

ST. LAWRENCE COUNTY CHARTER

AS ADOPTED BY THE ST. LAWRENCE COUNTY BOARD OF
LEGISLATORS ON SEPTEMBER 6, 1985, AND SUBMITTED
FOR MANDATORY REFERENDUM TO BE HELD ON NOVEMBER
5, 1985.

ST. LAWRENCE COUNTY CHARTER

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ARTICLE I

ST. LAWRENCE COUNTY AND ITS GOVERNMENT

Section

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Section 1.00 Title and purpose.

This charter and all amendments hereto shall constitute the form of government for St. Lawrence County and shall be known and cited as the "St. Lawrence County Charter". Among the purposes of this charter are the accomplishments of greater efficiency, economy, and responsibility in county government; the securing of all possible county home rule; and the separation of county legislative and administrative functions.

Section 1.01 County status, powers and duties.

The county of St. Lawrence shall continue to be a municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by this charter, administrative code or by applicable law.

Section 1.02 Charter effect on state laws.

Within the limits prescribed in article 4 of the municipal home rule law, wherever and whenever any state law, general, special or local in effect, is inconsistent with this charter or administrative code, such law shall be deemed to the extent of such inconsistency to be superseded by this charter insofar as the county of St. Lawrence and its government are affected.

Section 1.03 Charter effect on local laws and resolutions.

Except to the extent inconsistent with this charter or the administrative code, all existing laws and resolutions heretofore adopted by the board of legislators of the county of St. Lawrence shall continue in force until amended, superseded or repealed as provided herein.

ARTICLE II

THE COUNTY BOARD OF LEGISLATORS

Section

- 2.00 The County board of legislators
- 2.01 County legislators, term of office.
- 2.02 Qualifications of legislators.
- 2.03 County board of legislators districts.
- 2.04 Vacancies.
- 2.05 Officers and committees of the county board of legislators.
- 2.06 Clerk of the board of legislators.
- 2.07 Powers and duties of the board of legislators.
- 2.08 Filing and publication of local laws; judicial notice.

Section 2.00 The county board of legislators.

The county board of legislators shall be the elective governing body of the county. The legislators elected from the various county board districts, as more specifically hereinafter set forth, shall constitute the legislative, appropriating, governing and policy determining body of St. Lawrence County.

Section 2.01 County legislators, term of office.

County legislators shall be elected at general elections held in odd numbered years, from such districts and in such numbers as hereinafter provided. The term of office of all county legislators shall be four years, dating from January first of the year next following their election, except that in the general election of 1989, all candidates for the office of county legislator from the even-numbered districts shall run for a two-year term, and in the general election of 1991 all candidates for the office of county legislator from the even-numbered districts shall run for a four-year term.

Section 2.02 Qualifications of legislators.

County legislators, at the time of their official nomination for election, shall be electors of the county of St. Lawrence qualified to vote in general elections from the districts they seek to represent. They shall continuously thereafter while seeking or holding such office, be residents of the district from which they are nominated or elected. The board of elections of the county of St. Lawrence shall be the judge of the above qualifications of the members of the county board of legislators, and for that purpose shall have the power to subpoena witnesses,

take testimony, and require the production of records. Decisions made by the board of elections in the exercise of powers granted by this section shall be subject to review by the courts.

Section 2.03 County board of legislators districts.

For the purpose of electing county legislators in such numbers and from such districts as provided by this charter, the county shall be divided into twenty-two districts. All references to city ward, and election district boundaries refer to those ward and election district boundaries as of January 1, 1985. All references to towns apply to that territory wholly contained in each of the towns in the county of St. Lawrence bounded as of January 1, 1985.

(a) The districts shall be as follows:

1. District 1 shall consist of the Town of Lisbon and the Town of Madrid.
2. District 2 shall consist of the Town of Waddington and the Town of Louisville.
3. District 3 shall consist of the Town of Stockholm and the Town of Parishville.
4. District 4 shall consist of the Town of Brasher, Town of Lawrence, and the Town of Hopkinton.
5. District 5 shall consist of the Town of Canton - Election District 1, 3, and 6.
6. District 6 shall consist of the Town of Canton - Election District 2, 4, 5, 7, 8, and 9.
7. District 7 shall consist of the Town of Piercefield, Town of Colton, Town of Russell, Town of Clare, and Town of Pierrepont.
8. District 8 shall consist of the Town of Fine, Town of Clifton, and Town of Edwards.
9. District 9 shall consist of the Town of Hammond, Town of Rossie, Town of Macomb, Town of Morrystown, and Town of Depeyster.
10. District 10 shall consist of the Town of Oswegatchie and the Town of DeKalb.
11. District 11 shall consist of the Town of Gouverneur - Election District 1, 2, 4, 5, and 7.
12. District 12 shall consist of the Town of Gouverneur - Election District 3 and 6. Also consists of the Town of Fowler,

Town of Pitcairn, and Town of Hermon.

