

County of Tioga

Local Law No. 3 of the Year 1999

A Local Law establishing the office of County Manager for the County of Tioga.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION I: LEGISLATIVE INTENT

It has become evident that increased direction, control and coordination of County governmental functions would provide a more efficient administration of the various departments and agencies of Tioga County. It is the purpose and intent of this local law to provide administrative assistance to the County Legislature, in order to provide uniformity in the day-to-day handling and management of County affairs. It is not the purpose or intent of the County Legislature in the adoption of this local law to curtail, diminish or transfer the power of any elected or appointed County official.

SECTION II: APPOINTMENT, TERM OF OFFICE

- A. There shall be a County Manager who shall be directly responsible to the County Legislature and on behalf of the County Legislature shall perform the functions of a chief administrative officer, with the County Legislature retaining the final administrative authority. The position of County Manager shall be unclassified for Civil Service purposes.
- B. The County Manager shall be appointed by the County Legislature. The term of office of the first County Manager appointed pursuant to this local law shall commence on the date of appointment and shall expire on December 31, 2001. Subsequent appointments shall be for a term of five (5) years following the appointment. Removal of the County Manager prior to the expiration of his term of office shall be in accordance with the provisions of the New York State Civil Service Law applicable to the position. Appointment to fill a vacancy in the Office of County Manager shall be for the remainder of the unexpired term.

- C. In the event of the passage of a County Charter, the term of office of the County Manager shall automatically terminate on the effective date of said Charter.

SECTION III: QUALIFICATIONS

- A. At the time of appointment, the County Manager shall have the following training and/or experience:
1. Ten (10) years paid full-time experience in the field of management of a public, business or industrial enterprise.

or
 2. Possess a Bachelors degree from an accredited college or university and have six (6) years paid full-time experience in the field of management of a public, business or industrial enterprise.

or
 3. Possess a Master of Public Administration or Master of Business Administration degree and a Bachelors degree from accredited colleges or universities and have four (4) years paid full-time experience in the field of public or business administration.

or
 4. An equivalent combination of training and experience, listed in III(A)(1)(2), and/or (3).

The County Manager shall be appointed on the basis of these and such other qualifications as may be required for the responsibilities of the office.

- B. The appointee need not be a resident of Tioga County at the time of appointment, but shall become so within ninety (90) days of appointment and remain so during the term of office. Failure to become such a resident or to remain such a resident shall be cause for dismissal by the County Legislature without other or further notice.

SECTION IV: SALARY

The County Manager shall receive an annual salary to be fixed by the County Legislature.

SECTION V: POWERS AND DUTIES

Without curtailing, diminishing or transferring the powers of any elected or appointed County official, the County Manager shall be responsible for the overall administration of County government and shall provide and coordinate staff services to the County Legislature, the Chairman of the Legislature and the Committees of the Legislature. The County Manager shall perform all the duties now and hereafter conferred or imposed upon the office by law and directed by the County Legislature and shall have all the powers and perform all the duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, are the following:

- A. To appoint such personnel within the office as may be authorized by the County Legislature.
- B. To appoint a confidential secretary who shall serve at the pleasure of the County Manager, and who shall be paid out of the funds appropriated for that purpose.
- C.
 - 1. To provide for appropriate fiscal controls and to promote the effective, efficient and economical management of appropriated funds.
 - 2. To assist and supervise in the preparation of the Budget of the County, including, but not limited to, the development and recommendation of a budget program that includes long-range capital budgeting, fiscal impact estimating and annual operating and capital budgets.
 - 3. To authorize the transfer of funds not to exceed an amount designated by the Legislature within the equipment or contractual areas respectively of a Departmental Budget. Any such transfer shall be reported to the County Legislature at the session of the Legislature immediately following the date on which the transfer was authorized.
- D. To make recommendations to the Chairman and the County Legislature

for appointments by the Chairman or Legislature of all heads of units of County Government not administered by elected officials.

- E. Shall work in conjunction with and coordinate the activities of County department heads and the administration of all units of County government to most-efficiently implement the directives of the County Legislature.
- F. Shall have general supervision of all County departments and agencies, except as otherwise required by law, and all department and agency heads shall be responsible to and report to the County Manager.
- G. In consultation with the Chairman of the Legislature, to determine what officer shall perform a duty not clearly defined by law.
- H. To transfer employees temporarily from one department or office to another with the approval of the appointing officer or Legislature.
- I. To aid the County Legislature in evaluating proposals presented to it and make recommendations concerning same.
- J. To serve as an advisor to the County Legislature and to develop policy and procedural recommendations for consideration by the Legislature which will promote economy and efficiency in the operation of County Government.
- K. To undertake administrative and management studies and submit to the County Legislature reports and recommendations regarding governmental operations as he or she may deem appropriate or the County Legislature may request.
- L. Shall provide for the enforcement of all local laws, legalizing acts, ordinances and resolutions of the County Legislature and all other actions required by operation of law.
- M. Shall promulgate such administrative regulations and procedures as may be authorized by the County Legislature to implement provisions of local laws, legalizing acts and resolutions and all other actions required by operations of law.
- N. Shall provide for the administration of supporting services and

facilities for the various units of County government, including the supervision of Information Technology Administrative Services & Communications Services.

- O. Within the guidelines of the Legislature, to be responsible for the conduct of collective negotiations with organized employee representatives.
- P. Shall maintain liaison and represent the Legislature in contacts with political subdivisions and State and Federal officials and agencies.
- Q. To serve as a liaison between the County Legislature and the boards, commissions and advisory committees established by the County Legislature.
- R. To have such other powers and shall perform such other duties as may now or hereafter be conferred or imposed by the County Legislature.

SECTION VI: ACTING COUNTY MANAGER

The Chairman of the Legislature shall be the acting County Manager in the event of the County Manager's absence from the County or inability to perform and exercise the powers and duties of the office. In the event of the Chairman's inability to serve as acting County Manager, the Chairman, with the approval of the Legislature, shall appoint an acting County Manager. In no event may a person serve as acting County Manager for a period greater than sixty days in any calendar year, unless authorized by the Legislature. The acting County Manager shall have all the powers and duties of the County Manager during the period of his designation or until a new County Manager shall be appointed, pursuant to law, and shall qualify to assume that office.

SECTION VII: NO DIVESTITURE OF POWERS AND DUTIES OF LEGISLATURE

Nothing contained in this local law shall operate or be construed to divest the County Legislature of Tioga County of any of its functions, powers and duties.

SECTION VIII: SEVERABILITY OF PROVISIONS

If any clause, sentence, paragraph, subdivision, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such

judgment, decree, or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order have been rendered.

SECTION IX: CONFLICT WITH PREVIOUS LOCAL LAWS AND RESOLUTIONS

In the event of a conflict or inconsistency between this local law and any previous local law or resolution of the County Legislature, this local law shall govern.

SECTION X: EFFECTIVE DATE

This local law shall take effect when all applicable statutory requirements for its passage and adoption have been complied with fully and it has been duly filed as provided by the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1999 of the (County) of Tioga was duly passed by the Tioga County Legislature on September 15, 1999, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County) (City) (Town) (Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 and was deemed duly adopted on , 19 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on , 19 , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 19 , in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on , 19 , become operative.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

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

(Seal)

Date: September 15, 1999

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

State of New York

County of Tioga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
Title
County of Tioga
City
Town
Village

Date: September 15, 1999