

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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

County

City of Livingston

Town

Village

Local Law No. 6 of the year 20 07

A local law Establishing the Office of County Administrator  
*(Insert Title)*

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

County

City of Livingston

Town

Village

as follows:

See Next Page.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1. LEGISLATIVE INTENT

By Local Law No. 3 of the year 1988 the Livingston County Board of Supervisors established the position of County Administrator and set forth the powers and duties of said position. The Livingston County Board of Supervisors now desires to revise the powers and duties set forth in said local law and by this local law shall set forth the powers, duties, mode of selection and removal, and term of office of the County Administrator.

Section 2. COUNTY ADMINISTRATOR: APPOINTMENT AND TERM OF OFFICE

A. There shall be a County Administrator who shall be directly responsible to the Board of Supervisors and on behalf of the Board of Supervisors shall perform the functions of a chief administrative officer, with the Board of Supervisors retaining the final administrative authority. The position of County Administrator shall be unclassified for Civil Service purposes. The Board of Supervisors shall have the power to appoint and remove the County Administrator and shall set the County Administrator's salary and allowable expenses and benefits. The Board of Supervisors shall have the authority to enter into an agreement with the County Administrator setting forth the County Administrator's salary, allowable expenses and benefits, and such other terms and conditions of employment as the Board of Supervisors deems appropriate. The term of office of the first County Administrator appointed pursuant to this local law shall commence on the date of his or her appointment and shall expire on December 31, 2012. The term of office of each subsequent County Administrator shall be for four years. The Livingston County Board of Supervisors may remove the County Administrator, prior to the expiration of the County Administrator's term of office, upon cause, cause being insubordination, neglect of duty, or inability, by reason of sickness or disability, to discharge the duties and responsibilities of office beyond the period of any leave authorized by the New York State Civil Service Law, subject to the following conditions:

- 1) The Board of Supervisors shall adopt a resolution stating their intention to remove the County Administrator and the reasons therefore.
- 2) A copy of the resolution shall be served upon the County Administrator. The County Administrator may, within thirty (30) days, demand a hearing.
- 3) If the County Administrator demands a hearing, the Board of Supervisors shall appoint a committee to hold a hearing, in executive session, not less than ten (10) days nor more than twenty (20) days from the date of the demand. After the hearing, the committee shall recommend dismissal or retention of the County Administrator. The Board of Supervisors may accept or reject the recommendation of the committee. The decision of the Board of Supervisors shall be final and binding, subject to the right of appeal in accordance with law.
- 4) If the County Administrator does not demand a hearing, the Board of Supervisors may dismiss the County Administrator thirty (30) days after service of a copy of the resolution upon the County Administrator.
- 5) Upon the passing of the resolution, the Board of Supervisors may suspend the County Administrator from official duties without pay. If the charges against the County Administrator are not sustained by the Board of Supervisors or are not sustained after any

appeal from the decision of the Board of Supervisors, the County Administrator shall be entitled to be paid for the period of suspension.

3. An appointment to fill a vacancy in the Office of County Administrator shall be for the remainder of the predecessor's unexpired term.

### Section 3. QUALIFICATIONS

- A. At the time of appointment, the County Administrator shall have the following training and/or experience.
  - 1) Possess a Bachelors Degree from an accredited college or university and have six years paid full-time management in a private or public business or an industrial enterprise, OR
  - 2) Possess a Master of Public Administration or Master of Business Administration degree and have four years of paid full-time management experience in a private or public business or an industrial enterprise, OR
  - 3) An equivalent combination of training and experience listed above.
  - 4) The County Administrator 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 Livingston County at the time of appointment but shall become so within 60 days of appointment and remain so during his or her term of office. Failure to become such a resident or to remain such a resident shall be cause for dismissal by the Livingston County Board of Supervisors.

