(k) procure monthly statements from all depositories of County funds and funds for which the County shall be responsible and reconcile such statements with County accounts;

(l) submit reports to the County Executive or County Legislature in such form and detail and at such times as either may require; and

(m) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive or the County Legislature.

Section 5.03.\* PROCEDURE FOR PAYMENT AND AUDIT OF CLAIMS.

(a) Any claim or charge against the County, or against funds for which the County shall be responsible in whole or in part, except for fixed salaries or the regular or stated compensation of County

officers and employees or for witness and jury fees such claim or charge, shall be paid in the following manner:

(1) such claim or charge shall be documented by or on behalf of the claimant by an invoice or billing document as prescribed by the Comptroller pursuant to Section 5.02(c) of the Onondaga County Administrative Code;

(2) such claim or charge shall be certified by the unit head or officer of the County whose action shall have given rise or origin to the claim that the goods or services for which such claim shall have been made were of the quantity and quality stated therein and were actually delivered or performed. Furthermore, such claim or charge will require; that the amount charged shall have been in accordance with the contract or agreement existing, if any, or in the absence thereof, that it shall have been reasonable and not in excess of the prevailing fair market price or rate, that no part of said charge shall have been paid and that there shall be no offsets or counter claims existing with respect thereto;

(3) such claim or charge shall be presented to and audited by the Comptroller;

(4) in connection with such audit, it shall be numbered, and the number, date of claim, name of claimant and a brief statement of the character of such claim shall be entered in a book maintained for such purposes, which entry and book shall be available for public inspection and examination at all times during regular office hours;

(5) upon completion of audit, it shall have endorsed thereon or attached thereto the Comptroller's certificate of audit, including a statement of items recommended for disallowance, rejection or reduction, with reasons therefor, and, together with such certification, shall be filed in the Comptroller's office as a public record, open to public inspection;

(6) the Comptroller shall notify the claimant of such recommendation within three days thereof, either personally or by mail directed to such claimant's last known address; and

(7) upon recommendation for payment in whole or in part, the Comptroller shall certify the amount recommended and the fund properly charged therewith, and shall specify the appropriation account to which it shall be charged and disburse payment in accordance with procedures authorized by the County Legislature.

(b) Requirements herein as to audit of claims by the Comptroller shall not apply to the use of petty cash funds established pursuant to this Code or in accordance with procedures authorized and

established by the County Legislature.

(c) The powers and duties of the Commissioner of Social Services with respect to the approval of claims for relief granted may be exercised by one or more Deputy Commissioners of Social Services pursuant to the written designation of the Commissioner filed with the Comptroller, but nothing herein contained shall operate to relieve the Commissioner of Social Services of any responsibility or accountability therefor.

Section 5.04. EMPLOYMENT OF EXPERT ASSISTANCE.

The Comptroller may within appropriations therefore, employ such expert accounting assistance as may be necessary to install and maintain a financial system for the County, and the auditing thereof, pursuant to the provisions of the Charter or this Code.

Section 5.05. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMPTROLLERS AND STAFF; APPOINTMENT; REVOCATION.

The Comptroller may, within appropriations therefor, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Comptroller may appoint such Deputy Comptrollers, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointment shall be in writing and reported to the Commissioner of Personnel. All Deputy Comptrollers, assistants and employees shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Comptroller. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 5.06. ACTING COMPTROLLER; VACANCY IN OFFICE OF COMPTROLLER.

The Comptroller shall designate in writing a line of succession to the office of Acting Comptroller in the event of a vacancy in the office of Comptroller or absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Comptroller filing a new written designation. The Acting Comptroller shall have all the powers and perform all the duties of the Comptroller during the period of succession or until a new

Comptroller shall be elected or appointed pursuant to law and shall qualify to assume that office.

Section 5.07. COMPTROLLER'S BOND.

The Comptroller, and each of the Deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk as a charge upon the County.

Section 5.08. COMPTROLLER'S SEAL.

The Comptroller's seal shall consist of two circles, one within the other, with the words, "COMPTROLLER" and "ONONDAGA COUNTY, NEW YORK," around the outer circumference of the inner circle and in the center the word, "SEAL." It shall be used for all authorized and required purposes.

ARTICLE V - KEY

Section

Local Law

\*5.03

As amended by Local Law No. 5, 1987 and Local Law No. 8,  
1994.

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ARTICLE VI\*  
FINANCIAL PROCEDURE

Section

- 6.01. Fiscal Year.
- 6.02. Capital Program; Capital Projects Requests, Capital Budget; Procedures.
- 6.03A. Proposed Operating Budget; Notification of Dates and Data.
- 6.03B. Proposed Operating Budget; Submission of Estimates and Appropriation Requests.
- 6.04. Proposed County Budget; Preparation; Contents; Data Required.
- 6.05. Proposed County Budget; Submission to County Legislature.
- 6.06. Scope of Budget; Resolutions and Budget Message.
- 6.07. Proposed County Budget; Review by County Legislature; Filing of Report.
- 6.08. Public Hearing; Notice.
- 6.09. Adoption of Budget.
- 6.10. Tax Levy and Reserve for Uncollected Taxes.
- 6.11. Supplemental and Emergency Appropriations.
- 6.12. Reduction of Appropriations; Temporary Borrowing.
- 6.13. Transfers Within or Among Units.
- 6.14. Budgetary Controls.
- 6.15. Contingent Fund.
- 6.16. Petty Cash Funds; Expenditures and Procedures.
- 6.17A. When Purchases Do Not Exceed Fixed Sum.
- 6.17B. Advertisement for Bids; Competitive Bidding.
- 6.17C. Standardization of Purchases.
- 6.17D. Procurement from State; Blind Made Products.
- 6.17E. Surplus and Second Hand Supplies, Materials and

Equipment.

6.17F. Procurement Requisitions; Filing; Encumbrancing Certification.

6.17G. Walk-In Purchase Agreements; Authorization; Limitation.

Section 6.01. FISCAL YEAR.

The fiscal year of the County shall begin with the first day of January and end with the last day of December of each year.

Section 6.02. CAPITAL PROGRAM; CAPITAL PROJECTS REQUESTS; PROCEDURES.

(a) Submission of Capital Projects Requests. On or before the first day of June of each year, or on such earlier date as the Chief Fiscal Officer may prescribe, the head of each unit of County government shall deliver to the Chief Fiscal Officer a capital projects request comprising a description, justification and estimate of each physical public improvement or work (hereinafter referred to as "capital project") which is recommended for development during one or more of the ensuing six fiscal years. Each such capital projects request shall reflect recommended priorities, developmental time schedules, estimated useful lives in years, estimated costs for planning sites or rights of way, construction, equipment and other appropriate features, the present status of plans and land acquisitions; the anticipated effect of such capital projects upon annual operating budgets, proposed methods of payment for such projects, possible sources of financial aid, recommended expenditures by years, including total expenditures remaining beyond the six year period of each such capital project, if any, and such other information as the Chief Fiscal Officer may request.

(b) Proposed Capital Program. The Capital Program Committee shall prepare each year a proposed capital projects program for the next six fiscal years reflecting, in addition to the items prescribed in Section 3.11 of this Code, the total expenditures remaining beyond the six year period for capital projects included in the program, if any, and such other information as it may deem appropriate. The County Executive may also appoint such citizens commissions as may be deemed appropriate from time to time, subject to the provisions of Section 3.12 of this Code, to

review and recommend as it may deem appropriate on matters relating to the proposed capital projects program.

(c) Proposed Capital Budget. The Capital Program Committee shall select from the foregoing capital projects which it recommends to be undertaken in the forthcoming capital budget (1) those capital projects in progress on which new work shall be recommended and (2) new capital projects to be initiated. Within these guidelines, the County Executive, with the assistance of the Chief Fiscal Officer, shall prepare a proposed capital budget which shall be so arranged as to provide in columnar form comparative information with respect to appropriations and methods of financing capital projects, including appropriations for the last completed and current fiscal years and the recommendations for appropriations for the ensuing fiscal year. The proposed capital budget shall also contain a statement as to each pending and proposed capital project, incorporating in columnar form its estimated ultimate cost, the amounts appropriated and expended to date, the amounts of additional or new appropriations included in the proposed capital budget therefor and the methods of financing each pending and proposed capital project. It shall also include a developmental time schedule as to each capital project, a statement of its effect upon the operating budgets of the current and ensuing fiscal years and its relation to both the proposed general six year capital program and the total capital undertakings for the current and ensuing fiscal years.

(d) Proposed Capital Budget; Submission to County Planning Board. The Chairperson of the Capital Program Committee shall submit not later than thirty days prior to the date of its submission to the County Legislature, the Proposed Capital Budget to the County Planning Board for its review. Upon consideration, such Chairperson shall append thereto a summary of the Board's concurrence with, or objections to, any item contained therein. The County Executive shall include such summary, without alteration, as an exhibit in the budget message to the County Legislature.

Section 6.03A. PROPOSED OPERATING BUDGET; NOTIFICATION OF DATES AND DATA.

The Budget Director shall notify the head of each unit of County

government, in writing, not less than sixty days prior to the date fixed as hereinafter provided for the submission of estimates and operating appropriations requests, of the designated date of submission of such estimates and requests, the proper form thereof and the information to be contained therein.

Section 6.03B. PROPOSED OPERATING BUDGET; SUBMISSION OF ESTIMATES AND APPROPRIATION REQUESTS.

(1) On or before the first day of August of each year, or on such earlier date as the Chief Fiscal Officer may prescribe, the head of each unit of County government shall subscribe and furnish to the Chief Fiscal Officer an estimate of revenues and expenditures of the unit for the ensuing fiscal year, exclusive of capital projects. Each estimate shall reflect the sources of revenues and the character and object of expenditures, which may be sub-classified by function and shall be subdivided according to internal organization. It shall be submitted in such form, and shall contain such information, as the Chief Fiscal Officer may prescribe, provided, however, that it shall constitute, or be accompanied by, a request for an appropriation and shall be based upon, and be accompanied by, a proposed work or activity program. Upon failure of compliance with this requirement by the head of any unit of County government, and in the absence of a written extension of not more than thirty days granted by the Chief Fiscal Officer, the latter shall prepare such estimate and request.

(2) Upon the receipt or preparation of such estimates and requests as hereinabove provided, the Chief Fiscal Officer, or the Chief Fiscal Officer's designee, shall interview such persons and conduct such reviews and investigations thereof as may be deemed appropriate, including the procurement of additional pertinent data from the head of any unit of County government.

Section 6.04. PROPOSED COUNTY BUDGET; PREPARATION; CONTENTS; DATA REQUIRED.

(a) Proposed County Budget; Information Required. Upon completion of the reviews and investigations hereinabove prescribed, the County Executive, with the assistance of the Chief Fiscal Officer, shall prepare, or cause to be prepared, the proposed County budget for the ensuing fiscal

year for both operating and capital purposes. The proposed operating budget shall be in the form prescribed in Section 603 of the Charter and otherwise in such form as the County Executive may deem appropriate and shall reflect, in addition to the items prescribed in Section 603 of the Charter, the actual revenues and expenditures for the last completed fiscal year, the budget as modified for the current fiscal year, estimates of revenues and expenditures for the ensuing fiscal year submitted by the heads of all units of County government, the County Executive's recommendations and estimates of revenues and expenditures for the ensuing fiscal year and the work or activity program of each unit of County government stated in such manner as to provide justification for its budget request. The proposed capital budget shall be as provided in Sections 603 of the Charter and 6.02(c) of this Code.

(b) Estimated Revenues. The County Executive's estimate of revenues in the proposed County budget shall be classified by accounts and units of County government and shall reflect sources of all income, including: (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 yet 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 proposed budget is being prepared; (3) an estimate of anticipated receipts from delinquent taxes, which shall not exceed the amount received in cash from delinquent taxes during the last five months of the last completed fiscal year and the first seven months of the current fiscal year, provided, however, that delinquent taxes shall include the proceeds of: (i) the collection of all taxes levied or relieved for any year preceding the current fiscal year, together with interest and penalties thereupon, (ii) the sale of property conveyed for such taxes, and (iii) the redemption of such property sold for taxes and bid in by the County, excluding the proceeds of any such collection, sale or redemption occurring during the fiscal year for which such taxes were originally levied; (4) a statement as to amounts, if any, from the capital reserve or sinking funds available for payments, other current capital payments or debt service during the ensuing fiscal year; and (5) a statement of the estimated net County tax requirements, determined by subtracting the total estimated revenues, other than taxes

yet to be levied and contributions from any other available surplus funds, from the total recommended expenditures for the ensuing fiscal year.

(c) Detailing of Recommendations. The County Executive's recommendations for expenditures in the proposed County budget shall be classified by accounts and units of County government and shall reflect the character and object of all such expenditures. It shall contain: (1) an estimate of the several amounts which are deemed appropriate for expenditure in the ensuing fiscal year for the conduct of the business of the County and of each unit thereof, separately stated, and for other County purposes and charges, classified to identify (1) the ordinary recurring expenses of the operation and maintenance of County government, and (ii) any extraordinary or nonrecurring expenses to be financed from current revenues; (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 for appropriation to the reserve and sinking funds, if any; (4) a statement of the amount required to pay the interest on, and amortization or redemption of, indebtedness becoming due in the ensuing fiscal year; (5) an estimate of the amount to be paid to school districts on account of unpaid school taxes to be returned to the County during such year; (6) 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; (7) a statement reflecting the amount of taxes received and anticipated during the current and ensuing fiscal years according to present and recommended rates, and the amount and availability of outside funds, including service contract revenues, for each unit of County government.

(d) Additional Data Concerning Debt. The proposed County budget shall also include the bonded indebtedness of the County and its various units and any actual or anticipated changes therein during the current and ensuing fiscal years, the debt redemption and other interest requirements of the County, the indebtedness authorized and unissued, the condition of the capital reserve and sinking funds, the borrowing capacity of the County and any other matters which the County Executive may deem appropriate.

(e) Monies Received But Not Included. Monies received by the County but required by law to be paid to the State of New York or to units of local government within the County shall not be included in the expenditures and revenues anticipated in the budget, provided, however, that this shall not apply to monies paid to units of local government within the County on account of delinquent taxes.

Section 6.05. \*\*PROPOSED COUNTY BUDGET; SUBMISSION TO COUNTY LEGISLATURE.

(a) Preparation of Resolutions. The County Executive shall require the preparation of proposed appropriation and tax levying resolutions referring to the proposed County budget and providing for the fiscal conduct of the County government for the ensuing fiscal year. Appropriations set forth therein shall be classified by accounts and units of County government, which shall be subdivided according to units or organization, but need not be further classified than by reference to personal service and other than personal service.

(b) Submission to County Legislature. Pursuant to the requirements of Section 603 of the Charter, on or before the fifteenth day of September of each year, the County Executive shall submit to the Clerk of the County Legislature a proposed County budget for the ensuing fiscal year, together with the proposed appropriation and tax levying resolutions as prescribed in paragraph (a) of this Section, an accompanying budget message and the program report of the Capital Program Committee for the ensuing six fiscal years.

Section 6.06. SCOPE OF BUDGET, RESOLUTIONS AND BUDGET MESSAGE.

(a) Budget. The County budget, to be submitted as provided in Sections 603 of the Charter and 6.06(b) of this Code, shall include proposed operating and capital budgets as prescribed in Sections 603 of the Charter and 6.02(c) and 6.05 of this Code.

(b) Resolutions. The proposed appropriation and tax levying resolutions, to be submitted as provided in Sections 603 of the Charter and 6.05(b) of this Code, shall be in the form prescribed in Section 6.05(a) of this Code.

(c) Budget Message. The budget message, to be submitted as provided in Sections 603 of the Charter and 6.05(b) of this Code, shall be as prescribed in Section 603 of the Charter, and shall include in addition a description of the important features of the current budget with reference both to anticipated income and proposed expenditures and a general summary of current and capital requirements for the ensuing fiscal year, with supporting schedules. It shall so describe the current budget as to reflect a balanced relation between the total anticipated income and the proposed expenditures for the ensuing fiscal year and shall draw a comparison between those figures and the corresponding figures for the last completed and current fiscal years.

Section 6.07. ~~PROPOSED COUNTY BUDGET; REVIEW BY COUNTY LEGISLATURE; FILING OF REPORT.~~

Upon receipt of the proposed County budget, the County Legislature, or its appropriate standing committee, shall interview such persons and conduct such hearings, reviews and investigations thereon as it may deem appropriate, including the procurement of additional pertinent data from the head of any unit of County government. Not later than the first day of October, it, or its said committee, shall file a report on the proposed budget with the Clerk of the County Legislature, including any recommendations proposed therein. Such report shall become a public record and be made available for distribution by the Clerk of the County Legislature.

Section 6.08. PUBLIC HEARING; NOTICE.

Not later than the first day of October of each year, the Clerk of the County Legislature shall cause to be published in the official newspaper of the County, and in such other newspapers as the County Legislature may designate, a notice of place and time, not less than five days after such publication nor later than the tenth day of October, at which the County Legislature or its appropriate standing committee shall hold a public hearing with respect to the proposed County budget and budget message. The County Executive, or the Chief Fiscal Officer, shall be present at such meeting and any person may be heard in favor of, or against, the proposed County budget.

Section 6.09. ADOPTION OF BUDGET.

The proposed County budget shall be adopted in the manner prescribed in Section 605 of the Charter.

Section 6.10. TAX LEVY AND RESERVE FOR UNCOLLECTED TAXES.

The net County tax requirement, including a reserve for uncollected taxes, shall be levied in the manner prescribed in Section 606 of the Charter, provided, however, that such reserve shall not be less than the face amount of unpaid taxes for the preceding completed fiscal year.

Section 6.11. SUPPLEMENTAL AND EMERGENCY APPROPRIATION.

The County Legislature may make supplemental and emergency appropriations in the manner prescribed in Section 607 of the Charter.

Section 6.12. REDUCTION OF APPROPRIATIONS; TEMPORARY BORROWING.

The County Legislature may reduce appropriations or authorize temporary borrowing as prescribed in Section 608 of the Charter.

Section 6.13.\*\*\*TRANSFERS WITHIN OR AMONG UNITS.

(a) The transfer of part or all of any unencumbered appropriation balance between classifications of expenditures within the same administrative unit or from one administrative unit to another shall be made pursuant to Section 608 of Article VI of the Charter. The County Executive may transfer part or all of any unencumbered appropriation balance between classifications of expenditure within or among administrative units of County government. Any such transfer resulting in accumulative increase exceeding seven thousand five hundred dollars in any line item in the budget adopted in any fiscal year shall require the approval of the County Legislature. Any such transfer resulting in accumulative increase exceeding one thousand five hundred dollars in any line item in the budget adopted in any fiscal year shall be recorded by the County Executive and reported to the County Legislature.

(b) The County Executive may at any time make any transfer of part or all of any unencumbered appropriation balance between classifications of expenditures within the same administrative unit or from one administrative unit to another affecting any salary rate or salary total

if such transfer is necessary to provide for payment of (1) any salary increment pursuant to any salary plan adopted by the County Legislature and in effect at such time such transfer is necessary, (2) any salary when such salary has been effected by a change in the salary rate or salary total due to a change of salary grade for such position pursuant to said salary plan, (3) any salary when such salary has been effected by a change in the salary rate or salary total due to a change from one position to another position and the latter position has been established for an administrative unit by the County Legislature subsequent to the adoption of the budget for any fiscal year and said latter position is not included in the appropriation for such administrative unit for said fiscal year, (4) any salary when such salary has been effected by a change in the salary rate or salary total due to any cost of living adjustment or other salary adjustment adopted by the County Legislature and in effect at such time such transfer is necessary. Transfers made pursuant to this paragraph shall not require approval by the County Legislature.

(c) The County Legislature may transfer part or all of any unencumbered appropriation balance from one County unit to another in the manner subject to the conditions prescribed in Section 608 of the Charter.

#### Section 6.14. BUDGETARY CONTROLS.

(a) Restrictions. No County officer, employee or unit shall, during any 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 in excess of amounts appropriated or authorized to be borrowed by the County Legislature. The unexpended balance of each current appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year and shall be deemed revenue of sinking or reserve funds for the purpose of preparing, during the following fiscal year, the proposed County budget for the ensuing fiscal year pursuant to the provisions of Section 6.04(b) (2) of this Code. In that regard, no assignment of a requisition number or request by letter or other means to the Comptroller or any other County officer from any unit of County government for the purpose of holding over after the close of such fiscal year any unencumbered balance of appropriation or part thereof shall be construed

to be a commitment or an encumbering of any such appropriation, provided, however, that 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, however, 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 for the acquisition of property therefor, or for leasing, or for the establishment of bond or capital accounts or sinking 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 abandoned. Any contract made in violation of this Section shall be null and void.

(b) Control. The County Executive shall maintain control at all times over the expenditures of every unit of County government. For such purposes, the County Executive may, among other things, require the head of any unit of County government to submit, prior to the beginning of any fiscal year, revised work programs based upon appropriations in the adopted budget for such fiscal year and originally submitted as proposed work programs for the year by the head of such unit pursuant to the provisions of Section 6.03B of this Code and prescribe quotas and allotments with respect thereto.

(c) Limitations Upon Encumbrancing. No officer, employee or unit of County government shall encumber the appropriation in an amount in excess of that allowed by any quota or allotment prescribed pursuant to the provisions of Section 6.14(b) of this Code.

#### Section 6.15. CONTINGENT FUND.

The County Legislature may at any time appropriate by resolution all or any part of the moneys in the general contingent fund for general County purposes.

#### Section 6.16. PETTY CASH FUNDS; EXPENDITURES AND PROCEDURES.

Expenditures from petty cash funds established pursuant to the

provisions of Section 2.16 of this Code may be made only for payment of bills or claims in advance of audit by the Comptroller, who shall reimburse any amount so audited and approved from the appropriate budgetary item or items.

Section 6.17A.\*\*\*\*PROCUREMENT WHERE ADVERTISEMENT FOR BIDS WAIVED.

(1)\* When Purchases Do Not Exceed Fixed Sum. In accordance with Chapter 413 of the Laws of 1991, which amended the mandatory limits contained within the General Municipal Law Section 103, contracts for public works up to a maximum sum of twenty thousand dollars (\$20,000) and purchase contracts up to a maximum sum of ten thousand dollars (\$10,000), may be made without advertising for bids as provided in Section 6.17B of this Code.

(2) Perishables, Drugs and Medical Supplies. Public advertisement shall not be required with respect to the procurement of food stuffs, drugs and medical supplies unless required by resolution of the County Legislature.

(3) Emergencies. Supplies, materials, equipment and services to be rendered by contract may be procured without advertisement upon the declaration by the County Executive or other authorized officer of a public emergency arising out of an accident or other unforeseen condition effecting the life, health or safety of persons within the County and requiring immediate action.

(4) Damage to Public Facilities. Public advertisement may be waived when, through accident or other circumstance, the heating, air conditioning, ventilating, lighting, plumbing or other equipment or apparatus of any public building of the County shall become disabled, or when any such building or part thereof shall be rendered untenable. The head of any unit of County government responsible for the maintenance of such building shall report such emergency in writing to the Purchasing Director and certify the necessity of immediate repair. Public advertisement shall not be waived, however, unless such certificate of necessity shall be approved in writing by the County Executive.