13. District 13 shall consist of the Town of Potsdam - Election District 1, 2, 5, and 11.

14. District 14 shall consist of the Town of Potsdam - Election District 6, 7, and 10.

15. District 15 shall consist of the Town of Potsdam - Election District 3, 4, 8, 9, and 12. Also includes the remainder of Election District No. 13 not included in District 16.

16. District 16 shall consist of the Town of Norfolk, the Village of Norwood in Town of Potsdam, and that part of Election District 13, Town of Potsdam, Village of Norwood described as follows: Beginning at the point where the railroad crosses the Raquette River, thence in an easterly direction to the boundary of the corporation line which is also the Town line of Potsdam and Norfolk; thence in a northerly and westerly direction along the town and village line to the Raquette River; thence in a westerly and southerly direction along said river to the point of beginning.

17. District 17 shall consist of the City of Ogdensburg, Election Districts 1 and 2.

18. District 18 shall consist of the City of Ogdensburg, Election Districts 3, 4, and 5.

19. District 19 shall consist of the City of Ogdensburg, Election Districts 6 and 7.

20. District 20 shall consist of the Town of Massena - Election District 5, 10, 11, 12, and 13.

21. District 21 shall consist of the Town of Massena - Election District 1, 2, 7, 8, and 9.

22. District 22 shall consist of the Town of Massena - Election District 3, 4, 6, 14, and 15.

(b) The county board of legislators districts may be amended by local law of the county board subject to a permissive referendum as provided in section 34, subsection 4 of the municipal home rule law.

Section 2.04 Vacancies.

(a) A vacancy, for any cause, other than by expiration of terms in the membership of the County Legislature shall be filled by a majority vote of the remaining members thereof.

(b) A person chosen to fill a vacancy shall be a qualified candidate of the district within which the vacancy exists.

(c) The candidate shall be recommended to the Board of Legislators by the elected political party committee persons from the election districts where the vacancy exists. These committee members who make the recommendation shall be of the same political party as that of the last incumbent.

(d) A candidate, so appointed, shall serve until January first next following the first election at which the vacancy can be filled after the creation of the vacancy.

Section 2.05 Officers and committees of the county board of legislators.

On January 1st of the even numbered year next following the election of a county board, or as soon thereafter as practicable, the county board shall meet and organize by electing from among its members a chairman and such other officials as are deemed required. The chairman shall appoint members of the board to serve on such board committees as are provided by the Rules of the Board. The clerk of the board shall serve as chairman until such time as the board itself elects a chairman.

Section 2.06 Clerk of the board of legislators.

On January 1st of the even numbered year next following the election of a county board, or as soon thereafter as practicable, the county board shall appoint a clerk who shall serve at the pleasure of the board and until his or her successor is appointed and has qualified, and from time to time the clerk shall appoint such additional personnel as are required for the efficient operation of the office of the clerk, within budgetary limitations.

Section 2.07 Powers and duties of the board of legislators.

Except as otherwise provided in this charter, the county board shall have and exercise all such powers and duties conferred on the St. Lawrence county board of supervisors, or generally conferred on a board of legislators in the state of New York by applicable law, and all powers necessarily incidental thereto, and shall for the purposes of general laws conferring powers upon board of supervisors be a board of supervisors.

The county board shall have, but not by way of limitation, the following powers and duties:

(a) To adopt by resolution all necessary rules and regulations for its conduct and procedure in accordance with Section 153 of the county law.

(b) To make appropriations, incur indebtedness and adopt the budget.

(c) To levy taxes, provided, however, that except as otherwise required by law the net cost of all general services rendered or made available by the county to the entire county shall be a charge against the entire county, and provided further that the net cost of all special services rendered or made available by the county to one or more municipalities or special districts within such county shall be a charge against such municipalities or special districts or the taxpayers or taxable real property thereof.

(d) To equalize real property taxes on the basis of information supplied by the New York State board of equalization and assessment, various municipalities within the county of St. Lawrence, and various county administrative units.

(e) To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, charter laws, legalizing acts, ordinances or resolutions.