### Section 4. POWERS AND DUTIES

The County Administrator shall be the Budget Officer and shall be responsible for the overall administration of County government, as directed by the Board of Supervisors or pursuant to policies adopted by the Board of Supervisors, and shall provide and coordinate staff services to the Board of Supervisors, the Chairman of the Board, and the committees of the Board. The County Administrator shall perform all the duties now and hereafter conferred or imposed upon the office by law and directed by the Board of Supervisors 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 office staff as may be authorized by the Board of Supervisors.
- B. To prepare the annual budget and provide for appropriate budgetary controls and to promote the effective, efficient and economical management of appropriated funds.
- C. To make recommendations to the appropriate committees of the Board of Supervisors, or the Chairman of the Board, for appointments by the Board of Supervisors of all heads or units of County government not administered by an elected official.

- D. To work in conjunction with and coordinate the activities of County department heads and the administration of all units of County government in order to most efficiently implement the directives of the Board of Supervisors.
- E. To have general supervision of all County departments and agencies except as otherwise required by law. All department and agency heads shall be responsible to and report to the County Administrator.
- F. To report annually to the Board of Supervisors concerning the administration and performance of County departments and agencies.
- G. To aid the Board of Supervisors in evaluating proposals presented to it and make recommendations concerning such proposals.
- H. To serve as an advisor to the Board of Supervisors and to develop policy and procedural recommendations for consideration by the Board which will promote economy and efficiency in the operation of County government.
- I. To undertake administrative and management studies and submit to the Board of Supervisors reports and recommendations regarding governmental operations as he or she may deem appropriate or the Board may request.
- J. To supervise the purchasing agent for the County and oversee the physical property of the County by administering the property management and maintenance policy of the County.
- K. To supervise and administer the central services of county government which are used by County departments.
- L. To initiate, administer and oversee the collective bargaining process in County negotiations with organized employee organizations.
- M. To represent the Board of Supervisors in contacts with other political subdivisions and State and Federal officials and agencies.
- N. To serve as liaison between the Board of Supervisors and the boards, commissions and advisory committees established by the Board of Supervisors.
- O. To have such other powers and to perform such other duties as may now or hereafter be conferred or imposed by the Board of Supervisors.

**Section 5. ANNUAL PERFORMANCE REVIEW**

The County Administrator shall be evaluated by the Chairman of the Board of Supervisors, the Vice Chairman of the Board of Supervisors and the Chairman of the each standing committee of the Board of Supervisors during the thirty (30) day period prior to July 1 of each year.

**Section 6. NO DIVESTURE OF POWERS OR DUTIES OF THE BOARD OF SUPERVISORS**

Nothing contained in this Local Law shall operate or be construed to divest the Board of Supervisors of

Livingston County of any of its functions, powers or duties.

Section 7. SEPARABILITY 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 of the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.

Section 8. CONFLICT WITH PREVIOUS LOCAL LAWS OR RESOLUTIONS

In the event of a conflict or inconsistency between this Local Law and any previous Local Law or Resolution of the Board of Supervisors, the terms of this Local Law shall govern. Local Law No. 3 of the year 1988 is hereby repealed.

Section 9. 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.

Dated at Geneseo, New York  
July 11, 2007 (introduced)  
July 25, 2007

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 20 07 of the (County)(~~City~~)(Town)(Village) of Livingston was duly passed by the Board of Supervisors on July 25, 20 07, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**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 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20 \_\_\_\_\_, 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 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ *(Elective Chief Executive Officer\*)*

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 \_\_\_\_\_ 20 \_\_\_\_\_, 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 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

\* 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 chairperson 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.

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

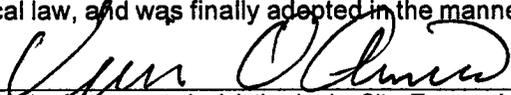
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, 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 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

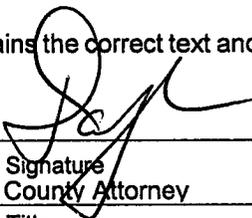
Date: 7-31-07

(Seal)

**(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 Livingston

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  
County Attorney  
Title

County  
City of Livingston  
Town  
Village

Date: 7/31/07