(5) Replacement Parts. Public advertisement may be waived when machinery, equipment or other apparatus shall become disabled or worn and shall require immediate repair or replacement. The head of any unit of County government so affected shall notify the Purchasing Director in writing of such condition and certify to the necessity of immediate repair. Public advertisement shall not be waived, however, unless such certificate of necessity shall be approved in writing by the County Executive.

(6) Procurement From State. Public advertisement may be waived for purchases made pursuant to the provisions of Section 6.17D of this Code.

Section 6.17B. ADVERTISEMENT FOR BIDS; COMPETITIVE BIDDING.

(1) Advertisement for Bids; When Required. Except where otherwise provided by this Code or other applicable law, all purchases of, and contracts for, supplies, materials, equipment and services for the County shall be made by publishing an advertisement in an official daily newspaper published within the County of Onondaga inviting sealed bids therefor.

(2) Contents of Advertisement; Time Requirement. Each such advertisement shall contain a statement of the time when, and the place where, all bids received shall be publicly opened and read. At least five days shall elapse between publication of the first advertisement and the date specified therein for the opening and reading of bids.

(3) Opening of Bids; Award; Rejection. The Purchasing Director, or the Purchasing Director's designee, shall open such bids at the time and place specified and shall make a record of such bids in such form as may be prescribed. An award shall be made to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided herein. In the event of identical bids from responsible bidders furnishing security as aforesaid, an award may be made to any such bidder. The Purchasing Director, or the Purchasing Director's designee may reject any and all said bids and readvertise for new bids in the manner hereinabove provided.

(4) Bidders in Arrears or in Default. No bid for supplies, materials, equipment or services shall be accepted from any person currently in arrears to the County upon debt or contract, or who has defaulted as surety or otherwise upon an obligation to the County.

(5) Compliance With Fair Employment Laws. No bid for supplies, materials, equipment or services shall be accepted from any person or company with knowledge of noncompliance with Federal, State or County Fair Employment legislation.

Section 6.17C. STANDARDIZATION OF PURCHASES.

The County Legislature, by the affirmative vote of at least two-thirds of its members, may resolve that there exists a need for reasons of efficiency and economy to standardize purchase and contract specifications for particular types of supplies, materials, equipment and services, whereupon contracts in excess of the amount fixed pursuant to the provisions of Section 6.17A (1) of this Code may be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids therefor in the manner hereinabove provided. Such resolution shall contain a full explanation of the reasons for its adoption.

Section 6.17D. PROCUREMENT FROM STATE; BLIND-MADE PRODUCTS.

All required purchases which may be made at the same price as by bid to the State of New York, may, upon authorization, be purchased without competitive bidding. All required supplies which may be furnished by the State Department of Correction, or by appropriate charitable agencies for the blind incorporated under the laws of the State of New York, shall, upon authorization, be purchased therefrom without competitive bidding at prices established pursuant to law.

Section 6.17E. SURPLUS AND SECOND HAND SUPPLIES, MATERIALS AND EQUIPMENT.

Surplus and second hand supplies, materials and equipment may be purchased without competitive bidding from the United States government, the State of New York or any other political subdivision.

Section 6.17F. PROCUREMENT REQUISITIONS; FILING; ENCUMBRANCING CERTIFICATION.

All purchases and contracts made pursuant to this Article shall be initiated by written requisition, subscribed by an authorized person and filed with the Purchasing Director. No purchase of, or contracts for, supplies, materials, equipment or services shall be made, subscribed, delivered or furnished until the Purchasing Director shall have certified in writing that they are official County purchases or contracts and shall have received from the Comptroller written verification that there are unencumbered balances remaining therefor.

Section 6.17G.\*\*\*\*\*WALK-IN PURCHASE AGREEMENTS; AUTHORIZATIONS; LIMITATIONS.

The Purchasing Director, subject to the approval of the County Executive and the Comptroller, may authorize such officers and employees of the Department of Buildings and Grounds, the Division of Highways of the Department of Transportation, the Metropolitan Water Board and such other units of County government as may be authorized by the County Executive, to transact upon appropriate purchase orders, and other than as hereinabove provided, the purchase or other acquisition of equipment and supplies required on an immediate basis in connection with the completion of current work projects or in other circumstances consistent with efficient procurement practice provided, however, that each unit of County Government shall submit a monthly statement to the Purchasing Director, accompanied by a copy of each purchase order, setting forth a schedule of each such transaction, including an itemization of equipment and supplies purchased, the dates of such transactions and the cost thereof, and provided further that such authorization be limited in amount to one hundred dollars per transaction.

ARTICLE VI - KEY

<u>Section</u>	<u>Local Law</u>
*Article VI	As amended by Local Law No. 9, 1995.
**6.05	As amended by Local Law 8, 1995.
***6.13	As amended by Local Law 5, 1988.
****6.17A	As amended by Local Law No 3, 1984 and Local Law No. 1, 1992.
*****6.17G	As amended by Local Law No. 6, 1987.

ARTICLE VII  
DEPARTMENT OF LAW

Section

- 7.01. Department of Law; County Attorney; Appointment; Qualifications; Term.
- 7.02. County Attorney; Powers and Duties.
- 7.03. Departmental Divisions and Units; Deputy County Attorneys and Staff; Appointment; Revocation.
- 7.04. Acting County Attorney.
- 7.05. Special Counsel and Expert Assistance.
- 7.06. Inconsistent Interests Among County Officials.
- 7.07. Assistance from Other county Units.
- 7.08. Confidential Secretary; Appointment.
- 7.09. Waiver of Filing Fees.
- 7.10. Vendor Contracts, Execution of.
- 7.11. Supplement to Charter and Code.
- 7.12. County Attorney's Bond.

Section 7.01. DEPARTMENT OF LAW; COUNTY ATTORNEY; APPOINTMENT; QUALIFICATIONS; TERM.

There shall be a Department of Law under the direction of a County Attorney, who shall be appointed by the County Executive, subject to the approval of the County Legislature. At the time of appointment, and throughout the term of office, the County Attorney shall be and remain a resident of the County of Onondaga and duly licensed and in good standing to practice law in the State of New York. The County Attorney shall be appointed on the basis of legal experience and such other qualifications as may be possessed for the responsibilities of the office. the County Attorney shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 7.02\*. COUNTY ATTORNEY; POWERS AND DUTIES. (\*As amended by Local Law No. 12, 2009)

Except as may otherwise be provide din the Charter of this Code, the County Attorney shall, with respect to civil matters:

- (a) be the sole legal advisor for the County Government and all units,

including its officers, and provide full-time counsel to the Deputy County Executive, the Deputy County Executive for Human Services and the Deputy County Executive for Physical Services\* and the departments under their respective executive direction;

(b) prepare all necessary legal papers and instruments, including all purchase and other vendor contracts;

(c) prosecute and defend all civil matters or proceedings involving the County and its units, including its officers;

(d) prepare local laws, ordinances, resolutions, legalizing acts or other legislation upon request of the County Executive or a member of the County Legislature, together with notices and other documents in connection therewith; and

(e) have all the powers and perform all the duties now or hereafter conferred or imposed upon the County Attorney by law, together with such other and related non-conflicting duties as may be required by the County Executive or the County Legislature.

Section 7.03. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COUNTY ATTORNEYS AND STAFF; APPOINTMENT; REVOCATION.

(a) The County Attorney may, within appropriations therefor, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the County Attorney shall appoint a First Deputy County Attorney and may appoint such other Deputy and Assistant County Attorneys, assistants and employees of the Department as shall be authorized by the County Legislature. All Deputy and Assistant County Attorneys shall be in the exempt class of civil service. At the time of appointment, and throughout the term of office, each Deputy and Assistant County Attorney shall be and remain duly licensed and in good standing to practice law in the State of New York. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the County Attorney. Appointments and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

(b) The County Attorney, the First Deputy County Attorney and all Deputy County Attorneys shall devote their entire time to the duties of their respective offices and shall have no other practice and hold no other employment or public office. Assistant County Attorneys may divide their time and duties as determined by the County Attorney, subject to the approval of the County Executive.

Section 7.04. ACTING COUNTY ATTORNEY.

The County Attorney, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting County Attorney in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County

Legislature and may be revoked at any time by the County Attorney filing a new written designation. The Acting County Attorney shall have all the powers and perform all the duties of the County Attorney during the period of succession or until a new County Attorney shall be appointed pursuant to law and shall qualify to assume that office.

Section 7.05. SPECIAL COUNSEL AND EXPERT ASSISTANCE.

The County Attorney may, within appropriations therefor, retain special counsel, employ professional, technical or other consultative services and incur such expenses in connection therewith as may be deemed necessary in the performance of the duties of the office.

Section 7.06. INCONSISTENT INTERESTS AMONG COUNTY OFFICIALS.

Whenever the interests of the County shall be inconsistent with the interests of any officer or employee paid compensation from County funds, the County Attorney shall represent only the interests of the County.

Section 7.07. ASSISTANCE FROM OTHER COUNTY UNITS.

Except where prohibited by law, the County Attorney may seek and shall be accorded the full and complete assistance of any unit of County government in the performance of the duties of the County Attorney.

Section 7.08. CONFIDENTIAL SECRETARY; APPOINTMENT.

The County Legislature may create the position of Confidential Secretary to the County Attorney, which shall be in the exempt class of civil service. Such person shall be appointed by the County Attorney in the manner hereinabove provided and shall serve at the pleasure of the County Attorney.

Section 7.09. WAIVER OF FILING FEES.

Unless otherwise required by law, no officer, unit or court of, or within, the County shall require from the Department of Law or the County Attorney any filing or recording fee or other charge pertaining to, or in connection with, the work of that Department.

Section 7.10. VENDOR CONTRACTS, EXECUTION OF.

Whenever possible, vendor contracts shall be executed not later than thirty days next following their effective dates. All such contracts not executed within forty-five days of their effective dates shall forthwith be delivered to the Deputy County Executive for appropriate disposition.

Section 7.11. SUPPLEMENT TO CHARTER AND CODE.

The County Attorney shall prepare annual supplements to both the Charter and this Code, which shall reflect all amendments thereto.

Section 7.12. COUNTY ATTORNEY'S BOND.

The County Attorney, and each of the deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by a County Court Judge and shall be filed with the County Clerk. It shall be a charge upon the County.

ARTICLE VIII

DEPARTMENT OF RECORDS

Section

- 8.01. Department of Records; County Clerk; Election; Term; Qualifications.
- 8.02. County Clerk; Powers and Duties.
- 8.03. County Clerk's Salary; Fees; Disposition of Fees.
- 8.04. Departmental Divisions and Units; Deputy County Clerks and Staff; Appointment; Revocation.
- 8.05. Acting County Clerk; Vacancy in Office of County Clerk.
- 8.06. County Clerk's Bond
- 8.07. Clerk's Seal.

Section 8.01. DEPARTMENT OF RECORDS; COUNTY CLERK; ELECTION; TERM; QUALIFICATIONS.

There shall be a Department of Records under the direction of a County Clerk, who, unless otherwise required by law, shall be elected from the County at large for a term of four years beginning with the first day of January next following election. At the time of nomination and election, and throughout the term of office, the County Clerk shall be and remain a qualified elector of the County and shall devote the entire time to the duties of the office and shall hold no other public office.

Section 8.02. COUNTY CLERK; POWERS AND DUTIES.

The County Clerk shall be the official registrar of the County, the Clerk of the courts and the Deputy Commissioner of Motor Vehicles in and for the County. Except as may otherwise be provided in the Charter or this Code, the County Clerk shall:

- (a) receive, maintain and preserve the original authenticated copies of all local laws, ordinances, legalizing acts, resolutions and other enactments of the County Legislature and compile, codify and bind all such records into a printed, public journal or record;
- (b) receive, file or record all bonds, papers, records, deeds of title, mortgages and other documents, data and information, including court orders, judgments and records of court proceedings required by

law or otherwise authorized to be received, filed or recorded;

(c) issue, upon lawful request, certified copies of any such local laws, ordinances, legalizing acts resolutions or other legislative enactments, books, papers, records, deeds of title, mortgages, documents, court orders, judgments or records, or other data or information to the extent and under the conditions prescribed by law, for which statutorily authorized charges may be imposed;

(d) issue such licenses and certificates of registration and conduct such examinations and other proceedings in connection therewith as may be authorized or required by law or by the Commissioner of Motor Vehicles; and

(e) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive or the County Legislature.

Section 8.03. COUNTY CLERK'S SALARY; FEES; DISPOSITION OF FEES.

The County Clerk's salary shall be fixed by the County Legislature and shall be in lieu of all fees or other compensation. Except as may otherwise be required by law, all lawful fees and moneys other than salary to which the County Clerk may be entitled or which may be received for services rendered by the office of the County Clerk shall apply to, or be for the benefit of, the County and shall be collected and accounted for by the County Clerk and paid over to the Commissioner of Finance without deduction at such times and upon such conditions as the latter may prescribe.

Section 8.04. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COUNTY CLERKS AND; STAFF; APPOINTMENT; REVOCATION.

The County Clerk may, within appropriations therefor, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the County Clerk may appoint such Deputy County Clerks, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the County Clerk. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 8.05. ACTING COUNTY CLERK; VACANCY IN OFFICE OF COUNTY CLERK.

The County Clerk shall designate in writing a line of succession to the office of Acting County Clerk in the event of a vacancy in the office of County Clerk or of the absence of the County Clerk from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Clerk filing a new written designation. The Acting County Clerk shall have all the powers and perform all the duties of the County Clerk during the period of succession or until a new County Clerk shall be elected or appointed pursuant to law and shall qualify to assume that office.

Section 8.06. COUNTY CLERK'S BOND.

The County Clerk, and each of the deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge upon the County.

Section 8.07. CLERK'S SEAL.

The seal of the County of Onondaga shall be the seal of the County Clerk, and it shall be used for all authorized and required purposes.

ARTICLE IX  
DISTRICT ATTORNEY

Section

- 9.01. District Attorney; Election; Term; Qualifications.
- 9.02. District Attorney; Powers and Duties.
- 9.03. Office Divisions and Units; Deputy District Attorneys and Staff; Appointment; Revocation.
- 9.04. Acting District Attorney; Vacancy in Office of District Attorney.
- 9.05. Waiver of Filing Fees.
- 9.06. District Attorney's Bond.
- 9.07. Confidential Secretary; Appointment.

Section 9.01. DISTRICT ATTORNEY; ELECTION; TERM; QUALIFICATIONS.

There shall be a District Attorney, who, unless otherwise required by law, shall be elected from the County at large for a term of four years beginning with the first day of January next following election. At the time of nomination and election, and throughout the term of office, the District Attorney shall be and remain a qualified elector of the County and duly licensed and in good standing to practice law in the State of New York. The District Attorney shall devote the entire time to the duties of the office and shall hold no other public office.

Section 9.02. DISTRICT ATTORNEY; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the District Attorney shall:

- (a) conduct all grand jury proceedings, criminal trials and other criminal proceedings within the County and on the appellate level on behalf of the People of the State of New York;
- (b) in furtherance thereof, participate in such investigative procedures and activities with law enforcement authorities and otherwise as may be deemed appropriate within prescribed statutory and lawful authority;
- (c) coordinate enforcement and investigative procedures and cooperate

in the training of police and related personnel in the furtherance of their responsibilities; and

(d) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related non-conflicting duties as may be required by the County Executive or the County Legislature.

Section 9.03. OFFICE DIVISIONS AND UNITS; DEPUTY DISTRICT ATTORNEYS AND STAFF; APPOINTMENT; REVOCATION.

(a) The District Attorney may, within appropriations therefor, create such divisions or units within the Office as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the District Attorney may appoint such Deputy and Assistant District Attorneys, investigators and employees of the Office as shall be authorized by the County Legislature. Each such appointment shall be in writing and reported to the Commissioner of Personnel. All Deputies and Assistant District Attorneys shall be in the exempt class of civil service. At the times of appointment, and throughout the term of office, each Deputy and Assistant District Attorney shall be and remain duly licensed and in good standing to practice law in the State of New York. All Deputy District Attorneys, assistants, investigators and employees shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the District Attorney. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

(b) The District Attorney and all Deputy District Attorneys shall devote their entire time to the duties of their respective offices and shall have no other practice and hold no other employment or public office. Assistant District Attorneys may divide their time and duties as determined by the District Attorney.

Section 9.04. ACTING DISTRICT ATTORNEY; VACANCY IN OFFICE OF DISTRICT ATTORNEY.

The District Attorney shall designate in writing a line of succession to the office of Acting District Attorney in the event of a vacancy in the office of District Attorney or the absence of the District Attorney from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the District Attorney filing a new written designation. The Acting District Attorney shall have all the powers and perform all the duties of the District Attorney during the period of succession or until a new District Attorney shall be elected or appointed pursuant to law and shall qualify to assume that office.

Section 9.05. WAIVER OF FILING FEES.

Unless otherwise required by law, no officer, unit or court of, or within, the County shall require from the District Attorney any filing or recording fee or other charge pertaining to, or in connection with, the work of that Department.

Section 9.06. DISTRICT ATTORNEY'S BOND.

The District Attorney, and each of the deputies, assistants, investigators and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge upon the County.

Section 9.07. CONFIDENTIAL SECRETARY; APPOINTMENT.

The County Legislature may create the position of confidential secretary to the District Attorney, which shall be in the exempt class of civil service. Such person shall be appointed by the District Attorney in the manner hereinabove provided and shall serve at the pleasure of the District Attorney.

ARTICLE X

SHERIFF

Section

- 10.01. Sheriff; Election; Term; Qualifications.
- 10.02. Sheriff; Powers and Duties.
- 10.03. Office Divisions and Units; Undersheriff; Deputy Sheriffs and Staff; Appointment; Revocation.
- 10.04. Expenses of Sheriff in Transporting Prisoners.
- 10.05. Sheriff's Salary; Fees; Disposition of Fees Collected.
- 10.06. Claims for Board and Lodging of Jurors.
- 10.07. Acting Sheriff; Vacancy in Office of Sheriff.
- 10.08. Sheriff's Bond.

Section 10.01. SHERIFF; ELECTION; TERM; QUALIFICATIONS.

There shall be a Sheriff, who, unless otherwise required by law, shall be elected from the County at large for a term of four years beginning with the first day of January next following election. At the time of nomination and election, and throughout the term of office, the Sheriff shall be and remain a qualified elector of the County and shall devote the entire time to the duties of the office and shall hold no other public office.

Section 10.02. SHERIFF; POWERS AND DUTIES.

The Sheriff shall be the chief peace and law enforcement officer for, and have civil and criminal jurisdiction throughout, the County. As such, and except as may otherwise be provided in the Charter, this Code or applicable law, the sheriff shall:

- (a) organize and maintain a trained and operational law enforcement staff to protect and otherwise serve the needs of the County and cooperate with other law enforcement agencies within and without the County in furtherance thereof;
- (b) be responsible for the operation, maintenance, supervision, repair, custodial care and security of the Onondaga County jail, for the receipt, housing, care, custody, control and activities of all

inmates, whether sentenced, unsentenced or otherwise assigned to the jail or housed therein, and for the initiation, implementation and coordination of rehabilitative, educational, training and other appropriate programs respecting said inmates;

(c) report in writing to the District Attorney not less than weekly the identities of all inmates within the County jail, whether sentenced or unsentenced, the nature of charges pending against all untried or unsentenced inmates and the dates of their original confinement, and the anticipated dates of release of all sentenced inmates;

(d) exercise civil jurisdiction throughout the County respecting the service of process and other legal papers and documents, the execution of judgments and the enforcement of court orders;

(e) acquire, maintain and utilize within authorized appropriations and County procedures such equipment, materials and supplies as may be necessary or appropriate in the performance of the duties of the office; and

(f) have all the powers and perform all the duties, both civil and criminal, now or hereafter conferred or imposed on by law, together with such other and related non-conflicting duties as may be required by the County Executive or the County Legislature.

Section 10.03. OFFICE DIVISIONS AND UNITS; UNDERSHERIFF; DEPUTY SHERIFFS AND STAFF; APPOINTMENT; REVOCATION.

(a) The Sheriff may, within appropriations therefor, create such divisions or units within the Office as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Sheriff may appoint or deputize an Undersheriff and such deputy sheriffs, assistants and employees of the Office, including part-time deputies, deputies authorized to act in particular criminal and civil matters, keepers, guards or otherwise as may be authorized by the County Legislature. Each such appointee or deputy shall be directly responsible to, and, unless otherwise specifically provided by law, serve at the pleasure of, the Sheriff. Part-time deputies shall be paid on a salary or per diem basis as the County Legislature may direct.

(b) The Sheriff shall appoint in the same manner a matron of the County jail, who shall be responsible for all female prisoners and for that portion of the jail in which any female prisoner shall be detained, subject only to the direction of the Sheriff or the keeper of the jail. She shall have custody of the keys to that portion of the jail. No male person except the Sheriff shall have access to any portion of the jail in which a female shall be detained except in the company of a matron, who shall then be in continual attendance.

(c) The Sheriff may deputize, orally or in writing, a peace officer of a city, town, village or special district, or an agent of a society incorporated for the purpose of the prevention of cruelty to animals,

for the purpose of authorizing an arrest without a warrant outside the territorial limits of such town, village or district whenever a crime or infraction shall have been committed within such territorial limits in the presence of such peace officer. Such peace officer shall not, however, be deemed an officer, agent, servant or employee of the County.

(d) For the protection of human life and property during an emergency, the Sheriff may deputize, orally or in writing, such additional special deputies, and hire such equipment or apparatus with or without operators, as may be deemed necessary. If the Sheriff shall be unable without compensation to procure or continue the services of such special deputies, or the hire of such equipment, apparatus or operators, the Sheriff may pay such compensation as the County Legislature may direct for each day of actual engagement or hire in the performance of duties or in assisting any other Sheriff in the State of New York who may have deputized such person.

(e) Except with respect to special deputies, as hereinabove described, and persons deputized to do particular acts, each appointee or other deputy of the Sheriff shall submit finger prints of both hands, whereupon the Sheriff shall compare them, or cause them to be compared, with finger prints filed with the Division of Criminal Identification of the New York State Department of Correction or other appropriate state agency.

(f) Except as otherwise provided in this Code, appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

#### Section 10.04. EXPENSES OF SHERIFF IN TRANSPORTING PRISONERS.

The County Legislature may provide funds for the payment in advance of audit of properly itemized and verified bills for expenses of the Sheriff lawfully and necessarily incurred in the transportation of prisoners, and the County Executive may authorize the Comptroller to apply said funds in payment of such bills on the approval of the Sheriff endorsed thereon. The Sheriff, and any claimant receiving payment as aforesaid, shall be jointly and severally liable for any claim contained in a bill so paid in advance of audit which shall be disallowed upon final audit, to be recovered in an action brought by the County Attorney in the name of the County.