(f) To adopt, amend, and repeal by local law an administrative code which shall set forth the details of administration of the county government consistent with the provisions of this charter and which may contain revisions, simplifications, consolidations, codifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this charter or amendments thereto.

(g) By local law to create, alter, combine or abolish county administrative units not headed by elective officers.

(h) To fix the compensation of all officers and employees paid from county funds except members of the judiciary, and except that the compensation of any elected official paid from county funds shall not be changed during his or her term of office.

(i) To make or cause to be made such studies, audits and investigations as it deems to be in the best interest of the county, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study, audit or investigation.

(j) To appoint, and at its pleasure to remove, the county manager, and to appoint, or confirm, as the case may be, such other officials and employees as provided in this charter or administrative code.

(k) To fix the amount of bonds of officers and employees paid from county funds.

(l) To fill a vacancy in any elective county office, except the judiciary, and except as provided otherwise by this charter. The person or persons so appointed shall hold office by virtue of such

appointment until the first general election after the happening of the vacancy, at which election the electors of the county shall fill the vacancy for the balance of the term, if any, and the person so elected shall take office immediately.

(m) To determine and make provision for any matter of county government not otherwise provided for, including but not restricted to any necessary matter involved in the transition to this charter form of government.

Section 2.08 Publication of local laws.

In addition to complying with section 27 of the municipal home rule law, within ten days after the adoption of a local law by the county board, the clerk of the board shall cause a copy of an abstract of the local law to be published in the official newspapers of the county.

ARTICLE III

THE COUNTY MANAGER

Section

3.00 The county manager; appointment.

3.01 Qualifications.

3.02 Powers and duties.

3.03 Acting county manager; how designated.

Section 3.00 The county manager; appointment.

The county manager shall be appointed by the Board of Legislators and shall be the chief administrative officer of the county. The county manager shall serve at the pleasure of the Board and have supervision over all county departments, offices, agencies and administrative units except as otherwise provided in this charter, and shall hold no other public or political office.

Section 3.01 Qualifications.

The county manager shall be appointed by the board of legislators on the basis of the following qualifications:

(a) Must possess a minimum of a four-year college degree preferably in the field of public or business administration.

(b) Must have a minimum of four years experience in the field of public or business administration.

(c) And such other qualifications as deemed necessary by the

Search Committee to fill the position.

Section 3.02 Powers and duties.

The county manager shall be responsible to the board of legislators for the administration of all county affairs. In addition to such other powers and duties provided by this charter or administrative code, he or she shall;

- (a) Be the chief executive officer and administrative head of county government.
- (b) Appoint to serve during his or her pleasure the heads of all departments, subject to confirmation by the board of legislators, and in cooperation with the department heads appoint all subordinate officers and employees, except such officers required to be elected and their subordinates, and except as otherwise provided in this charter.
- (c) Exercise supervision and control of all administrative units, the heads of which he or she appoints, and prescribe the internal organization of such departments, offices and agencies.
- (d) Execute and enforce all local laws, legalizing acts, ordinances or resolutions of the board of legislators, and all other laws required to be enforced through the board of legislators or other county officers subject to its control.
- (e) Collect all revenues and make all expenditures, secure proper accounting for all funds, oversee the physical property of the county, exercise general supervision over all county institutions and agencies, and coordinate the various activities of the county and unify the management of its affairs.
- (f) Be the chief budget officer of the county and be responsible for the preparation of the operating and capital budgets of the county in manner provided by the charter.
- (g) Attend all meetings of the board of legislators and recommend such measures as he or she may deem expedient or necessary.
- (h) Designate one or more depositaries located within the county for the deposit of monies received by the county.
- (i) Examine regularly the books and papers of every administrative unit and report thereon to the board of legislators, and order an audit of any administrative unit at any time.
- (j) Execute any contract for goods or services subject to review and approval of the county attorney as to form and within the amounts authorized by the annual budget, and except as otherwise provided in this charter or administrative code.

(k) Report to the board of legislators annually at the close of the fiscal year or as soon thereafter as practicable, but in no event later than the first day of March, and at such other times as the board of legislators shall direct, the activities of the several administrative units of the county during the preceding fiscal year.

(l) Have all necessary incidental powers to perform and exercise any of the duties and functions specified in this section or lawfully delegated to him or her.

(m) Perform such other duties and have such other powers as may be prescribed for him or her by law, administrative code, ordinance or resolution, or as may be prescribed by the board of legislators.

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

Section 3.03 Acting county manager; how designated.

