

***Fourth Special Meeting
August 19, 2008***

The Fourth Special Meeting of 2008 was called to order by the Chair at 1:01 P.M. Eight Legislative members were present, Legislator Burns being absent.

Chair Weston asked Legislator Penney to have a moment of prayer. “Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are of good report, let us think now on these things.”

Legislator Penney led all Legislators and those in attendance in the Pledge of Allegiance.

There were 8 people in attendance.

Legislator Sauerbrey introduced Local Law B of 2008

Local Law Filing	New York State Department of State 41 State Street, Albany, NY 12231
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County of Tioga

Local Law No. of the Year 2008

A Local Law establishing the office of County Comptroller for the County of Tioga under County Law Section 575 and Municipal Home Rule Law 10.

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

SECTION I: LEGISLATIVE INTENT

It is the purpose and intent of this local law to establish the office of County Comptroller under Section 575 of the County Law with such office being an appointive position pursuant to authority under Municipal Home Rule Law Section 10. It is not the purpose or intent of the County Legislature in the adoption of this local law to curtail, diminish or transfer the statutory power of any elected or appointed County official.

SECTION II: APPOINTMENT, TERM OF OFFICE

- A. There shall be the Office of County Comptroller who shall serve according to the provisions of County Law Sections 575, et seq.
- B. The County Comptroller shall be appointed by the County Legislature. The term of office of the first County Comptroller appointed pursuant to this local law shall commence on the date of appointment, and shall expire on December 31, 2009. Subsequent appointments shall be for a term of four (4) years following the appointment. Appointment to fill a vacancy in the Office of County Comptroller shall be for the remainder of the unexpired term.

SECTION III: QUALIFICATIONS

- A. At the time of appointment, the County Comptroller shall have the following training and/or experience:
- i) Graduation from a NYS accredited college or university with a Master's Degree in Accounting plus two (2) years full-time experience or it's part-time equivalent in Accounting and Auditing work, OR
 - ii) Graduation from a NYS Accredited college or university with a Bachelor's Degree in Accounting or Finance plus four (4) years full-time experience or it's part-time equivalent in Accounting or Auditing work.

The County Comptroller 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 six (6) months of appointment and remain so during the term of office pursuant to Public Officers Law Section 3. 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 Comptroller shall receive an annual salary to be fixed by the County Legislature.

SECTION V: POWERS AND DUTIES

The County Comptroller shall have all the powers and duties as set forth in County Law Section 577 which shall include the powers and duties of Budget Officer as that term is defined in County Law Section 351[3].

SECTION VI: 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 VII: 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 VIII: EFFECTIVE DATE

This local law shall take effect when all applicable statutory requirements for its passage and adoption have been complied with fully including passage of a mandatory referendum under Municipal Home Rule Law Section 23 on the creation of the position and the local law has been duly filed as provided by the Municipal Home Rule Law.

REFERRED TO: FINANCE LEGAL COMMITTEE

**RESOLUTION NO. 247-08 A RESOLUTION CALLING A
PUBLIC HEARING ON INTRODUCTORY
LOCAL LAW NO. B OF 2008**

**Adoption moved by Legislator Huttleston,
Seconded by Legislator Roberts.**

RESOLVED: That pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon Introductory Local Law No. B of 2008 to be held before the Tioga County Legislature in the Edward D. Hubbard Auditorium in the County Office Building, 56 Main Street, New York 13827 on August 28, 2008 at 10:00 a.m. for the purpose of hearing all interested persons on the question of adoption of a proposed Local Law to establish the office and position of appointed County Comptroller under County Law Section 575 and Municipal Home Rule Law Section 10.

On a roll call vote 7 Legislators voting Aye, Legislator Burns being absent, Legislator Penney voting no, and the resolution was adopted.

Legislator Huttleston made a motion to adjourn at 1:15 p.m., seconded by Legislator Oberbeck and the motion to adjourn was carried.