#### Section 10.05. SHERIFF'S SALARY; FEES; DISPOSITION OF FEES COLLECTED.

The Sheriff's salary shall be fixed by the County Legislature and shall be in lieu of all fees or other compensation. Except as may otherwise be required by law, all lawful fees and moneys other than salary to which the Sheriff may be entitled or which the Sheriff may receive for

services rendered by the Office shall apply to, or be for the benefit of, the County and shall be collected and accounted for by the Sheriff and paid over to the Commissioner of Finance without deduction at such times and upon such conditions as the latter may prescribe.

Section 10.06. CLAIMS FOR BOARD AND LODGING OF JURORS.

Claims for the expense of meals or lodging of jurors shall bear the written approval of the Sheriff and of the judge, court or clerk of the court for which the jury shall have been selected, and they shall be paid in the manner provided by law.

Section 10.07. ACTING SHERIFF; VACANCY IN OFFICE OF SHERIFF.

The Undersheriff, if any, shall succeed to the office of Acting Sheriff in the event of a vacancy in the office of the Sheriff or of the temporary absence of the Sheriff from the County or inability to perform and exercise the powers and duties of the office. In the absence of an Undersheriff, the Sheriff shall designate in writing a line of succession to the office of Acting Sheriff. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Sheriff filing a new written designation. The Acting Sheriff shall have all the powers and perform all the duties of the Sheriff during the period of succession or until a new Sheriff shall be elected or appointed pursuant to law and shall qualify to assume that office.

Section 10.08. SHERIFF'S BOND.

The Sheriff, and each of the deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge upon the County.

ARTICLE XI\*

LONG TERM CARE SERVICES

Section

- 11.01. Long Term Care Services.
- 11.02. Commissioner of Long Term Care Services; Powers and Duties.
- 11.03. Residential Services Division; Deputy Commissioner.
- 11.04. Deputy Commissioner of Residential Services; Powers and Duties.
- 11.05. Division of Community Services; Deputy Commissioner of Community Services.
- 11.06. Deputy Commissioner of Community Services; Powers and Duties.
- 11.07. Advisory Boards.
- 11.08. Departmental Divisions and Units.

Section 11.01. LONG TERM CARE SERVICES.

There shall be a Department of Long Term Care Services headed by a Commissioner. He/she shall be appointed on the basis of his/her administrative experience and his/her qualifications for the duties of the office by the County Executive, subject to confirmation by the County Legislature. The Commissioner shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 11.02.\*\* COMMISSIONER OF LONG TERM CARE SERVICES; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Commissioner of Long Term Care Services shall:

- (a) encourage the development of programs for the delivery of long term health care in the County of Onondaga;
- (b) cooperate with the Public Health Council, County Department of Health and other agencies in the County to encourage the continued delivery of quality long term health care in the County of Onondaga;

(c) submit to the County Executive annually a plan for the delivery of long term health care under guidelines of the County Executive and County Legislature;

(d) establish a table of organization appropriate for the efficient operation of the departments including the appointment of duly qualified individuals who hold the appropriate State certification and/or licensure for those services and programs offered by the department.

(e) be responsible for maintaining sufficient qualified staff for the department;

(f) initiate, implement and coordinate programs and services to aged, infirm and convalescent residents throughout the County;

(g) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

Section 11.03.\*\* RESIDENTIAL SERVICES DIVISION; DEPUTY COMMISSIONER.

There shall be within the Department of Long Term Care Services a Residential Services Division under the direction of a Deputy Commissioner. The Deputy Commissioner shall be appointed by the Commissioner and, unless otherwise required by law, serve at the pleasure of the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 11.04.\*\* DEPUTY COMMISSIONER OF RESIDENTIAL SERVICES; POWERS AND DUTIES.

The powers and duties of the Residential Services Deputy Commissioner shall be to:

(a) encourage the development of residential long term care programs in the County of Onondaga;

(b) oversee the day-to-day operation of the Van Duyn Home & Hospital and ensure that the facility, its management and services are provided to patients in compliance with applicable laws and regulations;

(c) establish, maintain and update written policies and procedures for operation of the facility in conformance with applicable laws and regulations;

(d) initiate, implement and update written policies and procedures for the operation of residential services as may be required by law or regulation and as may be required for the efficient operation of the facility;

(e) develop agreements and contracts, subject to the approval of the Commissioner, to provide services and to secure services needed by the division;

(f) make recommendations to the Commissioner whenever appropriate, regarding all matters pertaining to the operation of the facility.

Section 11.05.\*\* DIVISION OF COMMUNITY SERVICES; DEPUTY COMMISSIONER OF COMMUNITY SERVICES.

There shall be within the Department of Long Term Care Services a Division of Community Services under the direction of a Deputy Commissioner. The Deputy Commissioner shall be appointed by the Commissioner and, unless otherwise required by law, serve at the pleasure of the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel

Section 11.06.\*\* DEPUTY COMMISSIONER OF COMMUNITY SERVICES; POWERS AND DUTIES.

The powers and duties of the Deputy Commissioner of Community Services shall be to:

(a) encourage the development of community-based long term care programs in the County of Onondaga;

(b) in collaboration with other County departments, establish and operate a long term care systems management program;

(c) oversee the day-to-day operation of services rendered by the Community Services Division to residents of the County within such guidelines as may be provided by the Commissioner;

(d) ensure that all employees within the division are duly licensed and registered in the State of New York to provide the services to which they have been assigned;

(e) ensure that the management and the services delivered by the division provided thereunder are in compliance with applicable laws and regulations;

(f) initiate, implement and update written policies and procedures for the operation of Community Services as may be required by law or regulation and as may be required for the efficient operation of the programs;

(g) develop agreements and contracts, subject to the approval of the Commissioner, to provide services and to secure services needed by the division;

(h) make recommendations to the Commissioner, whenever appropriate,

regarding all matters relating to delivery of community services.

Section 11.07.\*\* ADVISORY BOARDS.

The Onondaga County Executive together with the County Legislature shall be the governing authority responsible for policy information. The County Executive, subject to approval of the Legislature, shall establish such other Advisory Boards or committees as are deemed necessary or is required by law or regulation. The County Executive, subject to approval of the Legislature, shall enact bylaws, rules, regulations pertaining to the division's organization, proceedings and standards of services and care. Amendment to the bylaws, rules, regulations and standards shall be made by the County Executive upon recommendation of the Commissioner.

Section 11.08. DEPARTMENTAL DIVISIONS AND UNITS.

The Commissioner may, within appropriations therefore, create such other divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Commissioner may appoint such Deputy Commissioners of Long Term Care Services, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to and, unless otherwise required by law, serve at the pleasure of the Commissioner. Appointments and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

ARTICLE XI - KEY

<u>Section</u>	<u>Local Law</u>
*Article XI	As amended by Local Law No. 9, 1984.
**11.02-11.07	As amended by Local Law No. 20, 1989.

ARTICLE XII

ONONDAGA COUNTY PLANNING BOARD

Section

- 12.01. Onondaga County Planning Board; Membership; Appointment; Term; Vacancies.
- 12.02. Onondaga County Planning Board; Powers and Duties.
- 12.03A. Syracuse-Onondaga County Planning Agency; Membership; Funding.
- 12.03B. Syracuse-Onondaga County Planning Agency; Powers and Duties
- 12.04. Syracuse-Onondaga County Planning Agency; Director of Planning; Appointment; Powers and Duties; Term.

Section 12.01. ONONDAGA COUNTY PLANNING BOARD; MEMBERSHIP; APPOINTMENT; VACANCIES.

There shall be a County Planning Board, whose members shall be appointed by the County Executive, subject to the approval of the County Legislature, and subject also to the provisions of Section 3.13. of this Code. The Board shall select annually its own chairperson and otherwise organize and reorganize itself in such manner as it may deem appropriate or as may be provided by law. It shall meet at least quarterly and otherwise at the call of its chairperson. Vacancies in membership occurring other than by expiration of terms shall be filled by appointment of the County Executive, subject to the approval of the County Legislature, for the respective unexpired terms.

Section 12.02. ONONDAGA COUNTY PLANNING BOARD; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the County Planning Board shall:

- (a) advise the County Executive and all other units of County government, either upon their request or upon its own initiative, on all planning matters relating to the development of the County;
- (b) except as may otherwise be provided by law, delegate to the Syracuse-Onondaga County Planning Agency such of its functions as it may deem appropriate or as may contractually be prescribed; and
- (c) have all the powers and perform all the duties now or hereafter conferred or imposed upon it by law, including those respecting

subdivision approval and zoning within the County, together with such other and related duties as may be required by the County Executive.

Section 12.03A. SYRACUSE-ONONDAGA COUNTY PLANNING AGENCY; MEMBERSHIP; FUNDING.

The Onondaga County Planning Board and the City Planning Commission of the City of Syracuse, acting jointly, shall comprise the Syracuse-Onondaga County Planning Agency. Funding of the Agency and its members shall be in the manner prescribed in Section 1203 of the Charter, as amended.

Section 12.03B. SYRACUSE-ONONDAGA COUNTY PLANNING AGENCY; POWERS AND DUTIES.

Among its powers and duties, ~~and in addition to those~~ prescribed in Section 1204 of the Charter, as amended, the Syracuse-Onondaga County Planning Agency shall:

- (1) represent the County and the City of Syracuse in all planning matters;
- (2) provide planning staff services to the County, City, Town and Village governments as requested, including services under contractual arrangements;
- (3) provide planning services for, and in cooperation with, such private agencies as it shall deem appropriate in the performance of its activities; and
- (4) perform such other and related duties as shall be delegated to it by the County Planning Board or the Planning Commission of the City of Syracuse.

Section 12.04. SYRACUSE-ONONDAGA COUNTY PLANNING AGENCY; DIRECTOR OF PLANNING; APPOINTMENT; POWERS AND DUTIES; TERM.

There shall be assigned to the Syracuse-Onondaga County Planning Agency a Director of Planning, who shall be appointed jointly by the County Executive and the Mayor of the City of Syracuse from a list of qualified candidates recommended by the Agency, and who shall be directly responsible to the County Executive and Mayor and serve at their pleasure. In addition to the powers and duties prescribed in Section 1205 of the Charter, and except as may otherwise be provided contractually or in the Charter or this Code, the Director shall:

- (a) prepare and update periodically a comprehensive master plan for the development of Onondaga County, to be submitted for approval to

the County Executive and to the County Legislature as provided in the General Municipal Law;

(b) coordinate all planning activities affecting the County which may from time to time be implemented by localities and public agencies within the County or by other levels of government outside the County in such manner as to affect the County;

(c) collect and distribute information respecting metropolitan, regional and community planning and zoning;

(d) make available to all departments and other units of County government, within appropriations therefor, such planning counsel and technical support as shall be directed by the County Executive in the areas of human and physical services;

(e) assist local communities within the County in matters pertaining to planning and zoning and provide planning and other special staff services to them as contracted or requested; and

(f) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the Agency and the County Executive.

ARTICLE XIII

DEPARTMENT OF PERSONNEL

Section

- 13.01. Department of Personnel; Commissioner; Appointment; Qualifications; Term.
- 13.02. Commissioner of Personnel; Powers and Duties.
- 13.03. Civil Service Division; Director of Civil Service; Appointment; Term; Powers and Duties.
- 13.04. Division of Personnel Administration; Director of Personnel Administration; Appointment; Term; Powers and Duties.
- 13.05. Certification of Payrolls.
- 13.06. Cooperation of Unit Heads.
- 13.07. Departmental Divisions and Units; Deputy Commissioners of Personnel and Staff; Appointment; Revocation.
- 13.08. Acting Commissioner of Personnel.

Section 13.01. DEPARTMENT OF PERSONNEL; COMMISSIONER; APPOINTMENT; QUALIFICATIONS; TERM.

The provisions of Section 1301 of the Charter are hereby amended to provide as follows:

There shall be a Department of Personnel under the direction of a Commissioner of Personnel, who shall be appointed by the County Executive, subject to the approval of the County Legislature. The Commissioner shall be appointed on the basis of experience in the fields of personnel or public administration and such other qualifications as may be possessed for the responsibilities of the office. The Commissioner shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the County Executive.

Section 13.02.\* COMMISSIONER OF PERSONNEL; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Commissioner of Personnel shall have all the powers and perform all the duties of a municipal civil service commission, as prescribed in the Civil Service Law. The powers and duties of the Commissioner, in addition to

those prescribed in Section 1302 of the Charter, shall be to:

(a) perform such civil service functions on behalf of the County as may be authorized by law, the County Executive or the County Legislature, including the maintenance of employee rosters and salary schedules for all employees of the County and of other local jurisdictions within the County, and, for the County employees, the promulgation of employment rules and regulations and the establishment of employee recruitment programs subject to the approval of the County Legislature;

(b) initiate, implement and coordinate programs for the improvement of employee effectiveness, morale, discipline, training and other conditions affecting employee productiveness;

(c) represent the County in employee contract negotiations and be otherwise responsible for the consideration of grievances and other matters respecting labor relations; and

(d) negotiate and administer agreements on behalf of the County with recognized employee representatives concerning salaries and wages and other terms and conditions of employment;

(e) provide and administer procedures for the submission, consideration and resolution of employee grievances;

(f) undertake comparative studies of other governments, and of industry within and without the County, with respect to conditions of employment and employee relations;

(g) formulate, implement and coordinate such programs as shall effect a harmonious and cooperative relationship between the County and its employees;

(h) conduct staff training programs and activities respecting employee relations for management and supervisory employees throughout the County;

(i) except as may otherwise be provided in the Charter or this Code, have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

Section 13.03. CIVIL SERVICE DIVISION; DIRECTOR OF CIVIL SERVICE; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Department of Personnel a Civil Service Division under the direction of a Director of Civil Service, who shall be appointed in the manner, subject to the conditions and for the term prescribed in Section 13.08 of this Code. The powers and duties of the Director shall be to:

(a) establish and maintain a roster of all officers and employees of the County or of other local jurisdictions within the County,

including rates of pay and rate changes, promotions, demotions, transfers, times and causes of separation from employment and such other information as may be deemed appropriate;

(b) establish programs of employee recruitment and maintain a central file of employment opportunities for public dissemination in cooperation with other units of County government and other local jurisdictions within the County;

(c) submit to the Commissioner such reports, data and information as may be required, or as may otherwise be appropriate from time to time, all violations of civil service law and regulations by units, officers or employees of County government and other local jurisdictions within the County, together with the remedial action or proposals thereon, and the Commissioner shall transmit to the County Executive such reports affecting County government employees;

(d) upon the request of a local governmental agency within the County, perform such civil service functions therefor as may be authorized by the County Legislature, subject to the approval of the Commissioner;

(e) submit to the Commissioner such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding civil service practices, policies and conditions within the County government and other local governmental jurisdictions within the County; and

(f) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Commissioner.

Section 13.04. DIVISION OF PERSONNEL ADMINISTRATION; DIRECTOR OF PERSONNEL ADMINISTRATION; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Department of Personnel a Division of Personnel Administration under the direction of a Director of Personnel Administration, who shall be appointed in the manner, subject to the conditions and for the term prescribed in Section 13.08 of this Code. The powers and duties of the Director shall be to:

(a) maintain a salary schedule for County employees, periodically resurvey prevailing salaries and recommend to the Commissioner for transmittal to the County Executive such amendments for the elimination of inequities, recruitment difficulties and employee turnovers as may be deemed appropriate;

(b) promulgate on behalf of and subject to the approval of the Commissioner, standard employment rules and regulations governing County employees and, upon approval of the Commissioner and the County Executive, act as their agent in effecting compliance therewith;

(c) formulate and, upon the approval of the commissioner, implement and coordinate such programs for employee evaluation and the

improvement of employee effectiveness, morale, discipline, training, working conditions, benefit programs and activities as may be appropriate from time to time;

(d) submit periodically to the Commissioner such recommendations as may be appropriate regarding personnel administration within the County government and among its various units, officers and employees;

(e) submit to the Commissioner such reports, data and other information as may be required, or as may otherwise be appropriate from time to time, regarding employee effectiveness, morale, discipline, training, working conditions, benefit programs and other employee activities falling within the jurisdiction of the office.

(f) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Commissioner; and

(g) advise new employees of County and Civil Service employment practices and provide necessary orientation and pre-work assignment training.

#### Section 13.05. CERTIFICATION OF PAYROLLS.

No payroll, estimate or account providing for the payment of wages or salaries for employees of the County or other local jurisdictions within the County shall be approved unless it shall bear the certificate of the Commissioner of Personnel that, during the period specified, the persons named therein were employed in their respective positions in accordance with the law, rules and regulations made pursuant thereto.

#### Section 13.06. COOPERATION OF UNIT HEADS.

The Commissioner of Personnel may seek, and the head of each unit of County government or other local jurisdiction within the County shall provide, such information and assistance as may be necessary in the performance of the Commissioner's duties.

#### Section 13.07. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMMISSIONERS, PERSONNEL AND STAFF; APPOINTMENT; REVOCATION.

The Commissioner may, within appropriations therefor, create such other divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Commissioner may appoint such Deputy Commissioners, assistants and employees of the Department as shall be

authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing.

Section 13.08. ACTING COMMISSIONER OF PERSONNEL.

The Commissioner of Personnel, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting Commissioner of Personnel in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at anytime by the Commissioner filing a new written designation. The Acting Commissioner shall have all the powers and perform all the duties of the Commissioner during the period of succession or until a new Commissioner shall be appointed pursuant to law and shall qualify to assume that office.

ARTICLE XIII - KEY

Section

Local Law

\*13.02

As amended by Local Law No. 16, 1986.

ARTICLE XIV

DEPARTMENT OF SOCIAL SERVICES

Section

- 14.01. Department of Social Welfare; Redesignation.
- 14.02. Public Welfare District; Department of Social Services; Commissioner; Appointment; Qualifications; Term.
- 14.03. Commissioner of Social Services; Powers and Duties.
- 14.04. Departmental Divisions and Units; Deputy Commissioners of Social Services and Staff; Appointment; Revocation.
- 14.05. Acting Commissioner of Social Services.
- 14.06. Commissioner's Bond.

Section 14.01. DEPARTMENT OF SOCIAL WELFARE; REDESIGNATION.

The Department of Social Welfare, as provided in Article XIV of the Charter, shall hereafter be known as the Department of Social Services.

Section 14.02. PUBLIC WELFARE DISTRICT; DEPARTMENT OF SOCIAL SERVICES; COMMISSIONER; APPOINTMENT; QUALIFICATIONS; TERM.

The County of Onondaga shall be a public welfare district, as defined in Section 61, subdivision 3, of the Social Services Law. There shall be a Department of Social Services under the direction of a Commissioner of Social Services, who shall be appointed by the County Executive, subject to the approval of the County Legislature. At the time of appointment, and throughout the term of office, the Commissioner shall possess the qualifications prescribed in the Social Services Law and required by the Commissioner of Social Services of the State of New York, and shall be appointed on the basis of these and such other qualifications, including administrative experience, as may be possessed for the responsibilities of the office. The Commissioner shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the County Executive.

Section 14.03. COMMISSIONER OF SOCIAL SERVICES; POWERS AND DUTIES.

In addition to the powers and duties prescribed in Section 1402 of the Charter, and except as may otherwise be provided in the Charter or this Code, the Commissioner of Social Services shall:

(a) administer all mandated and optional social welfare services and programs for needy persons throughout the County, including but not limited to old age assistance programs, aid to dependent children, to the disabled and to the blind, child welfare, institutional care and other related programs;

(b) serve as spokesman for the Department in all contacts or communications with public or private agencies regarding aid to needy persons throughout the County;

(c) assist in the processing of applications for public assistance and publish and otherwise disseminate such information regarding administration procedures and practices affecting the public as shall facilitate the Department's response to the needs of the community;

(d) investigate suspected fraudulent applications for, and the receipt of, public assistance and refer cases where appropriate to the District Attorney for prosecution;

(e) manage such County homes and other institutions as shall be operated for the purpose of providing public assistance, except as otherwise specifically assigned in this Code or by applicable law;

(f) maintain such financial and other records and submit such reports to the County Executive and otherwise as may be provided by law or applicable rule or regulation regarding mandated and optional services rendered by the Department;

(g) maintain an on-going program of employee recruitment and training as shall best provide competent, responsive and economic service to the community; and

(h) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive;

Section 14.04. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMMISSIONERS SOCIAL SERVICES AND STAFF; APPOINTMENT; REVOCATION.

The Commissioner may, within appropriations therefor, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Commissioner may appoint such Deputy Commissioners of Social Services, assistants and employees of the Department as shall be authorized by the County Legislature. At the time of appointment, and throughout the term of office, each such appointee shall possess such qualifications as may be prescribed by the State of New York. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 14.05. ACTING COMMISSIONER OF SOCIAL SERVICES.

The Commissioner of Social Services, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting Commissioner of Social Services in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation. The Acting Commissioner shall have all the powers and perform all the duties of the Commissioner during the period of succession or until a new Commissioner shall be appointed pursuant to law and shall qualify to assume that office.

~~Section 14.06.~~ COMMISSIONER'S BOND.

The Commissioner, and each of the deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge upon the County.

ARTICLE XV  
DEPARTMENT OF MENTAL HEALTH

Section

- 15.01. Department of Mental Health; Commissioner; Appointment; Qualifications; Term.
- 15.02. Commissioner of Mental Health; Powers and Duties.
- 15.03A. Community Mental Health, Mental Retardation and Alcoholism Services Board; Membership; Appointment; Term; Vacancies.
- 15.03B. Community Mental Health, Mental Retardation and Alcoholism Services Board; Powers and Duties.
- 15.04. Departmental Divisions and Units; Deputy Commissioners of Mental Health and Staff; Appointment; Revocation.
- 15.05. Acting Commissioner of Mental Health.

Section 15.01. DEPARTMENT OF MENTAL HEALTH; COMMISSIONER; APPOINTMENT; QUALIFICATIONS; TERM.

There shall be a Department of Mental Health under the direction of a Commissioner of Mental Health, who shall be appointed by the County Executive, subject to the approval of the County Legislature. At the time of appointment, and throughout the term of office, the Commissioner shall possess those qualifications prescribed by the Mental Hygiene Law and the New York State Commissioner of Mental Hygiene, and shall be appointed on the basis of these and such other qualifications, including administrative experience, as may be possessed for the responsibilities of the office. The Commissioner shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the County Executive.

Section 15.02. COMMISSIONER OF MENTAL HEALTH; POWERS AND DUTIES.