(a) The county manager shall designate in writing one or more appointive department or executive office heads to perform the duties of the county manager during the latter's temporary inability to perform his or her duties by reason of disability or absence from the county. Such designation, with order of succession specified, shall be filed with the clerk of the board of legislators. Any such designation may be revoked by the county manager at any time by filing a notice of revocation with the clerk of the board or by majority vote of the board of legislators. If a vacancy occurs in the office of the county manager, the acting county manager shall serve until the vacancy is filled by the board of legislators, pursuant to the provisions of this charter.

(b) In the event that no acting county manager has been designated or is able to serve, the board of legislators shall designate an appointive department or executive office head to perform the duties of the office during the disability or absence of the county manager.

ARTICLE IV

COUNTY ATTORNEY

Section

4.00 County Attorney.

4.01 Powers and duties.

4.02 Deputy and assistant county attorneys.

Section 4.00 County Attorney.

The county attorney shall be appointed by the county manager subject to confirmation by the board of legislators. The county attorney shall have been admitted to practice law in the State of New York, and be a resident of the County of St. Lawrence. He or she shall serve at the pleasure of the county manager.

Section 4.01 Powers and duties.

Except as otherwise provided in this charter or the administrative code, the county attorney shall be the sole legal advisor for the county and, on its behalf in county matters of a civil nature, advise all county officers and employees and where in the interest of the county, prepare all necessary papers and written instruments in connection therewith; prosecute or defend all actions or proceedings of a civil nature brought by or against the county; prepare resolutions, legislation, legalizing acts and local laws to be presented for action by the board of legislators, together with notices and other items in connection therewith; execute tax foreclosure proceedings and perform such other additional and related duties as may be prescribed by law, by the county manager, or by resolution of the board of legislators. With the approval of the County Manager and within budgetary appropriations, the County Attorney shall have authority to retain special counsel where special expertise is needed in a particular case.

Section 4.02 Deputy and assistant county attorneys.

The county attorney shall have the power to appoint such confidential deputy county attorneys and assistant county attorneys as shall be authorized by the board of legislators and within the appropriations made therefor. Such appointees shall be in the exempt class of the civil service, and shall serve at the pleasure of the county attorney.

ARTICLE V

DEPARTMENT OF TREASURY

Section

5.00 Department of Treasury; County Treasurer.

5.01 Powers and duties.

Section 5.00 Department of Treasury; County Treasurer.

There shall be a department of Treasury, headed by a County Treasurer who shall be elected by the electorate of St. Lawrence County for a four-year term, with such election taking place at the end of the present term of County Treasurer.

Section 5.01 Powers and duties.

The County Treasurer shall be the chief financial officer of the County.

(a) Except as otherwise provided in this charter, he or she shall have supervision and control over the financial affairs of the County, have all the powers and be responsible for all the duties hereinafter conferred or imposed, and have all the powers granted to a County Treasurer by applicable law.

ARTICLE VI

DEPARTMENT OF AUDIT AND CONTROL

Section

6.00 Department of audit and control; county auditor.

6.01 Powers and duties.

Section 6.00 Department of audit and control; county auditor.

There shall be a department of audit and control headed by a county auditor who shall be appointed by the county board of legislators. He or she shall serve at the pleasure of the board.

Section 6.01 Powers and duties.

The county auditor shall be the chief auditing officer of the county. In addition to such other powers and duties prescribed by the board of legislators, he or she shall:

(a) Examine and audit the books, records, vouchers and other papers pertaining to the money, funds and property of any county administrative unit, and render reports thereon to the board of legislators as to whether proper books and records have been kept and all money and property accounted for.

(b) Maintain an internal audit of any county department in conjunction with, and as a supplement to, the external audits performed by professional accounting firms.

(c) Conduct investigations which may be upon his or her own initiative into any phase of county financial operations.

(d) Perform such other additional and related duties as may be prescribed by the board of legislators.

ARTICLE VII

FINANCIAL PROCEDURES

Section

- 7.00 Fiscal year.
- 7.01 Preparation and submission of budget and capital program.
- 7.02 Scope of budget message; budget and capital program.
- 7.03 Filing.
- 7.04 Notice and hearing.
- 7.05 Board action.
- 7.06 Tax levy and "reserve for uncollected taxes".
- 7.07 Appropriations: supplemental and emergency.
- 7.08 Appropriations: transfer and reduction.
- 7.09 Lapse of appropriations.
- 7.10 Certain payments and obligations prohibited; amendment of capital program.

Section 7.00 Fiscal year.

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

Section 7.01 Preparation and submission of budget and capital program.