The provisions of Section 1502 of the Charter are hereby amended to provide as follows:

Except as may otherwise be provided in this Charter or the Administrative Code, the Commissioner of Mental Health shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a county commissioner of mental health or hygiene or a county board of mental health or hygiene. In addition, the Commissioner shall:

(a) encourage the development and expansion of programs for the prevention, rehabilitation and treatment of mental illness within the County under guidelines approved by the County Executive or the County Legislature or pursuant to administrative orders of funding authorities having the effect of law;

(b) submit to the County Executive annually a plan for the delivery of mental health services under regulations of the County Executive, the County Legislature and Department of Mental Hygiene of the State of New York;

(c) initiate, investigate and process for consideration by the County Executive and the County Legislature contracts for services to be rendered by other units of government or private organizations, and contracts for services by the Department to other jurisdictions and, when such contracts are approved, monitor compliance therewith;

(d) determine from time to time the availability and suitability of sources of funding for mental health facilities or services, recommend schedules of reimbursement by those capable of paying for such services and, when approved, collect and account therefor;

(e) provide the Community Mental Health, Mental Retardation and Alcoholism Services Board with such staff service as it may require in the performance of its duties within appropriations therefor; and

(f) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

Section 15.03A. COMMUNITY MENTAL HEALTH, MENTAL RETARDATION AND ALCOHOLISM SERVICES BOARD; MEMBERSHIP; APPOINTMENT; TERM; VACANCIES.

The provisions of Section 1503. of the Charter are hereby amended to provide as follows:

There shall be within the Department of Mental Health a Community Mental Health, Mental Retardation and Alcoholism Services Board, whose members shall be appointed by the County Executive in the manner and for the term provided in the Mental Hygiene Law for the appointment of Community mental health boards. The Board shall select annually its own chairperson and otherwise organize and reorganize itself in such manner as it may deem appropriate or as may be provided by law. It shall meet regularly at the call of the Commissioner or its chairperson. Vacancies in membership occurring other than by expiration of term shall be appointment of the County Executive for the respective unexpired terms.

Section 15.03B. COMMUNITY MENTAL HEALTH, MENTAL RETARDATION AND ALCOHOLISM SERVICES BOARD; POWERS AND DUTIES.

In addition to the powers and duties prescribed in Section 1503 of the

Charter for a mental health advisory board, the Community Mental Health, Mental Retardation and Alcoholism Services Board shall consider matters relating to the mental health needs of the County and advise the Commissioner thereon, either at the request of the Commissioner or upon its own initiative, and from time to time make recommendations to the Commissioner thereupon. On or before the first day of July of each year, the Board shall submit to the Commissioner and the County Executive a projection, or updated projection, of anticipated mental health needs for, and recommended services to be furnished to, the County for the ensuing six fiscal years.

Section 15.04. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMMISSIONERS OF MENTAL HEALTH AND STAFF; APPOINTMENT; REVOCATION.

The Commissioner may, within appropriations therefor, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Commissioner may appoint such Deputy Commissioners of Mental Health, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 15.05. ACTING COMMISSIONER OF MENTAL HEALTH.

The Commissioner of Mental Health, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of the Acting Commissioner of Mental Health in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation. The Acting Commissioner shall have all the powers and perform all the duties of the Commissioner during the period of succession or until a new Commissioner shall be appointed pursuant to law and shall qualify to assume that office.

ARTICLE XVI

DEPARTMENT OF HEALTH

Section

- 16.01. County Health District.
- 16.02. Department of Health; Commissioner; Appointment; Qualifications; Term.
- 16.03. Commissioner of Health; Powers and Duties.
- 16.04A. Health Advisory Board; Membership; Appointment; Term; Vacancies.
- 16.04B. Health Advisory Board; Powers and Duties.
- 16.05. Public Health Administrator; Appointment; Term; Powers and Duties.
- 16.06. Medical Examiner; Appointment; Term; Powers and Duties.
- 16.07. Division of Patient Services; Deputy Commissioner-Patient Services; Appointment; Term; Powers and Duties.
- 16.08. Division of Community and Preventive Services; Deputy Commissioner-Community and Preventive Services; Appointment; Term; Powers and Duties.
- 16.09. Division of Environmental Health; Deputy Commissioner-Environmental Health; Appointment; Term; Powers and Duties.
- 16.10. Departmental Divisions and Units; Deputy Commissioners of Health and Staff; Appointment; Revocation.
- 16.11. Acting Commissioner of Health.
- 16.12. Seal of the Department of Health.
- 16.13. Division of Emergency Medical Services; Director of Emergency Medical Services; Powers and Duties.
- 16.14. Emergency Medical Services Advisory Board; Membership; Appointment; Term; Vacancies.
- 16.15. Division of Weights and Measures.

Section 16.01. COUNTY HEALTH DISTRICT.

The County of Onondaga shall be a county health district.

Section 16.02. DEPARTMENT OF HEALTH; COMMISSIONER; APPOINTMENT; QUALIFICATIONS; TERM.

There shall be a Department of Health under the direction of a Commissioner of Health, who shall be appointed by the County Executive, subject to the approval of the County Legislature. At the time of the appointment, and throughout the term of office, the Commissioner shall possess those qualifications prescribed in Section 1602 of the Charter. The Commissioner shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 16.03. COMMISSIONER OF HEALTH; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Commissioner of Health shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a county commissioner of health or a county board of health, together with such other and related duties as may be required by the County Executive. The powers and duties of the Commissioner shall be to:

(a) initiate, implement and coordinate comprehensive planning, research and educational health activities involving the construction and utilization of hospital facilities, the deployment of health personnel, the use of available grants and subsidies and the identification, influence and treatment of diseases and disease trends throughout the County;

(b) initiate, implement and coordinate health and health education programs with public and private community groups throughout the County and otherwise in the planning of community health relations;

(c) collect and record information relating to births, deaths and other statistics necessary or appropriate to the maintenance of a responsive health program throughout the County.

Section 16.04A. HEALTH ADVISORY BOARD; MEMBERSHIP; APPOINTMENT; TERM; VACANCIES.

There shall be within the Department of Health a Health Advisory Board, whose members shall be appointed by the County Executive in the manner and for the term provided in the Public Health Law and Section 1604. of the Charter. The Board shall select annually its own chairperson and otherwise organize and reorganize itself in such manner as it may deem appropriate or as may be provided by law. It shall meet regularly at the call of the Commissioner or its chairperson. Vacancies in membership occurring other than by expiration of terms shall be filled for the

respective unexpired terms by appointment of the County Executive in the manner provided by law.

Section 16.04B. HEALTH ADVISORY BOARD; POWERS AND DUTIES.

The Health Advisory Board shall:

(1) make recommendations to the County Executive whenever appropriate regarding the appointment of a Commissioner of Health;

(2) advise the Commissioner upon request, or upon its own initiative from time to time, on matters regarding the preservation and improvement of public health and public health services throughout the County;

(3) recommend and submit from time to time to the County Legislature for adoption, amendment or repeal, subject to the approval of the Commissioner, such rules, regulations, orders and directions relating to public health throughout the County as shall not be inconsistent with the Public Health Law or the New York State Sanitary Code, such rules, regulations, orders and directions to be known collectively as the Onondaga County Sanitary Code, as prescribed in Section 1605 of the Charter;

(4) submit to the Commissioner and the County Executive, on or before the first day of July of each year, a projection, or up-dated projection, of anticipated public health needs for, and recommended services to be furnished to, the County for the ensuing six fiscal years; and

(5) perform such other and related advisory duties as it may deem appropriate from time to time.

Section 16.05.\* PUBLIC HEALTH ADMINISTRATOR; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Commissioner's Office of the Department of Health a Public Health Administrator who shall be appointed in a manner subject to the conditions and for the term prescribed in Section 16.10 of this Code. The powers and the duties of the Administrator shall be to:

(a) under general direction of the Commissioner of Health, act in all matters affecting public health in accordance with the Public Health Law and the Onondaga County Sanitary Code;

(b) promote the assurance of the highest standards of health and well being that are obtainable with available State and local resources;

(c) facilitate new programs for public health services by identifying the public health needs of the County population and initiating programs designed to meet such needs;

(d) under general direction of the Commissioner, identify and address public health problems in the County, acting in accordance with

program requirements for establishing priorities;

(e) authorize assignments of personnel within the Health Department;

(f) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Commissioner.

Section 16.06. MEDICAL EXAMINER; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Department of Health a Medical Examiner, who shall be appointed by the County Executive upon consultation with the Commissioner. At the time of appointment, and throughout the term of office, the Medical Examiner shall be and remain duly licensed and in good standing to practice medicine in the State of New York with professionally recognized competence in the field of pathology. The Medical Examiner shall be directly responsible to and serve at the pleasure of the County Executive. The powers and duties of the Medical Examiner shall be to:

(a) investigate and record the causes of, and the circumstances surrounding, all unattended deaths or deaths resulting from unnatural means within the County in the manner prescribed by law;

(b) assist prosecuting attorneys, law enforcement agencies and others within and without the County in the prosecution and defense of criminal actions and in the discharge of their respective duties in the enforcement of the laws;

(c) submit to the Commissioner such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding the discharge of the responsibilities of the office; and

(d) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Commissioner.

Section 16.07.\*\* DIVISION OF PATIENT SERVICES; DEPUTY COMMISSIONER - PATIENT SERVICES; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Department of Health a Division of Patient Services under the direction of a Deputy Commissioner-Patient Services, who shall be appointed in the manner, subject to the conditions and for the term prescribed in Section 16.10 of this Code. The powers and duties of the Deputy Commissioner shall be to:

(a) plan, organize and direct Clinic Services, Maternal and Child Health programs and Medical Social Services;

(b) evaluate periodically the programs within this division and make recommendations to the Commissioner;

(c) act as community liaison for programs and services within this division;

(d) oversee performance of staff and evaluate staffing requirements and assignments;

(e) prepare and administer program budgets within the division;

(f) except as may otherwise be provided in the Charter and this Code, perform such other and related duties as may be required by the Commissioner.

Section 16.08.\* DIVISION OF COMMUNITY AND PREVENTIVE SERVICES; DEPUTY COMMISSIONER-COMMUNITY AND PREVENTIVE SERVICES; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Department of Health a Division of Community and Preventive Services under the direction of a Deputy Commissioner-Community and Preventive Services, who shall be appointed in the manner, subject to the conditions and for the terms prescribed in Section 16.10 of this Code. The powers and duties of the Deputy Commissioner shall be to:

(a) plan, organize and direct Community and Preventive Services;

(b) evaluate periodically the programs within this division and make recommendations to the Commissioner;

(c) act as community liaison for programs and services within this division;

(d) oversee performance of staff and evaluate staffing requirements and assignments;

(e) prepare and administer program budgets within the division;

(f) except as may otherwise be provided in the Charter and this Code, perform such other and related duties as may be required by the Commissioner.

Section 16.09.\* DIVISION OF ENVIRONMENTAL HEALTH; DEPUTY COMMISSIONER ENVIRONMENTAL HEALTH; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Department of Health a Division of Environmental Health under the direction of a Deputy Commissioner-Environmental Health, who shall be appointed in the manner, subject to the conditions and for the term prescribed in Section 16.10 of this Code. The powers and duties of the Deputy Commissioner shall be to:

(a) initiate, implement and coordinate plans and programs respecting the collection and disposal of sewage and industrial waste, the abatement of stream and atmospheric pollution, the development and delivery of safe drinking water, supplies, food and milk sanitation, refuse disposal, the control of ionizing radiation, the control of mosquitoes, rodents and vermin, the control of air pollution and the control and elimination of all public health nuisances;

(b) review, approve or disapprove as appropriate subdivision plans respecting construction within the County;

(c) submit to the Commissioner such reports, data and information as may be requested, or as may otherwise be appropriate from time to time, regarding environmental health throughout the County;

(d) evaluate periodically the programs within this division and make recommendations to the Commissioner;

(e) act as community liaison for programs and services within this division;

(f) oversee performance of staff and evaluate staffing requirements and assignments;

(g) prepare and administer program budgets within the division;

(h) except as may otherwise be provided in the Charter and this Code, perform such other and related duties as may be required by the Commissioner.

Section 16.10.\* DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMMISSIONERS OF HEALTH AND STAFF; APPOINTMENT; REVOCATION.

The Commissioner may, within appropriations therefore, create such other divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Commissioner may appoint such Deputy Commissioners of Health, unit directors and other employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 16.11.\* ACTING COMMISSIONER OF HEALTH.

The Commissioner of Health, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting Commissioner of Health in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the

County Legislature and may be revoked at any time by the Commissioner filing a new written designation. The Acting Commissioner shall have all the powers and perform all the duties of the Commissioner during the period of succession or until a new Commissioner shall be appointed pursuant to law and shall qualify to assume that office.

Section 16.12.\* SEAL OF THE DEPARTMENT OF HEALTH.

The seal of the Department of Health shall be two circles, one within the other, and around the outer circumference of the inner circle the words "ONONDAGA COUNTY DEPARTMENT OF HEALTH --- SYRACUSE, N.Y." and within the inner circle a cross above the word "SEAL." The Commissioner of Health shall affix or imprint such seal upon any and all instruments requiring the same.

Section 16.13.\* DIVISION OF EMERGENCY MEDICAL SERVICES; DIRECTOR OF EMERGENCY MEDICAL SERVICES; POWERS AND DUTIES.

There shall be within the Department of Health a Division of Emergency Medical Services under the direction of a Director of Emergency Medical Services who shall be appointed by the County Executive upon consultation with the Commissioner. The Director of Emergency Medical Services shall be directly responsible to and serve at the pleasure of the County Executive. The powers and duties of the Director of Emergency Medical Services shall be to:

- (a) Administer emergency medical services pursuant to the Onondaga County Ambulance Code.
- (b) Coordinate cooperative and other emergency medical services throughout the County.
- (c) Coordinate emergency medical training programs.
- (d) Coordinate responsibility for quality control over all phases of emergency medical services throughout the County.
- (e) Facilitate the development of programs for the training of new emergency medical techniques with the Fire Coordinator and other agencies to assist in the coordination of emergency medical services communications throughout the County.
- (f) Except as may otherwise be provided for in this code perform such other and related duties as may be required by the County Executive.

Section 16.14.\*\* EMERGENCY MEDICAL SERVICE ADVISORY BOARD; MEMBERSHIP APPOINTMENT; TERM; VACANCIES. APPOINTMENT; TERM; VACANCIES.

There shall be within the Department of Health an Emergency Medical Service Advisory Board to consist of eighteen members to be appointed by the County Executive. Members shall serve at the pleasure of the County Executive for term not to exceed three years.

The Board shall be comprised of representatives of the major components and the many interests within the emergency medical services system and shall act as an advisory board to the emergency medical services system and shall act as an advisory board to the County Legislature, County Executive, Commissioner of Health, and the Director of Emergency Medical Services. The Board shall select annually its own Chairperson and otherwise organize and reorganize in such manner as it may deem appropriate or as may be provided by law. It shall meet regularly at the call of the County Executive, Commissioner, or its Chairperson. Vacancies in membership occurring other than by expiration of terms shall be filled for the respective unexpired terms by appointment of the County Executive in the manner provided by law.

Section 16.15.\*\*\* DIVISION OF WEIGHTS AND MEASURES.

There shall be within the Department of Health, Division of Environmental Health, a Weights and Measures Section. Said Section shall be under the direction of the Director of Environmental Health and shall:

(a) enforce throughout the County all State and local laws, regulations and rules regarding weights and measures;

(b) examine the accuracy of retail scaling devices throughout the County, including computing, health, drug, vehicle, hopper and electronic devices, gasoline measuring pumps, bulk milk tanks, laundromats, car washes and time or service dispensing machines;

(c) examine prepackaged goods and products of every kind and nature to determine safety and the propriety and accuracy of weight, labeling and pricing;

(d) submit to the Commissioner of Health such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding weights and measures throughout the County; and

(e) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Commissioner of Health.

ARTICLE XVI - KEY

<u>Section</u>	<u>Local Law</u>
*16.05, 16.07-16.13	As amended by Local Law No. 8, 1986.
**16.14	As amended by Local Law No. 3, 1985 and Local Law No. 8, 1986.
***16.15	As amended by Local Law No. 9, 1996.
16.09	As amended by Local Law No. 5 of 2004.

ARTICLE VII\*†

DEPARTMENT OF INFORMATION TECHNOLOGY

Section:

- 17.01 Department of Information Technology; Chief Information Officer; Appointment; Qualifications; Term.
- 17.02 Chief Information Officer; Powers and Duties.
- 17.03 Departmental Divisions and Units; Deputy Chief Information Officers and Staff; Appointment; Revocation.
- 17.04 Acting Chief Information Officer.

Section 17.01. DEPARTMENT OF INFORMATION TECHNOLOGY, CHIEF INFORMATION OFFICER; QUALIFICATIONS; TERM.

There shall be a Department of Information Technology under the direction of a Chief Information Officer, who shall be appointed by the County Executive, subject to the approval of the County Legislature. The Chief Information Officer shall be appointed on the basis of administrative experience and such other qualifications as may be possessed for the responsibilities of the office. The Chief Information Officer shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 17.02 CHIEF INFORMATION OFFICER; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Chief Information Officer shall:

- (a) supervise the installation, operation and maintenance of all data processing and microfilm equipment assigned to the Department by the County Executive; and
- (b) perform such informational and data retrieval, microfilming, processing and storage services as may be required from time to time and assist all other units of County government as may be authorized in the performance of such services; and
- (c) negotiate service contracts with other governmental agencies within the County, with or without remuneration, as authorized by the County Legislature upon the recommendation of the County Executive; and

- (d) operate, maintain and supervise to the extent permitted by law or contract, and as may be authorized by the County Legislature upon the recommendation of the County Executive, radio, telephone and other warning and communications systems, devices and equipment throughout the County, including those used or operated by the various departments, offices, divisions, agencies or other units of County government, or otherwise within its jurisdiction, for purposes of health, civil defense, highway patrol and maintenance or otherwise; and
- (e) submit to the County Executive such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding communications through the County; and
- (f) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

Section 17.03 DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY CHIEF INFORMATION OFFICERS AND STAFF; APPOINTMENT; REVOCATION.

The Chief Information Officer may, within appropriations therefore, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Chief Information Officer may appoint such Deputy Chief Information Officers, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Chief Information Officer. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 17.04 ACTING CHIEF INFORMATION OFFICER.

The Chief Information Officer, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting Chief Information Officer in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Chief Information Officer filing a new written designation. The Acting Chief Information Officer shall have all the powers and perform all the duties of the Chief Information Officer during the period of succession or until a new Chief Information Officer shall be appointed pursuant to law and shall qualify to assume that office.

ARTICLE VII KEY

Section

Local Law

\*Article 17

As amended by Local Law No. 7-1997 to change the name from Department of Date Processing and Microfilm Services to the Department of Information Technology

\*\*17.92

As amended by Local Law No. 19-1986

+Article 17

As amended by Local Law No. 1-2008, to change the name of the Commissioner of the Onondaga County Department of Information Technology to Chief Information Officer

ARTICLE XVIII

DEPARTMENT OF CORRECTION

Section

- 18.01. Department of Correction; Commissioner; Appointment; Qualifications; Term.
- 18.02. Commissioner of Correction; Powers and Duties.
- 18.03. Departmental Divisions and Units; Deputy Commissioners of Correction and Staff; Appointment; Revocation.
- 18.04. Acting Commissioner of Correction.
- 18.05. Commissioner's Bond.

Section 18.01. DEPARTMENT OF CORRECTION; COMMISSIONER; APPOINTMENT; QUALIFICATIONS; TERM.

There shall be a Department of Correction under the direction of a Commissioner of Correction, who shall be appointed by the County Executive, subject to the approval of the County Legislature. The Commissioner shall be appointed on the basis of administrative experience and such other qualifications as may be possessed for the responsibilities of the office. The Commissioner shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 18.02. COMMISSIONER OF CORRECTION; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Commissioner of Correction shall:

(a) be responsible for the operation, maintenance, supervision, repair, custodial care and security of the Onondaga County penitentiary and penitentiary farm;

(b) be responsible for the receipt, housing, care, custody, control and employment of all inmates sentenced or assigned to such facilities or otherwise housed therein;

(c) initiate, implement and coordinate programs for the rehabilitation, education and training of inmates sentenced or assigned to such facilities or otherwise housed therein;

(d) initiate, implement and coordinate programs for the distribution of food and other products manufactured or produced within such facilities;

(e) report in writing to the District Attorney not less than monthly

the identities of all persons sentenced or assigned to such facilities, or otherwise housed therein, and their anticipated dates of release; and

(f) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

Section 18.03. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMMISSIONERS OF CORRECTION AND STAFF; APPOINTMENT; REVOCATION.

The Commissioner may, within appropriations therefor, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Commissioner may appoint such Deputy Commissioners of Correction, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 18.04. ACTING COMMISSIONER OF CORRECTION.

The Commissioner of Correction, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting Commissioner of Correction in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation. The Acting Commissioner shall have all the powers and perform all the duties of the Commissioner during the period of succession or until a new Commissioner shall be appointed pursuant to law and shall qualify to assume that office.

Section 18.05. COMMISSIONER'S BOND.

The Commissioner of Correction, and each of the deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge upon the County.

ARTICLE XIX

DEPARTMENT OF PROBATION

Section

- 19.01. Department of Probation; Commissioner; Appointment; Qualifications; Term.
- 19.02. Commissioner of Probation; Powers and Duties.
- 19.03. Departmental Divisions and Units; Deputy Commissioners of Probation and Staff; Appointment; Revocation.
- 19.04. Acting Commissioner of Probation.
- 19.05. Commissioner's Bond.

Section 19.01. DEPARTMENT OF PROBATION; COMMISSIONER; APPOINTMENT; QUALIFICATIONS; TERM.

There shall be a Department of Probation under the direction of a Commissioner of Probation, who shall be appointed by the County Executive, subject to the approval of the County Legislature. At the time of appointment, and throughout the term of office, the Commissioner shall possess those qualifications prescribed by law, and shall be appointed on the basis of these and such other qualifications, including administrative experience, as may be possessed for the responsibilities of the office. The Commissioner shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 19.02. COMMISSIONER OF PROBATION; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Commissioner of Probation shall:

- (a) provide investigative and supportive social and auxiliary services for all the criminal courts within the County and the New York State Family Court in and for the County of Onondaga, including pre-plea, pre-sentence and social investigations, collection and disbursement of court ordered support payments and supervision of all persons placed on probation;
- (b) train, supervise, monitor and upgrade the performance of probation officers and other employees within the jurisdiction of the office;
- (c) administer a detention program for juveniles, including the operation of a County detention home; and
- (d) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related

duties as may be required by the County Executive.

Section 19.03. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMMISSIONERS OF PROBATION AND STAFF; APPOINTMENT; REVOCATION.

The Commissioner may, within appropriations therefor, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Commissioner may appoint such Deputy Commissioners of Probation, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 19.04. ACTING COMMISSIONER OF PROBATION.

The Commissioner of Probation, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting Commissioner of Probation in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation. The Acting Commissioner shall have all the powers and perform all the duties of the Commissioner during the period of succession or until a new Commissioner shall be appointed pursuant to law and shall qualify to assume that office.

Section 19.05. COMMISSIONER'S BOND.

The Commissioner of Probation, and each of the deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge upon the County.

ARTICLE XX

DEPARTMENT OF TRANSPORTATION

Section

- 20.01. Department of Transportation; Commissioner; Appointment; Qualifications; Term.
- 20.02. Commissioner of Transportation; Powers and Duties.
- 20.03. Division of Engineering; Deputy Commissioner of Transportation-Engineering; Appointment; Qualifications; Term; Powers and Duties.
- 20.04. Division of Highways; Deputy Commissioner of Transportation-Highways; Appointment; Term; Powers and Duties.
- 20.05. Departmental Divisions and Units; Deputy Commissioners of Transportation; Appointment; Revocation.
- 20.06. Acting Commissioner of Transportation.
- 20.07. Commissioner's Bond.

Section 20.01. DEPARTMENT OF TRANSPORTATION; COMMISSIONER; APPOINTMENT; QUALIFICATIONS; TERM.

There shall be a Department of Transportation under the direction of a Commissioner of Transportation, who shall be appointed by the County Executive, subject to the approval of the County Legislature. The Commissioner shall be appointed on the basis of administrative experience and such other qualifications as may be possessed for the responsibilities of the office and shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 20.02. COMMISSIONER OF TRANSPORTATION; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Commissioner of Transportation shall:

(a) coordinate and encourage the development of comprehensive and balanced transportation plans and policies for the County to meet its present and anticipated future needs for adequate, safe and efficient transportation facilities and services;

(b) coordinate and assist in the balanced development and operation of such transportation facilities and services throughout the County, including highway, mass transit, marine and aviation facilities, as

may be authorized by law;

(c) coordinate and develop comprehensive and balanced plans and policies designed to meet and resolve the special problems of urban and commuter transportation within the greater Syracuse metropolitan area;

(d) coordinate policies, plans and programs affecting County-wide transportation with other governmental agencies at all levels and with other public and private agencies and corporations;

(e) represent the County, upon direction of the County Executive, in all proceedings before federal and state regulatory agencies affecting transportation within the County;

(f) undertake such studies, inquiries, surveys or analyses as may be deemed appropriate, either upon the initiative of the office or in cooperation with other public and private agencies, in furtherance of the accomplishment of the purposes of the Department;

(g) exercise all the powers and duties, except law enforcement, relating to traffic regulation and control within the County as prescribed in the Vehicle and Traffic Law or other appropriate law or regulations;

(h) provide, within the capabilities of the office, such services as may be required for the construction, repair, alteration and demolition of all County highways, bridges, parking fields, drives, buildings, parks and recreational facilities, preserves, erosion projects, walks and other facilities in the nature of public works within County jurisdiction or where contractually or otherwise appropriate or lawful and where not otherwise specifically assigned in the Charter or this Code;

(i) provide, within the capabilities of the office, such services as may be required for the maintenance, supervision, repair and custodial care of all highways, bridges, parking fields, drives, walks and related facilities within County jurisdiction or where contractually or otherwise appropriate and lawful and where not otherwise specifically assigned in the Charter or this Code;

(j) employ, within appropriations therefor, such engineering, architectural or other assistance, and incur such expenses, as may be necessary in the performance of the duties of the office, subject to the approval of the County Executive;

(k) assist all units of County government, when requested, in the preparation and development of information for their respective capital projects requests;

(l) authorize the rental by the County of such machinery, tools, equipment and implements as may be deemed appropriate, subject to the approval of the County Executive and within appropriations therefor;

(m) authorize the rental by local governments, public corporations, agencies or authorities, or combinations thereof, with or without operators, of any departmental machinery, tools, equipment and

implements as may be deemed appropriate, with payment to the County therefor of not less than the hourly rate fixed by the appropriate department or agency of the State of New York for the rental of equipment or implements by the County, which sums shall be deposited in appropriate County accounts;

(n) formulate and submit to the County Executive from time to time a long range comprehensive county plan, and revisions thereof, for the balanced development and coordination of adequate, safe and efficient commuter and general transportation facilities and services throughout the County including, but not limited to, highways, rapid transit, railroad, omnibus, marine, air and other mass transportation facilities and services, whether publicly or privately owned, operated or maintained; and

(o) except as otherwise specifically assigned in the Charter or this Code, have all the powers and perform all the duties now or hereafter conferred or imposed upon a county commissioner of public works, a county engineer, a county superintendent of highways or a county traffic safety officer, together with such other and related duties as may be required by the County Executive.

Section 20.03.\* DIVISION OF ENGINEERING; DEPUTY COMMISSIONER OF TRANSPORTATION-ENGINEERING; APPOINTMENT; QUALIFICATIONS; TERM; POWERS AND DUTIES.

There shall be within the Department of Transportation a Division of Engineering under the direction of a Deputy Commissioner of Transportation-Engineering, who, at the time of appointment, shall be licensed by the State of New York to practice professional engineering. The Deputy Commissioner shall be appointed in the manner, subject to the conditions and for the term prescribed in Section 20.05 of this Code. The powers and duties of the Deputy Commissioner shall be to:

(1) provide, within the capabilities of the office, such engineering services throughout the County as may be required by the Commissioner or by any unit of County government respecting the construction, maintenance, supervision, repair, alteration, demolition and custodial care of County property;

(2) employ such engineering, architectural or other assistance, and incur such expenses, as may be necessary in the performance of the duties of the office, subject to the approval of the Commissioner and within appropriations therefor;

(3) cooperate with other governmental agencies at all levels, and with private agencies, in the performance of engineering services in furtherance of the discharge of the responsibilities of the Commissioner or of any other unit of County government;

(4) submit to the Commissioner such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding the discharge of the responsibilities of the office;

(5) formulate, implement and coordinate within appropriations therefor such plans and policies regarding traffic safety and accident prevention on the County's highways as may be deemed appropriate from time to time;

(6) assist in the compilation, maintenance and analysis of traffic accident data and information, report thereon to the Commissioner, the County Executive and the County Legislature and submit such recommendations as may be deemed appropriate from time to time with respect thereto;

(7) provide to the Onondaga County Traffic Safety Advisory Board, within appropriations therefor, such staff and other services as may be authorized by the Commissioner;

(8) submit to the Commissioner such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding traffic safety throughout the County; and

(9) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Commissioner.

Section 20.04.\*\* DIVISION OF HIGHWAYS; DEPUTY COMMISSIONER OF TRANSPORTATION-HIGHWAYS; APPOINTMENT; TERM; POWERS AND DUTIES.

There shall be within the Department of Transportation a Division of Highways under the direction of a Deputy Commissioner of Transportation-Highways, who shall be appointed in the manner, subject to the conditions and for the term prescribed in Section 20.05. of this Code. The powers and duties of the Deputy Commissioner shall be to:

(a) be responsible, except where otherwise specifically assigned in the Charter or this Code, for the construction, maintenance, supervision, repair, alteration, demolition, custodial care of, and snow removal from, all County highways, bridges, parking fields, drives, walks and related facilities within County jurisdiction or where contractually or otherwise appropriate and lawful;

(b) employ such assistance, and incur such expenses, as may be necessary in the performance of the duties of the office, subject to the approval of the Commissioner and within appropriations therefor;

(c) undertake such studies and make such recommendations to the Commissioner from time to time as may be requested, or as may be deemed appropriate, regarding public transportation and the flow of vehicle traffic within the greater Syracuse metropolitan area and throughout other areas of the County;

(d) submit to the Commissioner such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding public transportation, traffic flow and highway conditions throughout the County; and

(e) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Commissioner.

Section 20.05. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMMISSIONERS OF TRANSPORTATION; APPOINTMENT; REVOCATION.

The Commissioner may, within appropriations therefor, create such other divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, and except as provided in Section 20.03B of this Code, the Commissioner may appoint such Deputy Commissioners of Transportation, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 20.06. ACTING COMMISSIONER OF TRANSPORTATION.

The Commissioner of Transportation shall designate in writing a line of succession to the office of Acting Commissioner of Transportation in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation. The Acting Commissioner of Transportation shall have all the powers and perform all the duties of the Commissioner during the period of succession or until a new Commissioner shall be appointed pursuant to law and shall qualify to assume that office.

Section 20.07. COMMISSIONER'S BOND.

The Commissioner of Transportation, and all of the Deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge upon the County.

ARTICLE XX - KEY

Section

Local Law

- \*20.03 As amended by Local Law No. 14, 1986 and Local Law No. 14, 1987.
- \*\*20.04 As amended by Local Law No. 15, 1987.

ARTICLE XXI

DEPARTMENT OF FACILITIES MANAGEMENT

Section

- 21.01. Department of Facilities Management; Commissioner; Appointment; Qualifications; Term.
- 21.02. Commissioner of Facilities Management; Powers and Duties.
- 21.03. Departmental Divisions and Units; Deputy Commissioners of Facilities Management and Staff; Appointment; Revocation.
- 21.04. Acting Commissioner of Facilities Management.
- 21.05. Commissioner's Bond.
- 21.06. Unit of Central Garage; Garage Manager; Appointments; Term; Powers and Duties.

Section 21.01. DEPARTMENT OF FACILITIES MANAGEMENT; COMMISSIONER; APPOINTMENT; QUALIFICATIONS; TERM.

There shall be a Department of Facilities Management under the direction of a Commissioner of Facilities Management, who shall be appointed by the County Executive, subject to the approval of the County Legislature. The Commissioner shall be appointed on the basis of administrative experience and such other qualifications as may be possessed for the responsibilities of the office. The Commissioner shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 21.02.\* COMMISSIONER OF FACILITIES MANAGEMENT; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Commissioner of Facilities Management shall:

(a) be responsible for construction, demolition, modification, operation, maintenance, supervision, space and property utilization, repair, custodial care and capital project planning of all County property, buildings and other related facilities (such as fuel storage facilities) not otherwise specifically provided for in the Charter or this Code or excepted by the County Executive, including leased properties within contractual limitations;

(b) by interdepartmental agreement with approval of the County Executive, provide support services to other County departments and units for construction, demolition, modification, operation, maintenance, supervision, space utilization, repair, custodial care, and capital project planning of County property, buildings and other

related facilities;

(c) employ, within appropriations therefor, such technical, repair, services or other assistance, and incur such expenses, as may be necessary in the performance of the duties of the office, subject to the approval of the County Executive;

(d) be responsible, for coordinating the development of a property management data base involving all County departments and units with property management related responsibilities, and the coordination of data base maintenance among involved departments and units;

(e) contract, within appropriations therefor, for the purchase, rental, installation and operation of food services facilities, vending machines and other incidental and related services and equipment, subject to the approval of the County Executive;

(f) provide centralized mail service throughout the various departments, offices, divisions, agencies and other units of County government as directed by the County Executive;

(g) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

**Section 21.03. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMMISSIONERS OF FACILITIES MANAGEMENT AND STAFF; APPOINTMENT; REVOCATION.**

The Commissioner of Facilities Management may, within appropriations therefor, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Commissioner may appoint such Deputy Commissioner of Facilities Management, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

**Section 21.04. ACTING COMMISSIONER OF FACILITIES MANAGEMENT.**

The Commissioner of Facilities Management, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting Commissioner of Facilities Management in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any

time by the Commissioner filing a new written designation. The Acting Commissioner shall have all the powers and perform all the duties of the Commissioner during the period of succession or until a new Commissioner shall be appointed pursuant to law and shall qualify to assume that office.

Section 21.05. COMMISSIONER'S BOND.

The Commissioner of Facilities Management, and each of the deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge upon the County.

Section 21.06.\* UNIT OF CENTRAL GARAGE; GARAGE MANAGER; APPOINTMENTS; TERM; POWERS AND DUTIES.

There shall be within the Department of Facilities Management, a Unit of Central Garage under the direction of a Garage Manager, who shall be appointed by the Commissioner of Facilities Management and shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner of Facilities Management. The powers and duties of the Garage Manager shall be to:

(1) provide for and maintain a central garage for the storage, maintenance, servicing, care and protection of County owned or operated vehicles and such other equipment not otherwise provided for in the Charter or this Code;

(2) provide maintenance, servicing and repair services for all such vehicles and equipment within appropriations therefor, and stock and maintain parts and equipment therefor,

(3) contract for the maintenance, servicing and repair of such vehicles and equipment whenever such services cannot be performed by the County;

(4) employ such mechanical and technical assistance within appropriations therefor as shall best serve to implement the responsibilities and duties hereinabove prescribed;

(5) submit to the Commissioner of Facilities Management such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding the storage and maintenance of vehicles and equipment within the jurisdiction of the office; and

(6) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Commissioner of Facilities Management.

ARTICLE XXI - KEY

Section

Local Law

\*21.02, 21.06

As amended by Local Law No. 21, 1989.

ARTICLE XXII

DEPARTMENT OF WATER ENVIRONMENT PROTECTION

Section

- 22.01. Department of Water Environment Protection; Commissioner; Appointment; Qualifications; Term.
- 22.02. Commissioner of Water Environment Protection; Powers and Duties.
- 22.03. Departmental Divisions and Units; Deputy Commissioners of Water Environment Protection and Staff; Appointment; Revocation.
- 22.04. Acting Commissioner of Water Environment Protection.
- 22.05. Commissioner's Bond.

Section 22.01. DEPARTMENT OF WATER ENVIRONMENT PROTECTION; COMMISSIONER; APPOINTMENT; QUALIFICATIONS; TERM.

There shall be a Department of Water Environment Protection under the direction of a Commissioner of Water Environment Protection, who shall be appointed by the County Executive, subject to the approval of the County Legislature. At the time of appointment, the Commissioner shall be a licensed professional engineer. The Commissioner shall be appointed on the basis of this and such other qualifications, including administrative experience, as may be possessed for the responsibilities of the office. The Commissioner shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 22.02. COMMISSIONER OF WATER ENVIRONMENT PROTECTION; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Commissioner of Water Environment Protection shall:

(a) have each and every power and duty in relation to County facilities for drainage, flood control, sanitation, sewerage or water supply as was heretofore given the Onondaga Public Works Commission in Chapter 568 of the Laws of 1933 as amended;

(b) be responsible, within contractual or other appropriate limitations, for the operation, maintenance, supervision, repair and custodial care of all County drainage, flood control, watershed, sanitation, sewage, water pollution control and abatement facilities, pumping station, trunk and lateral sewer systems and other related facilities and systems;

(c) employ, within appropriations therefor, such engineering, architectural, technical or other assistance, and incur such expenses, as may be necessary in the performance of the duties of the office, subject to the approval of the County Executive;

(d) assist all units of County government, when requested, in the preparation and development of information for their respective capital projects requests;

(e) authorize, within appropriations therefor, the rental by the County of such machinery, tools, equipment and implements as may be deemed appropriate in the discharge of the responsibilities of the office, subject to the approval of the County Executive;

(f) authorize the rental by local governments, public corporations, agencies or otherwise, or combinations thereof, with or without operators, of any departmental machinery, tools, equipment and implements as may be deemed appropriate; and

(g) initiate, implement and coordinate plans and programs regarding the control of plumbing installations; and

(h) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

Section 22.03. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMMISSIONERS OF WATER ENVIRONMENT PROTECTION AND STAFF; APPOINTMENT; REVOCATION.

The Commissioner of Water Environment Protection may, within appropriations therefor, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Commissioner may appoint such Deputy Commissioners of Water Environment Protection, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 22.04. ACTING COMMISSIONER OF WATER ENVIRONMENT PROTECTION.

The Commissioner of Water Environment Protection, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting Commissioner of Water Environment Protection in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at anytime by the

Commissioner filing a new written designation. The Acting Commissioner shall have all the powers and perform all the duties of the Commissioner during the period of succession or until a new Commissioner shall be appointed pursuant to law and shall qualify to assume that office.

Section 22.05. COMMISSIONER'S BOND.

The Commissioner of Water Environment Protection, and each of the deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge upon the County.

Section 3. Article XXII of the Onondaga County Administrative Code hereby is amended to abolish the Onondaga County Department of Drainage and Sanitation and to create an Onondaga County Department of Water Environment Protection. All of the powers and duties heretofore and formerly had by the Onondaga County Commissioner of Drainage and Sanitation hereby are transferred to the Onondaga County Commissioner of Water Environment Protection

Section 4. Except as may otherwise be required by law, all existing laws, ordinances, legalizing acts and resolutions of the County shall remain operative except where inconsistent with this local law. Whenever the term "Commissioner of Drainage and Sanitation" is referred to in any law, rule, regulation or resolution, that term shall be deemed to mean and refer to the Onondaga County Commissioner of Water Environment Protection.

Section 5. If any clause, sentence, paragraph or section of this local law 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 or section thereof directly involved in the proceeding in which such adjudication shall have been rendered.

ARTICLE XXII - KEY

<u>Section</u>	<u>Local Law</u>
22.01, 22.02, 22.03, 22.04, 22.05	As amended by Local Law No. 10 of 2001
22.02	As amended by Local Law No. 5 of 2004

ARTICLE XXIII

DEPARTMENT OF PARKS AND RECREATION

Section

- 23.01. Department of Parks and Recreation; Commissioner; Appointment; Qualifications; Term.
- 23.02. Commissioner of Parks and Recreation; Powers and Duties.
- 23.03. Division of Operations and Maintenance; Director of Operations and Maintenance; Powers and Duties.
- 23.04. Division of Recreation and Public Programs; Director of Recreation and Public Programs; Powers and Duties.
- 23.05. Division of Park Planning and Development; Director of Park Planning and Development; Powers and Duties.
- 23.06A. Parks and Recreation Advisory Board; Membership; Appointment; Term; Vacancies.
- 23.06B. Parks and Recreation Advisory Board; Powers and Duties.
- 23.07. Departmental Divisions and Units; Deputy Commissioners of Parks and Recreation and Staff; Appointment; Revocation.
- 23.08. Acting Commissioner of Parks and Recreation.
- 23.09. Commissioner's Bond.

Section 23.01. DEPARTMENT OF PARKS AND RECREATION; COMMISSIONER; APPOINTMENT; QUALIFICATIONS; TERM.

There shall be a Department of Parks and Recreation under the direction of a Commissioner of Parks and Recreation, who shall be appointed by the County Executive, subject to the approval of the County Legislature. At the time of appointment, the Commissioner shall have at least five years' education or experience, or combination thereof, in recreation, park management, landscape architecture, engineering or a related field. The Commissioner shall be appointed on the basis of these and such other qualifications, including administrative experience, as may be possessed for the responsibilities of the office and shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 23.02. COMMISSIONER OF PARKS AND RECREATION; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Commissioner of Parks and Recreation shall:

- (a) be responsible for the planning and development, operation, maintenance, supervision, repair and custodial care of all County parks and recreational facilities and such other related facilities within the County's jurisdiction or where contractually or otherwise appropriate and lawful;
- (b) initiate, implement and coordinate such programs for the use of County parks and recreational facilities as may be deemed appropriate from time to time;
- (c) provide consultative services respecting the planning and development, operation, maintenance, supervision, repair, custodial care and public use of parks and recreational facilities to local governmental agencies within the County;
- (d) encourage public interest in County museums through their adequate maintenance and improvement and by means of such educational and promotional programs as may be deemed appropriate; and
- (e) have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a commissioner of parks and recreation, together with such other and related duties as may be required by the County Executive.

Section 23.03. DIVISION OF OPERATIONS AND MAINTENANCE; DIRECTOR OF OPERATIONS AND MAINTENANCE; POWERS AND DUTIES.

There shall be within the Department of Parks and Recreation a Division of Operations and Maintenance under the direction of a Director of Operations and Maintenance, who shall be appointed in the manner, subject to the conditions and for the term prescribed in Section 23.07. of this Code. Among the powers and duties of the Director shall be to:

- (a) be responsible for the operation, maintenance, supervision, repair and security of all County parks, and facilities within the jurisdiction of the Department;
- (b) submit to the Commissioner such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding the operation, maintenance, supervision, repair and security of the County's parks and facilities; and
- (c) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Commissioner; and
- (d) be responsible for all conservation activities within the Department and for the development of programs in furtherance thereof.

Section 23.04. DIVISION OF RECREATION AND PUBLIC PROGRAMS; DIRECTOR OF PROGRAMS; POWERS AND DUTIES.

There shall be within the Department of Parks and Recreation a Division of Recreation and Public Programs under the direction of a Director of Recreation and Public Programs, who shall be appointed in the manner, subject to the conditions and for the term prescribed in Section 23.07. of this Code. The powers and duties of the Director shall be to:

(a) be responsible for the planning, coordination and implementation of recreational and other public programs within the County and for the dissemination of information about such programs;

(b) provide consultative and advisory service to the various local governments within the County respecting the planning, funding, coordination and direction of recreational and public programs;

(c) submit to the Commissioner such reports, data and information as may be required, or as may otherwise be appropriate from time to time, regarding recreational and athletic programs and facilities within the County; and

(d) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Commissioner.

Section 23.05. DIVISION OF PARK PLANNING AND DEVELOPMENT; DIRECTOR OF PARK PLANNING AND DEVELOPMENT; POWERS AND DUTIES.

There shall be within the Department of Parks and Recreation a Division of Park Planning and Development under the direction of a Director of Park Planning and Development, who shall be appointed in the manner, subject to the conditions and for the term prescribed in Section 23.07. of this Code. The powers and duties of the Director shall be to:

(a) initiate, implement and coordinate such master plans for the acquisition, development and utilization of park and recreational facilities within the County as may be appropriate from time to time;

(b) assist in the acquisition, field construction and development of such parks and facilities;

(c) provide consultative services to local governmental agencies within the County respecting the planning, acquisition, development and utilization of such parks and facilities;

(d) submit to the Commissioner such reports, data and other information as may be required, or as may otherwise be appropriate from time to time, regarding the planning, acquisition, development and utilization of such parks and facilities; and

(e) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the Commissioner.

Section 23.06A. PARKS AND RECREATION ADVISORY BOARD; MEMBERSHIP; APPOINTMENT; TERM; VACANCIES.

There shall be within the Department of Parks and Recreation a Parks and Recreation Advisory Board, whose members shall be appointed by the County Executive in the manner, for the term and subject to the provisions of Sections 3.02(e) and 3.12 of this Code. The Board shall select annually its own Chairperson and otherwise organize and reorganize itself in such manner as it may deem appropriate or as may be provided by law. It shall meet regularly at the call of the Commissioner or its Chairperson. Vacancies in membership occurring other than by expiration of terms shall be filled by appointment of the County Executive for the respective unexpired terms.

Section 23.06B. PARKS AND RECREATION ADVISORY BOARD; POWERS AND DUTIES.

The Parks and Recreation Advisory Board shall consider matters relating to the planning, development, utilization and care of all County parks and recreational facilities, the implementation and coordination of plans and programs therefor, the coordination of recreational and athletic programs within the County and the implementation and coordination of the Department's activities respecting conservation throughout the County, and it shall advise the Commissioner thereon, either upon request or upon its own initiative, and from time to time make recommendations thereupon. On or before the first day of July of each year, the Board shall submit to the Commissioner and the County Executive a projection, or updated projection, of anticipated park, recreational and conservation needs for, and recommend services to be furnished to, the County for the ensuing six fiscal years.

Section 23.07. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMMISSIONERS OF PARKS AND RECREATION AND STAFF; APPOINTMENT; REVOCATION.

The Commissioner may, within appropriations therefor, create such other divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Commissioner may appoint Directors of Parks and Recreation, assistants and employees of the Department as shall be

authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 23.08. ACTING COMMISSIONER OF PARKS AND RECREATION.

The Commissioner of Parks and Recreation, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting Commissioner of Parks and Recreation in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation. The Acting Commissioner shall have all the powers and perform all the duties of the Commissioner during the period of succession or until a new Commissioner shall be appointed pursuant to law and shall qualify to assume that office.

Section 23.09. COMMISSIONER'S BOND.

The Commissioner of Parks and Recreation, and each of the deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge upon the County.

ARTICLE XXIV

ONONDAGA COMMUNITY COLLEGE

Section

- 24.01. Onondaga Community College; Board of Trustees; Administration.
- 24.02. Board of Trustees; Powers and Duties.
- 24.03. Financial Administration.
- 24.04. Treasurer or Bursar; Election; Accounts; Powers and Duties.
- 24.05. Bond of Treasurer or Bursar.
- 24.06. Audits of Accounts.
- 24.07. Employer Relationship.

Section 24.01. ONONDAGA COMMUNITY COLLEGE; BOARD OF TRUSTEES; ADMINISTRATION.

There shall be a community college within the County known as the Onondaga Community College, which shall be administered by a Board of Trustees pursuant to the provisions of the Education Law. The County Executive, pursuant to the provisions of Section 1903 of the County Charter, shall appoint those members of the Board of Trustees authorized by the Education Law to be appointed by the County government.

Section 24.02. BOARD OF TRUSTEES; POWERS AND DUTIES.

The Board of Trustees of Onondaga Community College shall have all the powers and perform all the duties of administration of the College as now or hereafter prescribed by law.

Section 24.03. FINANCIAL ADMINISTRATION.

Appropriations made by the County Legislature for the operation of Onondaga Community College shall be made in whole to the Board of Trustees for expenditures by the Board pursuant to the terms and conditions of such appropriations and of such regulations concerning the custody, deposit, payment and audit thereof as the County Legislature may promulgate.

Section 24.04. TREASURER OR BURSAR; ELECTION; ACCOUNTS; POWERS AND DUTIES.

The Board of Trustees of Onondaga Community College may elect a Treasurer or Bursar, establish bank accounts in the name of the College and deposit therein monies received or collected by the College, including monies appropriated by the County Legislature, monies received from tuitions, fees, charges, sales of products and services and from all other sources. It also may authorize the Treasurer or Bursar to pay all proper bills and accounts of the College, including salaries and wages, from funds in its custody. Notwithstanding contrary provisions of the Charter or this Code, the Board of Trustees shall promulgate such policies and procedures, within authorized appropriations, for the procurement and management of College property as it may deem appropriate.

Section 24.05. BOND OF TREASURER OR BURSAR.

The Treasurer or Bursar of Onondaga Community College shall execute and give a surety bond or official undertaking to the Board of Trustees of the College in a sum fixed by the Board conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the Board and as to form by the County Attorney and it shall be a charge upon the College.

Section 24.06. AUDITS OF ACCOUNTS.

The Board of Trustees of Onondaga Community College shall provide for periodic audits of all accounts maintained at its direction and shall render such reports respecting any and all receipts and expenditures of the College as the County Executive, the County Legislature or the Comptroller may direct.

Section 24.07. EMPLOYER RELATIONSHIP.

Unless otherwise provided by State law, the Board of Trustees of Onondaga Community College shall be deemed the employer of all members of its faculty and staff and of all other persons whose salaries or wages shall be paid from funds appropriated for the operation of the College.

ARTICLE XXV

OTHER COUNTY ADMINISTRATIVE UNITS

Section

- 25.01. Board of Elections; Appointment; Term; Power and Duties.
- 25.01A. Board of Elections; Purchasing Authority.
- 25.02. Jury Board; Commissioner of Jurors; Appointment; Powers and Duties.
- 25.03. Repealed
- 25.04. Veterans' Service Agency.
- 25.05. Onondaga County Library Board; Board of Trustees; Administration.
- 25.06. County Historian; Other County Employees.
- 25.07. Miscellaneous Administrative Functions.

Section 25.01.\* BOARD OF ELECTIONS; APPOINTMENT; TERM; POWER AND DUTIES.

There shall be a Board of Elections, whose members shall be appointed by the County Legislature in the manner and for the term provided by law. It shall have all the powers and perform all the duties now or hereafter conferred or imposed upon it by law, together with such other and related duties as may be required by the County Executive or the County Legislature.

Section 25.01A.\* BOARD OF ELECTIONS; PURCHASING AUTHORITY.

The Board of Elections shall have the power, without public advertisement for bids, to make all purchases of and contracts for all primary or election supplies and services necessary for the operation of its office and the performance of its duties.

Section 25.02. JURY BOARD; COMMISSIONER OF JURORS; APPOINTMENT; POWERS AND DUTIES.

There shall be a County Jury Board and a Commissioner of Jurors appointed in the manner and for the term provided by law. They shall have all the powers and perform all the duties now or hereafter conferred or imposed upon them by law, together with such other and related duties as

may be required by the County Executive or the County Legislature.

Section 25.03. FIRE COORDINATOR; APPOINTMENT; TERM; POWERS AND DUTIES.  
REPEALED BY Local Law No. 7, 2003

Section 25.04. VETERANS' SERVICE AGENCY.

There shall be a Veterans' Service Agency under the direction of a Director of Veterans' Affairs, who shall be appointed by the County Executive, subject to the approval of the County Legislature. The Director shall be a veteran of the armed forces of the United States. The Director shall have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive and shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the County Executive.

Section 25.05. ONONDAGA COUNTY LIBRARY BOARD; BOARD OF TRUSTEES; ADMINISTRATION.

There shall be a library board within the County known as the Onondaga County Library Board which shall be administered by a Board of Trustees pursuant to the provisions of Article 5 of the New York State Education Law. The County Executive, pursuant to the provisions of Section 1903 of the County Charter, shall appoint those members of the Board of Trustees authorized by the Education Law to be appointed by the County government.

Section 25.06. COUNTY HISTORIAN; OTHER COUNTY EMPLOYEES.

The County Executive may appoint a County Historian and, except as may otherwise be provided in the Charter, this Code or other applicable law, all other County employees who, unless otherwise required by law, shall serve at the pleasure of the County Executive.

Section 25.07. MISCELLANEOUS ADMINISTRATIVE FUNCTIONS.

Administrative units and functions not otherwise assigned by the Charter, this Code or other act or resolution of the County Legislature may be assigned by the County Executive to units within the County government.

ARTICLE XXV - KEY

Article

Section

\*25.01, 25.01A

As amended by Local Law No. 4, 1979.

ARTICLE XXVI

GENERAL AND TRANSITIONAL PROVISIONS

Section

- 26.01. Administrative Code; Effective Date.
- 26.02. Existing Laws and Enactments.
- 26.03. Continuity of Authority.
- 26.04. Former Units of Government; Abolition of, or Transfer of Functions from.
- 26.05. Continuation of Officers, Committees, Commissions and Boards.
- 26.06. Civil Service Rights.
- 26.07. Transition.
- 26.08. Amendment.
- 26.09. Separability.
- 26.10. Vacancy in Office.
- 26.11. Judicial Notice.

Section 26.01. ADMINISTRATIVE CODE; EFFECTIVE DATE.

This Code shall become effective immediately upon adoption by the County Legislature.

Section 26.02. EXISTING LAWS AND ENACTMENTS.

Except as may otherwise be provided in the Charter or this Code, all existing State, County, local and other laws or enactments having the force of law shall continue in force until lawfully amended, modified, superseded or repealed.

Section 26.03. CONTINUITY OF AUTHORITY.

Any proceeding or other business undertaken or commenced prior to the effective date of this Code may be conducted and completed by the County unit responsible therefor under this Code.

Section 26.04. FORMER UNITS OF GOVERNMENT; ABOLITION OF OR TRANSFER OF FUNCTIONS FROM.

The Department of Public Works shall cease to exist on the effective date of this Code. The functions of the Office of Labor Relations, which shall cease to exist on the effective date of this Code, are hereby transferred to the Division of Labor Relations of the Department of Personnel. The functions of the Division of Central Services, which shall cease to exist on the effective date of this Code, are hereby transferred to the Department of Central Services. The functions of the Bureau of Data Processing, which shall cease to exist on the effective date of this Code, are hereby transferred to the Department of Data and Microfilm Services. The functions of the Division of Parks and Conservation, which shall cease to exist on the effective date of this Code, are hereby transferred to the Department of Parks and Recreation. The Division of Research and Development shall hereafter be known as the Division of Research and Public Information. The Division of Taxation shall hereafter be known as the Division of Real Property Tax Services.

Section 26.05. CONTINUATION OF OFFICERS; COMMITTEES; COMMISSIONS AND BOARDS.

Anything herein to the contrary notwithstanding, all persons holding appointive office within the County government upon the adoption of this Code shall be deemed to meet the qualifications requirements of their respective offices to the extent that such offices shall continue to exist hereunder. Except as may otherwise be provided in this Code, all persons holding County Office on the effective date of this Code shall continue to hold office, and all committees, commissions and boards existing on such date shall continue to exist, for the remainder of the terms for which they were appointed or created.

Section 26.06. CIVIL SERVICE RIGHTS.

The civil service status and rights of all County employees and their beneficiaries, including but not limited to those relating to retirement and social security, shall not be affected by the Code except as herein otherwise provided, and except further that all Commissioners and all heads of department or divisions shall be in the exempt class of civil service unless otherwise prescribed by law.

Section 26.07. TRANSITION.

Whenever the County Executive shall lack the power or authority, or shall be unable for whatever reason, to determine and provide for any transitional matters respecting the implementation of this Code, the County Legislature, either on its own initiative or upon the request of the County Executive, shall so determine and provide.

Section 26.08. AMENDMENT.

This Code may be amended by local law subject to referendum when so provided by the Municipal Home Rule Law.

Section 26.09. SEPARABILITY.

If any provision of this Code shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect, impair or invalidate the remainder hereof.

Section 26.10. VACANCY IN OFFICE.

To the extent inconsistent with this Code, the provisions of Section 2105 and 2106 of the Charter are hereby repealed. To the extent not so inconsistent, however, vacancies in office shall be filled in the manner and for the terms provided in Sections 2105 and 2106 of the Charter.

Section 26.11. JUDICIAL NOTICE.

Judicial notice shall be taken of the Charter and this Code, and of all local laws, ordinances, resolutions, legalizing acts, codes and regulations adopted or promulgated pursuant thereto.

ARTICLE XXVII

DEPARTMENT OF EMERGENCY COMMUNICATIONS

Section

- 27.01. Emergency Communications.
- 27.02. Commissioner of Emergency Communications; Powers and Duties.
- 27.03. Departmental Divisions and Units.

Section 27.01. EMERGENCY COMMUNICATIONS.

There shall be a Department of Emergency Communications headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the legislature. The appointment shall be on the basis of professional experience and qualifications for the duties of the Office. The Commissioner shall serve at the pleasure of the County Executive.

Section 27.02. COMMISSIONER OF EMERGENCY COMMUNICATIONS; POWERS AND DUTIES.

The powers and duties of the Commissioner shall be to:

- (a) be responsible for the operation, maintenance, supervision, repairs and security of the Onondaga County E-911 Emergency Communications Control Center;
- (b) administer the overall operation of a County-wide E-911 Emergency Communications Control Center, including personnel functions;
- (c) establish, implement and administer policies and procedures necessary for the efficient, effective, orderly operation of the E-911 Emergency Communications Control Center;
- (d) adopt and implement educational programs designed to inform the public as to the proper usage of the E-911 Emergency telephone number;
- (e) perform such other and related duties as may be required by the County Executive.

Section 27.03. DEPARTMENTAL DIVISIONS AND UNITS.

The Commissioner may, within appropriations therefore, create such other divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the commissioner may appoint such Deputy Commissioners of Emergency Communications, assistants and employees of the

Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to and, unless otherwise required by law, serve at the pleasure of the Commissioner. Appointments and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

ARTICLE XXVIII

DEPARTMENT OF AGING AND YOUTH

Section

- 28.01. Department of Aging and Youth; Commissioner of Aging and Youth.
- 28.02. Powers and Duties of the Commissioner.
- 28.03. Departmental Divisions and Units.

Section 28.01. DEPARTMENT OF AGING AND YOUTH; COMMISSIONER OF AGING AND YOUTH.

There shall be a Department of Aging and Youth headed by a Commissioner who shall be appointed by the County Executive, subject to the confirmation by the County Legislature. The appointment shall be on the basis of professional experience and qualifications for the duties of the office. The Commissioner shall serve at the pleasure of the County Executive.

Section 28.02. POWERS AND DUTIES OF THE COMMISSIONER.

The powers and duties of the Commissioner of Aging and Youth shall be to:

- (1) plan services to meet the needs of the elderly population through the evaluation of services and the identification of major problems affecting the elderly;
- (2) stimulate and review needed programs and services for the elderly;
- (3) conduct research on the needs of the elderly in this community and develop alternative means of meeting these needs;
- (4) cooperate with elderly citizens and organizations servicing or representing the elderly to meet the needs of the elderly population of the community;
- (5) provide information relative to programs and services for the elderly in the community and sources of support for program and services;
- (6) encourage the cooperation of agencies servicing the elderly;
- (7) recommend to and cooperate with federal, state and local agencies in the development of public policy toward the elderly.
- (8) develop effective policies and programs for the prevention and control of juvenile delinquency and youth crime;

(9) coordinate the activities of public and private agencies devoted to the prevention of delinquency and youth crime and provide consultative service thereof;

(10) assist in facilitating the development and coordination of youth services within the County and the City of Syracuse;

(11) submit to the County Executive such reports, data and other information as may be required, or as may otherwise be appropriate from time to time, regarding youth and elderly policies, programs and services throughout the county; and

(12) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the County Executive.

#### Section 28.03. DEPARTMENTAL DIVISIONS AND UNITS.

The Commissioner may, within appropriations therefor, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office.

ARTICLE XXIX

INTERGOVERNMENTAL RELATIONSHIPS

Section

29.01. Contracts with Public Corporations and Authorities.

29.02. Implementation.

Section 29.01. CONTRACTS WITH PUBLIC CORPORATIONS AND AUTHORITIES.

The County may contract with any municipality or public authority, or combination thereof, for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate and render for itself.

Section 29.02. IMPLEMENTATION.

The provisions of this Article shall be implemented pursuant to the provisions of Article 5-G of the General Municipal Law unless the County Legislature shall provide an alternative method by local law.

SECTION 2

Local Laws 2-61, 7-63, 8-63, 1-64, 3-66, 1-68, 5-68 and 5-70 are herein repealed and Local Law 2-73 is amended to the extent as provided for in Section 1 of this Local Law.

ARTICLE XXX

DEPARTMENT OF EMERGENCY MANAGEMENT

Section

- 30.01           Emergency Management
- 30.02           Commissioner of Emergency Management Powers and Duties
- 30.03           Departmental Division and Units
- 30.04           Director of Emergency Management (Fire) Responsibilities  
                  and Duties
- 30.05\*          Division of Emergency Medical Services; Director Of  
                  Emergency Medical Services; Powers And Duties
- 30.06\*          Emergency Medical Service Advisory Board; Membership  
                  Appointment; Term; Vacancies; Appointment; Term;  
                  Vacancies.

Section 30.01           Emergency Management

There shall be a Department of Emergency Management under the direction of a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature. The appointment shall be on the basis of professional experience and qualifications for the duties of the office. The Commissioner shall serve at the pleasure of the County Executive.

Section 30.02           Commissioner of Emergency Management Powers and  
Duties

The powers and duties of the Commissioner shall be to:

- (a)   adopt, amend and rescind regulations consistent with and necessary to execute and implement the provisions of the New York State Emergency Defense Act;
- (b)   supervise the activities of the Director of Emergency Management (Fire) and the Director of Emergency Medical Services\*.
- (c)   administer the County emergency management program and to act on behalf of the Chief Executive to build readiness for coordinated operations in both peacetime and attack-caused emergencies;
- (d)   during emergencies to act as the principal advisor to the Chief Executive with major responsibility to assure coordination among the operating departments of government, with non-government groups and with higher and adjacent governments;
- (e)   develop an Emergency Operating Center (EOC) facility, and the EOC staffing and procedures that will permit key executives to control coordinated operations by local forces;
- (f)   prepare the documents necessary to qualify the County to participate in Federal and State emergency management assistance programs;

- (g) arrange for exercises to give local officials practice in directing coordinated operations under simulated emergency conditions;
- (h) develop unique skills and capabilities not found in existing departments of governments (such as public shelter management and radiological monitoring system);
- (i) submit to the County Executive, the County Legislative and the State Disaster Preparedness Commission such reports, data and other information as may be requested regarding disaster preparedness;
- (j) coordinate inter-agency emergency medical training programs throughout the County with the Director of Emergency Medical Services;
- (k) coordinate with the Director of Emergency Medical Services the development of programs for the training of new emergency medical techniques with local agencies to assist in the coordination of emergency medical services communications throughout the County;
- (l) organize, supervise and coordinate cooperative reciprocal fire and other emergency assistance throughout the County;
- (m) at the Commissioner's discretion, or as may otherwise be provided by law, attend the site of any fire or other emergency within the County and upon arrival act as a resource to agencies and officials regarding incident management activities;
- (n) administer fire training programs, act as advisor and liaison between the various fire fighting and emergency agencies throughout Onondaga County and supervise public relations within the County with respect to fire safety;
- (o) direct, operate, and maintain the various divisions and units of the Department of Emergency Management in regard to fire operations and coordination.
- (p) have all duties conferred or imposed by law;
- (q) except as may otherwise be provided in the Charter or this Code, perform such other and related duties as may be required by the County Executive;

Section 30.03 Department Divisions and Units

There shall be within the Department of Emergency Management a Director of Emergency Management (Fire). The Commissioner shall, in accordance with applicable law, appoint such person as he deems qualified to the position of Director of Emergency Management (Fire) and the Director of Emergency Management (Fire) shall be directly responsible to, and unless otherwise required by law, serve at the pleasure of the Commissioner. The Commissioner may, within appropriations therefore, create such other divisions or units within

the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office and may also appoint such other Directors and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to and, unless otherwise provided by law, serve at the pleasure of the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 30.04 Director of Emergency Management (Fire)  
Responsibilities and Duties

The responsibilities and duties of the Director of Emergency Management (Fire) shall be to:

- (a) report and be directly responsible to the Commissioner;
- (b) organize, supervise and coordinate cooperative reciprocal fire and other emergency assistance throughout the County;
- (c) administer fire training programs, act as advisor and liaison between the various fire fighting and emergency agencies throughout Onondaga County and supervise public relations within the County with respect to fire safety;
- (d) assist the Commissioner in directing, operating, and maintaining the various divisions and units of the Department of Emergency Management in regard to fire operations and coordination;
- (e) at the Commissioner's discretion, or as may otherwise be provided by law, attend the site of any fire or other emergency within the County and upon arrival act as a resource to agencies and officials on incident management activities;
- (f) have all duties conferred or imposed by law;
- (g) perform such other duties and responsibilities as the Commissioner may assign from time to time.

Section 30.05\*\* DIVISION OF EMERGENCY MEDICAL SERVICES; DIRECTOR OF EMERGENCY MEDICAL SERVICES; POWERS AND DUTIES.

There shall be within the Department of Emergency Management a Division of Emergency Medical Services under the direction of the Director of Emergency Medical Services who shall be appointed by the County Executive. The Director of Emergency Medical Services shall be directly responsible to and serve at the pleasure of the County Executive. The powers and duties of the Director of Emergency Medical Services shall be to:

- (a) Administer emergency medical services pursuant to the Onondaga County Ambulance Code.

(b) Coordinate cooperative and other emergency medical services throughout the County.

(c) Coordinate emergency medical training programs.

(d) Coordinate responsibility for quality control over all phases of emergency medical services throughout the County.

(e) Facilitate the development of programs for the training of new emergency medical techniques with the Fire Coordinator and other agencies to assist in the coordination of emergency medical services communications throughout the County.

(f) Except as may otherwise be provided for in this code perform such other and related duties as may be required by the County Executive.

Section 30.06\*\* EMERGENCY MEDICAL SERVICE ADVISORY BOARD;  
MEMBERSHIP APPOINTMENT; TERM; VACANCIES; APPOINTMENT; TERM;  
VACANCIES.

There shall be within the Department of Emergency Management an Emergency Medical Service Advisory Board to consist of eighteen members to be appointed by the County Executive. Members shall serve at the pleasure of the County Executive for term not to exceed three years.

The Board shall be comprised of representatives of the major components and the many interests within the emergency medical services system and shall act as an advisory board to the emergency medical services system and shall act as an advisory board to the County Legislature, County Executive, and the Commissioner of Emergency Management. The Board shall select annually its own Chairperson and otherwise organize and reorganize in such manner as it may deem appropriate or as may be provided by law. It shall meet regularly at the call of the County Executive, the Commissioner of Emergency Management, or its Chairperson. Vacancies in membership occurring other than by expiration of terms shall be filled for the respective unexpired terms by appointment of the County Executive in the manner provided by law.

ARTICLE XXX - KEY

<u>Section</u>	<u>Local Law</u>
*30.01 (b)	As amended by Local Law No.13, 2009
**30.05	As amended by Local Law No.13, 2009
**30.06	As amended by Local Law No.13, 2009

APPENDIX 11-A

ARTICLE 11-A

INCORPORATION OF CHAPTER 568 OF THE LAWS OF 1933,  
AS AMENDED

Section

- 11.50. Purpose and application of article.
- 11.51. Definitions.
- 11.52. Employees.
- 11.53. Powers and duties.
- 11.54. Establishment.
- 11.55. Additions to sewer system.
- 11.56. Dissolution and reduction.
- 11.57. Preliminary appropriations.
- 11.58. Laterals at sole expense of county.
- 11.59. Review pursuant to article 78 of civil practice act.
- 11.60. Construction; maintenance, repair and control.
- 11.61. Approval by the state department of health.
- 11.62. Estimate of costs.
- 11.63. County obligations.
- 11.64. Letting of contracts; additional estimates of costs.
- 11.65. County tax for payment of bonds and interest.
- 11.66. Formation of sanitary district or sewer district.
- 11.67. Disposition of industrial and/or other waste material.
- 11.68. Use of sewers; disposition of proceeds.
- 11.69. Revenue.
- 11.70. Annual estimate; assessment charge backs.
- 11.71. Powers of the board with respect to certain contracts.
- 11.72. Agreements as to payment of cost.

- 11.73. Sewer or sewer lines not to be installed or constructed without approval of commissioner.
- 11.74. Public notice to be given when map or plan modified.
- 11.75. Determination of tax levy against certain property.
- 11.76. Public purpose and benefit.
- 11.77. Entrance upon and restoration of property.
- 11.78. Actions; judgments.
- 11.79. Sewer rents; filing; publication.
- 11.80. Construction of articles.
- 11.81. Separability.
- 11.82. Establishment of Onondaga county sanitary district as successor to existing sanitary and treatment plant districts.

**Section 11.50. PURPOSE AND APPLICATION OF ARTICLE.**

(a) The Onondaga public works act, being chapter 568 of the laws of 1933 as amended, and then repealed pursuant to section 1101 of Article XI of the county charter, is hereby incorporated as Article 11-A of this code, and pursuant to paragraph e of section 1102 of Article XI of the charter the commissioner of public works shall have each and every power and duty in relation to county facilities for drainage, flood control, sanitation, sewerage or water supply as was heretofore given to the Onondaga public works commission by said chapter 568 of the laws of 1933, as amended, and as set forth by this article and not inconsistent with the charter or this code.

(b) All projects of the Onondaga public works commission heretofore begun under the provisions of chapter 568 of the laws of 1933, as amended, may be completed pursuant to the provisions of said act, notwithstanding its repeal; and provided further that any such project begun prior to the effective date of the charter may be financed in accordance with the provisions of Chapter 568 of the laws of 1933, as amended, and the local finance law; and provided further that the repeal of said chapter 568 of the laws of 1933, as amended, shall not affect or impair the validity of any obligations of the county heretofore issued to finance any such project nor the manner

and means of providing the funds for the payment of the principal of and interest and on any such obligations.

Section 11.51. DEFINITIONS.

As used and referred to in this article unless a different meaning clearly appears from the context:

(a) The term "legislature" and "county legislature" shall mean the Onondaga County Legislature.

(b) The term "board" and "board of supervisors" shall mean the board of supervisors of Onondaga county.

(c) The term "commissioner" shall mean the commissioner of drainage and sanitation.

(d) The term "county" shall mean the county of Onondaga.

(e) The term "sanitary district" shall mean any area now or hereafter established or determined by the commissioner, board of supervisors or county legislature to be benefited by the construction of sewers and/or plants and/or other public works as provided for and/or permitted in this article.

(f) The term "treatment plant district" shall mean any area now or hereafter established or determined by the commissioner, board of supervisors or county legislature of a treatment plant or plants as provided for and/or permitted in this article.

(g) The term "plant" and "plants" shall mean treatment, disposal filtration and/or any other equipment, method and/or construction for the treatment, disposal and/or filtration of sewage of any kind or type.

(h) The term "public works" shall mean any public improvement which promotes the public health, welfare, convenience and/or safety.

(i) The term "sewer" and "sewers" shall mean sanitary trunk sewer and sanitary outlet sewer, industrial sewer, lateral sewer and any other type of sewer including storm and drainage sewers, together with the appurtenances as may be necessary for the operation thereof.

(j) The term "existing sewer system" shall mean all sewers, pumping stations, disposal or treatment plant or works, structures, appliances, equipment and/or adjuncts thereto comprising the system of sewerage and disposal theretofore set up or formed by the Onondaga public works commission; the board of supervisors or the Onondaga County Legislature as the case may be.

(k) The term "public" when applied herein to sewer plants and other public projects or public works shall include those which are not privately owned, and the term "public works" shall mean any public improvement which promotes the public health, welfare, convenience and/or safety.

(1) The term "city" shall mean the city of Syracuse.

Section 11.52. EMPLOYEES.

The commissioner may employ and, at his pleasure, discharge such engineering, professional and other deputies, assistants and employees as from time to time may be needed, and incur such other expenses as he may deem necessary, within the amounts and appropriations made available for such purposes by the county legislature in the budget. Officers and employees of the city of Syracuse may be transferred to the county department of drainage and sanitation in accordance with the provisions of the civil service law and shall be eligible for such transfer and appointment without examination to offices and positions in said department of public works. Officers and employees of the city who are members or beneficiaries of any existing pension or retirement system shall continue to have the rights, privileges, obligations and status with respect to such system or systems as are now prescribed by law, and all such employees who have been appointed to positions in the service of the city under civil service shall have the same status with respect thereto after transfer to the county department of public works as they had under their original appointments. The appointment and promotion of all employees of said department shall be made in accordance with the provisions of the civil service law and the rules of the county civil service commission or department of personnel, as the case may be. The department of drainage and sanitation shall have the power to contract with the city for the use of agencies, employees and facilities of the city, paying to the city its agreed proportion of the compensation or costs pursuant to section 2002 of Article XX of the charter.

Section 11.53. POWERS AND DUTIES.

The commissioner shall have power:

(a) To prepare or cause to be prepared, from time to time, maps and plans of such sanitary district or districts in the county which in the judgment of the commissioner require the acquisition or construction therein of sanitary and/or other sewer or sewers, including storm and drainage sewers, and/or plants and the necessary appurtenances to protect the public health of the county and the various areas thereof, and promote the public health, welfare, convenience and/or safety. The commissioner may likewise from time

to time prepare or cause to be prepared maps and plans of such district or districts, as in the judgment of the commissioner, for the above stated purposes, require the enlargement or extension therein of such sanitary and/or other sewer or sewers, including storm and drainage sewers, and/or plants, or of the extension of such district or districts and the acquisition, construction, enlargement and/or extension of the sanitary and/or other sewer or sewers, and/or plants therein. Such plans and maps made with reference to said sewers and/or plants shall show: (1) the proposed district or extension which in the judgment of the commissioner requires the acquisition or construction of such sewer and sewers and/or plants or such enlargement or extensions thereof and which will be specifically benefited by such construction; (2) the proposed location of the sewer or sewers and/or plants to be so acquired, constructed, enlarged and/or extended; (3) the location of any sewer or sewers and/or plants existing within the proposed district or extension; (4) general estimates of the cost of such acquisition, construction, enlargement and/or extension; (5) such other information as the commissioner may deem desirable.

(b) To prepare or cause to be prepared, from time to time, maps and plans of such treatment plant district or districts in the county which in the judgment of the commissioner require the acquisition or construction therein of sewage treatment plants and/or disposal and/or filtration plants and the necessary appurtenances to protect the public health of the county and the various areas thereof and promote the public health, convenience and/or safety. The commissioner may likewise from time to time prepare or cause to be prepared maps and plans of such district or districts, as in the judgment of the commissioner, for the above stated purposes, require the enlargement or extension therein of such sewage treatment plants, and/or disposal and/or filtration plants, or the extension of such district or districts and the acquisition, construction, enlargement and/or extension of such plants therein. Such plans and maps made with reference to said plant or plants shall show: (1) the proposed district or extension which in the judgment of the commissioner requires the acquisition or construction of a treatment plant or plants or such enlargement or extension thereof and which will be specifically benefited by such acquisition, construction, enlargement

and/or extension; (2) the proposed location of the plant or plants to be so acquired, constructed, enlarged and/or extended; (3) the location of any such plants existing with the proposed district or extension; (4) general estimates of the cost of such acquisition or construction, enlargement and/or extension; (5) such other information as the commissioner may deem desirable.

(c) To prepare, from time to time, maps and plans of other public works which, in the opinion of the commissioner will protect the public health and promote the general welfare, convenience and/or safety. Such maps and plans shall show:

- (1) The proposed location of such public works;
- (2) General estimates of the costs of the proposed public works;
- (3) If the commissioner shall determine that a specific area is especially benefited by such public works, he shall prepare a suitable description of such area;
- (4) Such other information as the commissioner may deem desirable.

(d) Subject to the approval of the county executive, to recommend and present to the county legislature a map of any district or extension, previously approved by it, or portion thereof which in the opinion of the commissioner should be dissolved, discontinued, reduced and/or diminished in size, and to recommend the abandonment and/or discontinuance of any sewers, laterals, plants, public works or appurtenances thereto, either constructed or authorized within such district. Such recommendation shall be made to the county legislature, however, only when accompanied or made a part of a report of the commissioner showing:

(1) That no indebtedness is outstanding and unpaid which is or may be charged back and/or collected against such specific district, only, which is to be so dissolved and/or discontinued and/or reduced.

(2) That a public hearing has been had upon such proposal after public notice thereof published in the official county paper or papers at least once not less than ten days before such hearing thereon, and that such notice of said public hearing was not less than ten days before the date such hearing conspicuously posted in at least five public places in said district. The notice to be given shall state the district to be dissolved, discontinued, reduced and/or diminished and a brief description of the part or portion thereof to be discontinued, reduced and/or diminished, in the event the whole district is not to be dissolved and discontinued, and/or may refer to a map of the district or to the

part or portion thereof to be dissolved, discontinued, reduced and/or diminished to be on file in the office of the commissioner during his regular business hours for at least ten days before the public hearing thereon, and such notice shall describe briefly in words and/or by reference to such map herein mentioned any sewer, lateral, plant, public works, appurtenances and/or portions thereof, either constructed or authorized by the commissioner and/or County Legislature to be abandoned or discontinued.

(3) That after holding such public hearing, the commissioner has determined that such district, or portion or portions thereof as set forth in the report should be dissolved, discontinued, reduced, and/or diminished as described and/or as shown on a map accompanying such report.

(e) To have jurisdiction, control, possession and supervision of existing sewer systems and projects heretofore established and set up by the Onondaga public works commission, the board of supervisors or the Onondaga County Legislature, as the case may be, and all such sewers, plants and projects hereafter established or set up by the commissioner, the board of supervisors or the Onondaga County Legislature as the case may be, and to make alterations, additions, improvements, betterments and extensions thereto, and have all the rights, privileges and jurisdictions necessary or proper for carrying such power into execution. Provided, however, that nothing in this paragraph is intended to nor shall it be construed in any way to supersede the powers herein specifically granted to the county legislature or the city of Syracuse.

(f) To acquire, in the name of the county, by purchase or gift, lease or other means, real property or rights or easements therein, or other property necessary for the purposes of this article to acquire, in the name of the county, by condemnation, real property or rights or easements therein necessary for such purposes, including but not limited to such property of a municipal corporation. Provided that notwithstanding the foregoing provisions or provisions of section 11.77 of this article, no such real property or rights or easements therein of the city of Syracuse may be acquired by condemnation without the consent and approval of the common council of the city by ordinance duly adopted.

(g) To make rules and regulations pertaining to the construction, connections, use, operation and maintenance of all sewers, plants, public works and projects under the jurisdiction of the office, and

as to all sewers, laterals or other connections or plants owned and controlled other than by the department of drainage and sanitation, which connect with or pertain to a connection with the sewers, plants, public works and/or projects of said department.

(h) To enter on any lands, water and premises, public or private for the purpose of making surveys, soundings and examinations.

(i) To dispose of the sewage and waste of municipal corporations, sewer districts and from public and private property, within the county, in accordance with any plan or project duly and finally approved pursuant to the provisions of section 11.54 of this article.

(j) Subject to the approval of the county executive, to permit the use of plants and sewers under the jurisdiction of the office for the disposition of industrial and/or other waste material, in addition to its use for sanitary purposes, under such terms, conditions, rules and regulations as the commissioner shall prescribe, but nothing in this section shall be construed to require said commissioner to grant such permission.

(k) Subject to the approval of the county executive, to make contracts in the name of the county and execute all instruments necessary or convenient, subject, however, to all the provisions of the county charter or code, in the same manner as all other county administrative units.

(l) To do all things necessary or convenient to carry out the powers expressly given by this article.

(m) To construct the sewer, and/or treatment, disposal and/or filtration plants and the necessary appurtenances and all other projects and public works approved herein, and any alterations, repairs, additions, improvements, betterments and extensions thereto by contract or contracts, or under, through, or by means of county officers, agents, and employees, in accordance with any plan or project duly and finally approved pursuant to the provisions of section 11.54 of this article.

(n) Notwithstanding any other provisions of the Administrative Code, the Onondaga County Legislature shall approve all surcharges levied against industries in Onondaga County as determined by the Commissioner of drainage and sanitation.

Section 11.54. ESTABLISHMENT.

(a) After the preparation by the commissioner of any maps and plans provided for by this article, the commissioner shall call and hold a public hearing in the manner hereinafter prescribed for the calling and holding of public hearings by the county legislature, to hear all persons interested in the establishment of the proposed district or extension and the acquisition or construction of sewers or plants therein. Such public hearings may be adjourned by the commissioner from time to time without further notice thereof.

(b) If after such hearing or adjourned hearing or hearings the commissioner shall determine that it is in the public interest to establish the proposed district or extension and acquire or construct a sewer or sewers and/or plants therein and that said establishment and acquisition or construction will promote the public health, welfare, convenience and/or safety, the commissioner, subject to the approval of the county executive, shall report the same to the county legislature together with recommendations as to what portion, if any, of the cost of the proposed acquisition or construction of a sewer or sewers and/or plants, treatment plant or plants or public works (1) shall be apportioned against property and property owners in the proposed district or extension deemed by the commissioner to be specially benefited thereby and (2) should be contributed by the county at large. The commissioner shall also include in said report recommendation as to which method of assessment deemed best for maintaining and operating the sewers and/or plants and/or other public works within the contemplated district when finally established, pursuant to the provisions of this article.

(c) Whenever any such report includes a proposed district or extension or the acquisition or construction of a sewer or sewers and/or plants, treatment plant or plants or public works within, serving or including any portion of the city of Syracuse, a copy

thereof shall also be filed with the common council of the city.

(d) The said county legislature shall then consider the said report and recommendation and may make such alterations and changes, extensions and/or amendments thereto which in the judgment of the county legislature will be most beneficial to the county and the project contemplated. The legislature shall tentatively approve or disapprove said report and recommendations as so changed, altered, extended or amended. If the county legislature shall give such tentative approval thereto, the county legislature shall hold a public hearing thereon upon notice given by publishing the same once in at least any two newspapers published in the county at least ten days previous to the date of such hearing and posting a copy of such notice conspicuously in five public places within the proposed district or extension not less than ten days before the day designated for the hearing. Such notice shall state the time and place of such hearing, and that the county legislature will consider the proposed improvement and/or project stating its general nature, and the establishment of the district, or extension, setting forth the town, cities and villages, any parts of which are in the proposed district or extension. Such notice shall also contain a statement of the estimated maximum cost thereof. Such hearing may be adjourned from time to time, without further notice to a definite place and time. The report of the commissioner shall be open to public inspection during the usual business hours at the office of the commissioner from the time when such notice was given until the close of the hearings. At the public hearings any municipality and all persons owning property in the proposed district or extension or immediately adjacent thereto shall be entitled to be heard generally as to the proposed improvement and/or project and the establishment of the district or extension and as to whether their respective properties will be benefited and as to whether any property benefited is omitted from the proposed district or extension. After such hearing, the county legislature shall approve or disapprove the proposed improvement and/or project and the establishment of the district or extension and may make such alterations and changes, extensions and/or amendments thereto which, in the judgment of the county legislature will be most beneficial to the county and the project contemplated; but if the legislature shall find that any part

or portion of the property owners within the proposed district or extension are not benefited thereby, or that property or property owners benefited thereby have not been included therein, the legislature shall specify the necessary changes of the boundaries of the proposed district or extension to be made in order that all the property and property owners, and only such property and property owners, as are benefited, shall be included within such proposed district or extension, and the legislature shall adjourn its hearings to a definite place and time on notice of adjournment published and posted as herein provided for the original notice of hearing, specifying the manner in which it is proposed to alter the boundaries of the proposed district or extension.

(e) At or after such hearing or adjourned hearing, the county legislature may adopt a resolution approving the establishment or extension of the district or sewer line, or extension thereof as the boundaries or sewer line or extension thereof shall be finally determined, and authorize the construction of the sewer, improvement, extension or project which shall be final, subject only to review by the courts as hereinafter stated. Provided, however, that no such construction shall be undertaken without such final approval of the county legislature. A certified copy of the final determination of the county legislature shall be recorded in the office of the county clerk, and when so recorded shall be presumptive evidence of the establishment or extension of the district, sewer and/or project. The county legislature shall cause a notice of such filing of the final determination to be published at least once in the official paper or papers of the county.

Section 11.55. ADDITIONS TO SEWER SYSTEM.

(a) Whenever a sewer district shall have been established or extended under this article and a trunk system of sewers shall have been constructed therein, the commissioner may, from time to time, prepare maps and plans showing: (1) the proposed location of a lateral or trunk sewer or sewers or of additional laterals, or trunk sewers and/or plants; (2) the location of any trunk lines, laterals and/or plants existing within the district; (3) estimates of the cost of construction, and (4) the private property, if any, which in the

judgment of the commissioner will be benefited by the proposed construction.

(b) Such maps and plans shall, with the approval of the county executive, be reported to the county legislature for approval or disapproval. If such maps and plans show that any parcels of private property will be specially benefited by the construction of such lateral or trunk sewer or sewers or of additional laterals, or trunk sewers and/or plants, the county legislature shall not approve such maps and plans or authorize the construction of the sewers or plants until after a public hearing thereon upon notice given by publication and posting in the manner provided in section 11.54 of this article for notice of hearing upon the proposed establishment or extension of a district. At or after such public hearing, the county legislature may adopt a resolution approving the maps and plans and making a final determination as to the private property which will be specially benefited by the construction of such laterals or trunk sewers and/or plants. A certified copy of such final determination shall be recorded in the office of the county clerk and when so recorded shall be presumptive evidence of the regularity of the determination. The county legislature shall cause a notice of such filing of the final determination to be published at least once in the official paper or papers of the county.

#### Section 11.56. DISSOLUTION AND REDUCTION.

Whenever the commissioner shall recommend to the legislature, the dissolution, discontinuance, reduction and/or diminishing in size of any district and/or extension, previously approved by it, or portion thereof, and/or whenever the commissioner recommends that a sewer, lateral, plant, public works, appurtenances and/or portions thereof, which has been either authorized or constructed by the commissioner and/or legislature shall be so altered the legislature shall receive and consider such recommendations at a regular or special meeting thereof and may by resolution approve and determine to accept such recommendations of the commissioner or may make such modifications, changes, alterations and/or amendments thereto as such legislature shall determine is proper, however, before making such determination or giving such approval the legislature shall hold a public hearing thereon after giving notice of such hearing by posting at least

five notices in conspicuous places in the district affected, and publishing the same once in the official county newspapers not less than ten days before the day of the hearing. A certified copy of such final determination shall be recorded in the office of the county clerk and when so recorded shall be presumptive evidence of the regularity of the determination. The legislature shall cause a notice of such filing of the final determination to be published at least once in the official paper or papers of the county.

Section 11.57. PRELIMINARY APPROPRIATIONS.

The county legislature is hereby authorized to appropriate in any year for the purpose of carrying out the provisions of this article such sum or sums as it may deem proper. The commissioner shall report to the county legislature what amount or proportion of the appropriations so made was expended by the commissioner in the formation of any district created by the commissioner and the amount so reported shall be included in the cost of the construction of the sewers and/or plants and/or other public works in said district and refunded to the county out of the first funds raised for said purpose.

Section 11.58. LATERALS AT SOLE EXPENSE OF THE COUNTY.

If, in the opinion of the commissioner, the trunk sewer and plant within any district established under this article has a capacity in excess of the need of such district, the county legislature may, without public hearing, approve maps and plans reported by the commissioner with the approval of the county executive for the construction of a lateral sewer or sewers solely at the expense of the county to provide sewer service for an army air base or other military reservation useful for defense of the county located or to be located within or without or partly within and partly without such district, for such length of time, for such consideration and upon such terms and conditions as the county legislature shall prescribe; the rendering of such service is hereby determined to be a public and county purpose. The county may pay the entire estimated cost of the construction of such lateral or laterals, notwithstanding the provisions of any other law. The county is further authorized to enter into an agreement or agreements with the United States government to provide sewer and other public service and to give such bond for the faithful performance thereof, with or without surety as may be required,

and do all things necessary to carry out the above-expressed purpose. The county legislature may include in the annual estimate compensation for the use of the trunk sewer and plant of the district and the amount so appropriated annually together with any annual rental paid by the United States government for such service, shall be deducted from the amount to be assessed on property in such district.

Section 11.59. REVIEW PURSUANT TO ARTICLE 78 OF THE CIVIL PRACTICE ACT.

Any interested person aggrieved by any final determination made by the county legislature pursuant to this article may review the same pursuant to article 78 of the civil practice act provided that the application for such review is made within thirty days from the date of the first publication of the notice of recording in the office of the county clerk of a certified copy of such determination. The said determination shall be final and conclusive, unless application has been made for review within thirty days from the date of publication of the notice hereinabove provided. No review shall be had unless at the application the interested person asking the review gives an undertaking approved by the supreme court or a justice thereof as to the form, amount and sufficiency of the surety, that, in the event of failure to modify said final determination, applicant will pay to the county all such costs and expenses as are incurred by it on account of said proceedings, as shall be determined by the court. In the event that upon such review there shall be any modification by the court of said final determination, the court shall direct the modification thereof which shall be final and conclusive, and the county clerk shall cause it to be recorded in the same place and manner as was the determination appealed from.

Section 11.60. CONSTRUCTION; MAINTENANCE, REPAIR AND CONTROL.

Upon the approval of any such maps and plans in accordance with the provisions of section 11.54 of this article, the county legislature shall authorize the commissioner to construct such sewers and/or plants and/or other public works. Such sewers and/or plants and/or other public works when constructed shall be under the management and control of the department of drainage and sanitation which department is hereby vested with the management and control thereof.

Section 11.61. APPROVAL BY THE STATE DEPARTMENT OF HEALTH.

Before proceeding with the construction of any such sewers, except storm and drainage sewers, and/or plants, the maps, plans and specifications therefor shall be submitted by the commissioner to the New York state department of health for approval and a permit therefor obtained pursuant to the provisions of the public health law applicable thereto.

Section 11.62. ESTIMATE OF COSTS.

In case the county legislature authorizes the construction of such sewers and/or laterals, and/or plants and/or other public works it shall thereupon estimate the cost thereof and make available the funds required therefor as hereinafter in this article provided. The cost of any such sewer shall include the proportionate share of the cost of any outlet, lateral, or trunk sewer and/or plant theretofore constructed pursuant to the provisions of this article for a district other than the district for which the estimate is made, but to be used by such district as part of its sewer and such proportionate share is chargeable to said district: in such case the amount of the cost so determined shall be used in making the annual estimates and assessments provided for in section 11.70 of this article, but bonds need not be issued by the county to finance the proportionate share, above referred to, of the cost of an existing sewer, lateral, and/or plant. In case the county legislature shall authorize the construction of two or more sewers at the same time which shall use the same outlet or trunk sewer and/or plant, the estimates of cost of such sewers shall include the proportionate share of cost of such outlet or trunk sewer and/or plant.

Section 11.63. COUNTY OBLIGATIONS.

For the purpose of this article all bonds or other obligations shall be issued under the local finance law.

Section 11.64. LETTING OF CONTRACTS; ADDITIONAL ESTIMATES OF COSTS.

The commissioner shall provide for the construction of any such sewers, laterals, and/or plants, and/or other public works by letting, with the approval of the county executive, the necessary contracts therefor through the purchasing director, and the cost of such sewers, laterals, and/or plants, and/or other public works shall include all amounts appropriated by the county legislature as provided in this article. The commissioner is authorized, with the approval of the county

executive, in his discretion, to construct any sewers, laterals and/or plants and/or public works as a work relief project or projects pursuant to general laws of this state, and/or the United States. In case the actual cost of the construction of any such sewers, laterals and/or plants and/or other public works exceeds the estimated cost the legislature shall make such additional estimates of costs as it deems necessary and proper, and after holding a public hearing upon the question of such increase, shall make available the necessary funds in the same manner as the original estimates of costs. Notice of such public hearing shall be given in the manner as provided by section 11.54 of this article.

Section 11.65. COUNTY TAX FOR THE PAYMENT OF BONDS AND INTEREST.

It shall be the duty of the county legislature to cause to be raised annually by tax upon all the taxable property of the entire county, in the same manner as other taxes are levied and collected, a sum sufficient to pay the principal of and interest upon the obligations issued for the purposes of this article when and as the same shall be due and payable.

Section 11.66. FORMATION OF SANITARY DISTRICT OR SEWER DISTRICT.

Notwithstanding any provision of law to the contrary, no sanitary district or sewer district of any kind shall be formed the whole or any part of which shall be within the county of Onondaga nor shall any sanitary sewer or sewers of any kind be constructed within said county, without the approval of the commissioner having been first obtained. The commissioner may enforce this provision by applying for and obtaining a restraining order, and this authority shall be construed as permissive and not exclusive. This section shall not apply to a city or incorporated village, except that part thereof which is within a district established pursuant to this article.

Section 11.67. DISPOSITION OF INDUSTRIAL AND/OR OTHER WASTE MATERIAL.

Nothing herein contained shall be construed to prohibit the use of such plant and sewers for the disposition of industrial and/or other waste material under such terms, conditions, rules and regulations as the commissioner shall prescribe.

Section 11.68. USE OF SEWERS; DISPOSITION OF PROCEEDS.

In case the sewers, laterals or plants within any district shall have a capacity in excess of the needs of such district the commissioner, with

the approval of the county executive, is authorized to contract with any private party or public body for the use of said excess capacity for the benefit of the lands outside the district for such number of years not exceeding ten and on such terms as the commissioner may deem advisable. The commissioner is authorized and empowered to make, from time to time, such rules and regulations governing the use of any such sewers, laterals, and/or plants under his management and control as he may deem necessary and proper.

Section 11.69. REVENUE.

All revenue derived from the use of any sewers and/or plants in any district shall be applied first to the payment of the cost of maintenance and operation of sewers and/or plants and the proportionate part of the expenses of the department of drainage and sanitation, chargeable to said district in such manner as the commissioner shall determine and the balance remaining thereafter shall be paid annually to the county to be used by it for the payment of the principal of and interest upon the obligations issued for the construction of said sewers and/or plants due and payable in said year.

Section 11.70. ANNUAL ESTIMATE; ASSESSMENT CHARGE BACKS.

(a) The commissioner shall each year before levying of taxes by the county legislature make up an estimate for any such district established as provided by this article which shall give the estimated sums required for maintaining and operating the sewers and/or plants and/or other public works within such district and all other lawful charges against such district, including the funds necessary for the payment of the principal and interest of the obligations issued for the benefit of such district or of such portion thereof as must be reimbursed to the county, in excess of the revenue, if any, to be derived as provided in this article. The balance the commissioner shall certify to the county legislature by filing his certificate thereof with the clerk of said board.

(b) The county legislature may approve or change the balance so reported to it, and before apportioning such sum as finally approved by it, shall specify the method of assessment for the maintenance and operations as set forth in the resolution of the legislature finally

establishing such district and shall apportion such sum as it may finally approve, to and levy the same against the several towns and municipalities within such district according to the equalized value of the real estate in said towns and municipalities appearing upon the assessment rolls as situated within the limits of such district. Notwithstanding the above provisions of this section, the resolution of the legislature finally establishing any district may provide that the sums required for maintaining and operating the sewers and/or plants and/or other public works within such district and all other lawful charges against such district, including the funds necessary for the payment of the principal and interest of the obligations issued for the benefit of such district may be borne by local assessment upon the several lots and parcels of real estate which the legislature shall determine and specify to be especially benefited by the improvement, and the legislature shall apportion and assess upon and collect from the several lots and parcels of lands so deemed benefited, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same. A certificate of such apportionment, certified by the clerk of the county legislature, shall be given either personally or by mail to the supervisors of the towns, the mayor of any city, and to the chairman of the board of assessors of the town and city within said district or districts on or before the first day of November of each year. Upon receipt thereof by said supervisors, the mayor, and the boards of assessors they shall cause such amount to be apportioned among and assessed against the several lots and parcels of real estate situated within such district according to the assessed valuation thereof, or apportioned among and assessed against the several lots and parcels of real estate so deemed especially benefited as the case may be, and such apportionment shall be added to and become a part of the state and county tax against such lot or parcel, and shall be collected therewith and shall be placed on the abstract of taxes adopted by the county legislature for the county against each respective town or municipality containing a part of such district. Any amount apportioned to the county at large shall be a general county charge. The officer or officers of such municipality making the extension of taxes is charged with the duty of placing such amounts of such apportionment on the tax rolls for collection.

(c) Any town, district, village or city, only a portion of the territory of which is within a district, may enter into an agreement with the county providing that for not exceeding ten years the amounts which otherwise would be apportioned among and assessed against the portion of its territory within the district, shall be paid by said town, district, village or city as its general and unlimited obligation at such time or time in each year as such agreement may provide. Such agreements may, by like agreements, be terminated, amended and extended for not longer than ten years at any one time. While any such agreement is in effect the property in the district that is also within such town, district, village or city shall not be assessed as hereinabove provided and the amount payable pursuant to such agreement shall be deducted in determining the amount to be assessed on other property within the district. In case of a default for a period of thirty days in making the payments required by any such agreement the county legislature may, where not made part of the county tax, as herein authorized, at its discretion, terminate such agreement and the unpaid amount of such contract may be included in the next or any subsequent county tax abstract, assessed, levied and collected as a part of the county tax, chargeable against such town, district, village or city in default on any such contract. When any such agreement has been entered into covering a period of one or more years, the county legislature of the county may, upon request of any such town, district, village or city, annually include the applicable annual amount covered by such agreement in the next or in any subsequent tax abstract and assess or cause the same to be assessed as a part of the county tax chargeable against such town, district, village, or city. The provisions of this section shall not apply to any public work for which no district shall have been created by the Onondaga public works commission or the board of supervisors, as the case may be, pursuant to the provisions of this article.

Section 11.71. POWERS OF THE COUNTY LEGISLATURE WITH RESPECT TO CERTAIN CONTRACTS.

The legislature by resolution may authorize and empower the commissioner to enter into such contracts as it may deem necessary with any person, corporation or association for the purpose of insuring that the cost of any improvement district authorized by this article, will not

constitute an undue burden upon the property within such district, and may require the filing of a surety bond or bonds or the deposit of cash or securities with the commissioner of finance to insure the performance of such contracts.

Section 11.72. AGREEMENTS AS TO PAYMENT OF COST.

In anticipation of the construction of a lateral sewer or the construction of an extension of the trunk sewer within the district or an extension of the district, any town, village or city, a portion of whose territory is within the existing district, may enter into an agreement with the county, even though such lateral sewer or the construction of an extension of such trunk line sewer may be partially or wholly outside said town, village or city, (1) determining that the construction of the lateral or the extension will be beneficial to such town, village or city, and (2) providing that the cost of construction of such lateral or such extension, or a stated portion of such cost, including interest thereon, shall be paid by said town, village or city, as its general and unlimited obligation, by annual payments at such time or times and during such periods of years, as such agreement may provide. Any such agreement shall, on approval by the county legislature, be valid and binding until such cost shall have been fully paid, unless the county legislature shall consent to modification or termination of the agreement. If only a portion of the cost will be so payable, the county legislature after a public hearing thereon, upon notice given as required by section 11.54 of this article, shall provide that the remaining portion of the cost be assessed on the property specially benefited. When the county legislature has approved any such agreement, the legislature may, if the agreement so provides, or subsequently on request of such town, village or city, annually include the applicable annual amount covered by such agreement, in the next or in any subsequent tax abstract and assess or cause the same to be assessed as a part of the county tax chargeable against such town, village or city.

Section 11.73. SEWER OR SEWER LINES NOT TO BE INSTALLED OR CONSTRUCTED WITHOUT APPROVAL OF THE COMMISSIONER.

No sewer or sewer lines shall be installed or constructed within the limits of the county of Onondaga, outside of any incorporated city or incorporated village except upon plans and specifications submitted to and

approved in writing by the commissioner, which said commissioner shall have the authority to make rules and regulations governing the same, which shall be binding after approval and adoption by the county legislature. This section shall not apply to the installation of a septic tank to care for the sewage of one residence containing not more than two families.

Section 11.74. PUBLIC NOTICE TO BE GIVEN WHEN MAP OR PLAN MODIFIED.

When the county legislature shall have approved a map and plan, such map and plan shall not be materially modified by the commissioner, nor by any other officer of the county, except after public notice given by publication in a newspaper published in the county, of intention to modify the same, which notice shall specify the particulars in which it is proposed to modify the map and plan, and a time and place when the legislature will consider any objections which may be made thereto, which time shall be not less than one week after the first publication of said notice. When any change shall be made in the map and plan and once adopted, a revised or additional map and plan shall be made by the commissioner, showing the change, and all such maps and plans shall be carefully preserved in the office of the commissioner and be open to inspection to all persons interested.

Section 11.75. DETERMINATION OF TAX LEVY AGAINST CERTAIN PROPERTY.

If in any year the county legislature shall determine that the amount to be apportioned to and levied against the property in one or more municipalities within a district will be in excess of the benefit, the county legislature may, notwithstanding any other provision of this article, include a portion of such amount in the next annual estimate of the county and reduce thereby the amount which would otherwise be levied against such property.

Section 11.76. PUBLIC PURPOSE AND BENEFIT.

It is hereby found and declared that the purposes set forth in section 11.50 of this article and the carrying out of such purposes is in all respects for the benefit of the people of the state of New York, for the improvement of their health and welfare, and is a public purpose, and the commissioner shall be regarded as performing a governmental function in the exercise of the powers conferred upon him, and the county is authorized to expend money for and/or to accomplish the objects and purposes

set forth in and by this article.

Section 11.77. ENTRANCE UPON AND RESTORATION OF PROPERTY.

(a) In order to carry out the provisions of this article the commissioner's employees may enter upon private lands. If, in the construction of any such sewer, plant and/or public work, as provided in this article, it becomes necessary to acquire the fee or easement of lands therefor, the commissioner is hereby authorized to acquire the same either by purchase or by condemnation, as provided by the condemnation law. Title to such lands shall be taken in the name of the county, and the cost and expense incurred in connection with the acquisition thereof shall be a part of the cost of such construction. In case it is necessary to acquire lands or easements by condemnation the title thereto shall vest in the county on the filing in the county clerk's office of the oaths of the condemnation commissioners. In such case interest shall be allowed on the award from the date of the filing of the oaths of the commissioners. Before proceeding to acquire by condemnation any lands or easements, the commissioner shall prepare a map or plan and amended map or plan if necessary, showing the parcels of land, the fee or easement of which is to be acquired, and shall file the same in the county clerk's office.

(b) Wherever railroad tracks, street railroad tracks, gas pipes, telephone wires, telegraph wires, electric light or power wires, or conduits for carrying telephone, telegraph or electric wires or other structures of any public service corporation, extend in, along or across any part of the work authorized by this article, it shall be and become the duty of the corporation owning or using such tracks, pipes, wires or conduits, or other structures, to make such changes in the same, as may be required during the construction of the improvement provided for in this article, and to construct or rebuild and maintain its tracks, pipes, wires or conduits and structures over or along the work by this article authorized and constructed or in the process of construction in pursuance thereof.

Section 11.78. ACTIONS; JUDGMENTS.

All actions and proceedings by or against the commissioner shall be prosecuted in the name of the commissioner and the county and all judg-

ments obtained by or against the commissioner shall be deemed to be in favor of or against, as the case may be, the county with the same force and effect as if the county had been a party to the action or proceeding in which the same was obtained, to be handled in the same manner as other judgments against the county, except, however, the county legislature shall charge back to the proper district or districts all sums paid to satisfy the same including costs and appeal costs. Such charge back shall be made in the same manner as provided in section 11.70. The legislature may, however, distribute the same to such areas or districts over a period of years not exceeding five.

Section 11.79. SEWER RENTS; FILING; PUBLICATION.

(a) The county legislature may establish and impose in any sanitary district or treatment plant district heretofore or hereafter established under this article, "sewer rents" as defined in article 14-f of the general municipal law by proceeding in accordance with the provisions of this section.

(b) A schedule of such proposed sewer rents may be prepared by the commissioner and filed with the clerk of the county legislature and in the office of the clerk of the various towns, villages and city within or partly within the district where such proposed sewer rents shall be effective. If such proposal be so prepared and filed, the county legislature before establishing and imposing such sewer rents, shall hold a public hearing on such proposal by publishing a notice thereof in the official paper or papers once not less than ten nor more than thirty days before the date of such hearing. Such notice shall contain a copy of the proposed schedule of sewer rents and shall specify a time and place at which all persons interested therein may be heard. At or after such hearing, the board may approve or disapprove such proposed schedule of sewer rents. If the legislature shall approve such schedule, it shall adopt a resolution establishing and imposing such sewer rents and specifying the time when the same shall become effective. A certified copy of such resolution of the county legislature shall be recorded in the office of the county clerk of Onondaga county and when so recorded, shall be presumptive evidence of the validity thereof. After the recording thereof, such resolution containing a copy of such schedule of sewer rents shall be published in the official newspaper or newspapers of

the county at least once, which publication shall be at least thirty days before the effective date thereof. Any amendment to or other action taken affecting such sewer rents shall be accomplished in the same manner as herein provided for the original establishment of sewer rents.

(c) Sewer rents shall constitute a lien upon the real property served by the system or such part or parts thereof for which sewer rents shall have been established and imposed. The lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof.

(d) In adopting any such resolution establishing and imposing sewer rents, the county legislature shall provide by resolution for the collection thereof and may authorize the commissioner of finance to collect such sewer rents.

(e) The commissioner of finance may bring and maintain an action (1) as upon contract for sewer rents in arrears, including penalties and interest, or (2) to foreclose liens for such sewer rents. As an alternative to the maintenance of any such action, the commissioner of finance may annually cause a statement to be prepared setting forth the amount of each lien for sewer rents in arrears, the real property affected thereby, and the name of the person in whose name such real property is assessed. Such statement shall be presented to the county legislature on or before a date to be specified by such legislature. Such legislature shall levy the amounts contained in such statement against the real property liable at the same time and in the same manner as county taxes, and such amount shall be set forth in a separate column in the annual tax rolls. The amount so levied shall be collected and enforced in the same manner and at the same time as may be provided by law for the collection of county taxes.

(f) The resolution of the county legislature establishing and imposing sewer rents: (1) shall describe the sewer system or the part or parts of the sewer system or the part or parts of the sewer system for which such rents shall be established and imposed; (2) shall

prescribe the basis of the charge for such rents; (3) shall provide for the date or dates on which sewer rents shall become due and payable; (4) may provide for penalties for sewer rents in arrears or for discounts for the prompt payment of such rents, or for both penalties and discounts.

(g) Revenues derived from sewer rents, including penalties and interest, shall be used in accordance with the provisions of sections 11.69 and 11.70 of this article.

#### Section 11.80. CONSTRUCTION OF ARTICLE.

The provisions of chapter 568 of the laws of 1933, as amended, constituting the Onondaga public works act, repealed by section 1101 of the charter and incorporated as this article shall not be construed to impair the validity or legality of any act or thing done by the Onondaga public works commission, board or legislature heretofore authorized or of any bonds, notes, certificates or other evidences of indebtedness heretofore authorized, issued or sold or to in any way affect the rights and duties prescribed therein or heretofore established. The provisions of law in force and effect prior to the effective date of this code, relating to and providing for the formation of districts or areas, construction of sewers or plants, and any outstanding contracts, or any right or action, determination or resolution had or taken shall not be affected by this article as herein enacted until after the completion of final term termination thereof, but the same may be enjoyed, asserted, enforced, carried on, prosecuted or inflicted, as fully and to the same extent, as if said chapter had not been repealed.

#### Section 11.81. SEPARABILITY.

If any clause, sentence, subdivision, paragraph, section or part of this article 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, subdivision, paragraph, section or part thereof directly involved in the proceeding in which such adjudication shall have been rendered.

#### Section 11.82.\* ESTABLISHMENT OF ONONDAGA COUNTY SANITARY DISTRICT AS

SUCCESSOR TO EXISTING SANITARY AND TREATMENT PLANT DISTRICTS.

(a) The county legislature may, after a public hearing as hereinafter provided (1) dissolve all existing sanitary and treatment plant districts (hereinafter referred to as the "existing districts"), and (2) establish as successor to all such existing districts, a district to be known as the Onondaga county sanitary district, to include all of the area in the county except such areas as the county legislature may specifically determine to exclude therefrom.

(b) The clerk of the county legislature shall cause a notice of such public hearing to be published at least once in the official newspapers of the county and in such other newspapers as the county legislature may direct, the first publications thereof to be not less than ten nor more than twenty days before the date set for such hearing. Such notice, in addition to specifying the time when and place where the county legislature will meet to consider the matter and to hear all parties interested therein, shall also set forth:

(1) A statement, in general terms, that it is proposed to establish such Onondaga county sanitary district to include the entire area of the county, except for such areas as the county legislature may determine to exclude therefrom, as the successor to all existing districts;

(2) The disposition to be made of the property and indebtedness of existing districts in accordance with the provisions of paragraph (d) of this section;

(3) The basis for the future assessment of all costs in accordance with the provisions of paragraph (e) of this section;

(4) If the establishment of zones of assessment is proposed for the Onondaga county sanitary district, as authorized by paragraph (f) of this section, a description of the area or areas to be included within each zone of assessment, together with a statement that the rates of taxation for each zone will differ and the method for determining the tax rate in each zone.

(c) Upon the evidence presented at the public hearing and after due consideration of any other data which may have been filed with it and which shall be available for public inspection, the county legislature shall determine, by resolution, whether it is in the public interest to establish the Onondaga county sanitary district in accordance with the notice of such public hearing. In the event the county legislature shall determine such question in the affirmative, such resolution shall also provide for the establishment of such

district consistent with the provisions of such notice, including a determination of the effective date of such establishment in accordance with the provisions of this paragraph. If such resolution is adopted prior to October one in any year, such establishment shall be effective on the first day of January next succeeding. If such resolution shall be adopted on or after October one in any year, such establishment shall be effective on the first day of January of the second succeeding year. A certified copy of such resolution shall be recorded in the office of the county clerk, and when so recorded shall be presumptive evidence of the establishment of such district. The county legislature shall cause a notice of such recording to be published at least once in the official newspapers of the county.

(d) All of the property of existing districts shall become the property of the Onondaga county sanitary district upon the effective date of the establishment thereof and such district shall assume and pay or otherwise discharge all indebtedness and other obligations of each existing district in the same manner as if such indebtedness or obligations had been incurred or had arisen subsequent to the effective date of the establishment of the Onondaga county sanitary district. Any improvement authorized to be constructed or acquired for and on behalf of any existing district prior to the effective date of the establishment of the Onondaga county sanitary district may be constructed or acquired and financed in the same manner as if the same had been authorized subsequent to the effective date of the establishment of the Onondaga county sanitary district.

(e) All costs or operation, maintenance and improvements in the Onondaga county sanitary district shall be assessed, levied and collected from the several lots and parcels of land within the district in the same manner and at the same time as other county charges. Nothing herein contained shall be construed to prevent the financing of any such cost pursuant to the local finance law.

(f) The county legislature, concurrent with the establishment of the Onondaga county sanitary districts may provide for the establishment within such district of two zones of assessment in which there will be different rates of taxation for district purposes, to be designated, respectively, zone A and zone B, zone A to consist of all

those areas comprising existing districts and zone B to consist of all other areas. In the event it is proposed to establish such zones of assessment, the county legislature shall specify in the notice of the public hearing published pursuant to paragraph (b) of this section the method for determining the tax rate in each zone on the basis of fixed percentage of the annual amount required to be raised by taxation for district purposes or any other equitable method which the county legislature shall determine as being appropriate to represent as nearly as may be the proportionate amount of benefit which the several lots and parcels of land situate in each zone will derive from the improvements and services provided by the Onondaga county sanitary district. Such notice shall further specify that the county legislature may, after a public hearing, alter the boundaries of such zones of assessment or the method of determining the tax rate of each zone of assessment. If the notice of the public hearing published pursuant to paragraph (b) of this section provides for the establishment of zones of assessment in accordance with this paragraph, and the county legislature shall determine that the establishment of such zones in accordance with the terms and conditions set forth in such notice is in the public interest, provision for the establishment of such zones of assessment shall be included in the resolution adopted pursuant to paragraph (c) of this section.

(g) After the establishment of the Onondaga county sanitary district, the county legislature may authorize an increase, improvement or reconstruction of the facilities of such district, including the acquisition of additional lands or interests in land therefor in the manner provided in section 11.55 of this article.

(h) Whenever zones of assessment shall have been established and the commissioner shall determine, after a public hearing held in the manner prescribed by section 11.54. of this article, that it is in the public interest to alter the boundaries of the zones of assessment and/or change the method of determining the tax rate in each zone of assessment for district purposes, he shall, subject to the approval of the county executive, report the same to the county legislature, together with his specific recommendations in relation thereto. The county legislature shall thereupon consider the report

and recommendations of the commissioner and may make such revisions and amendments thereto, which in the judgment of the county legislature will be in the public interest. The county legislature shall tentatively approve or disapprove such report and recommendations as so revised and amended. If the county legislature shall give such tentative approval thereof, the county legislature shall hold a public hearing thereon in the manner prescribed for the calling and holding of public hearings by section 11.54 of this article. The notice of such hearing shall state the time and place of such hearing and that the county legislature will consider the proposed alteration of the boundaries of the zones of assessment and/or the proposed change in the method of determining the tax rate of each zone of assessment for district purposes. The report and recommendations of the commissioner shall be open to public inspection during usual business hours of the office of the commissioner from the time when such notice was given until the close of the hearing. After such hearing, the county legislature shall approve or disapprove the proposed alteration of boundaries and/or change in the method of determining the tax rate, and may make such revisions and amendments thereto which, in the judgment of the county legislature, are in the public interest. At or after such hearing the county legislature may adopt a resolution approving the alteration of the boundaries of the zones of assessment and/or any change in the method of determining the tax rate of each zone of assessment for district purposes, as the same may be finally determined. A certified copy of such resolution shall be recorded in the office of the county clerk, and when so recorded shall be presumptive evidence of the regularity of the proceedings relating thereto. The county legislature shall cause a notice of such recording to be published at least once in the official newspaper of the county.

(i) To the extent not inconsistent with this section, all of the provisions of this article relating to a sanitary district established pursuant to section 11.54 of this article shall apply to the Onondaga county sanitary district.

APPENDIX 11-A - KEY

ARTICLE 11-A

Section

Local Law

\*11.82

As amended and added by State Legislation Ch. 955 Laws of  
1974.

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