(a) On or before the first day of August each year, the county manager shall receive estimates of revenues and expenditures for the ensuing fiscal year from all offices, departments, and all other collecting and spending agencies of the government, except that all information required by the county manager for the capital program for the ensuing six years shall be submitted to the county manager by the requesting administrative units no later than the fifteenth day of July each year. The county manager shall review all estimates furnished him or her and may revise the estimates in such manner as he or she deems advisable.

(b) On or before the first day of October the county manager shall submit to the county board of legislators the tentative budget for the ensuing fiscal year, the capital program for the ensuing six years, and an accompanying budget message.

Section 7.02 Scope of budget message; budget and capital program.

(a) The budget message shall consist of an outline of existing and proposed financial policies as they relate to the main features of the budget and capital program, a simple, clear, general summary of the detailed contents of the budget and the capital program. It shall further include a list of pending capital improvements and those proposed for the ensuing fiscal

year together with the manager's comments. The message shall also include such other supporting or explanatory material as the manager deems desirable.

(b) The budget shall present a complete financial plan both in fiscal terms and in terms of work to be done for the operation of the county and its departments, offices, and agencies for the ensuing fiscal year. It shall contain all proposed expenditures and estimated revenues classified and detailed as set forth in the administrative code and a comparison of all expenditure and revenue items with the actual data of the last completed fiscal year and with an estimate of the expenditure and revenue items of the current fiscal year based on actual fiscal data of the past nine months.

(c) The capital program shall contain an enumeration and description of each capital improvement proposed to be undertaken within the ensuing six fiscal years, showing the estimated cost, the proposed method of financing, the order of priority and the projected operation and maintenance expense. The first year of such capital program shall constitute the capital budget which shall contain a detailed account of all current and debt requirements for capital improvements for the fiscal year to which the budget relates except that the authorization of individual obligations of indebtedness must occur pursuant to the local finance law.

Section 7.03 Filing.

A copy of the tentative budget and capital program when submitted to the board shall be filed in the office of the county manager where it shall be available for public inspection until the public hearing is held.

Section 7.04 Notice and hearing.

(a) A public hearing shall be held on the budget and capital program prior to any board action on such budget and capital program.

(b) At least ten days before such public hearing the board shall cause a reasonable number of copies of the tentative budget and capital program to be printed and distributed as specified in the administrative code. It shall at the same time cause to be published at least once in one or more newspapers of general circulation in the county the general summaries of the tentative budget and capital program and a notice setting forth the time and place for the public hearing thereon. In addition it shall post copies of the notice conspicuously at the county office building and at seats of municipal government in the county.

Section 7.05 Board action.

(a) After the public hearing the county board may adopt the

budget with or without amendment. In amending, it may add, delete, increase or decrease items except for appropriations for debt service and any other appropriations required by law.

(b) After the public hearing, the county board may also adopt the capital program with or without amendment. In amending, it may delete and decrease any item. Any additions and increases must wait for the recommendations of the county manager which the board must request and consider, but need not follow. If a requested recommendation is not presented to the board within five days after the request therefor, the board may make such additions and increases without such recommendation.

(c) The board shall adopt the budget and capital program on or before the first day of November. If it fails to do so the budget and capital program shall be deemed adopted by the board as submitted by the manager.

(d) Three copies of the budget and capital program as adopted shall be certified by the county manager and the clerk of the county board. One of these copies shall be filed in the office of the county manager and one each in the offices of the commissioner of finance and the clerk of the county board. The budget and capital program so certified shall be printed or otherwise reproduced and a copy shall be made available upon request from any county resident.

Section 7.06 Tax levy and "reserve for uncollected taxes."

The net county tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget shall be levied in advance by the county board upon the taxable real property of the several tax districts of the county. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes" which shall be fixed at such amount as deemed sufficient by the county board to ensure the receipt of the required amount of cash from the real property taxes.

Section 7.07 Appropriations: supplemental and emergency.

(a) If during any fiscal year the county manager certifies that there are available for appropriation: (1) revenues received from sources not anticipated in the budget for that year, or (2) revenues received from anticipated sources but in excess of the budget estimates therefor, or (3) unappropriated cash surplus, the county board may make supplemental appropriations for the year up to the amount so certified.

(b) To meet a public emergency affecting life, health or property the county board upon written request by the county manager may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations the board may authorize the issuance of obligations

pursuant to the local finance law.

Section 7.08 Appropriations: transfer and reduction.

(a) If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the county manager shall without delay report to the county board the estimated amount of the deficit, remedial action taken by him or her, and his or her recommendations as to further action. To prevent or minimize a deficit the board may reduce one or more appropriations except that no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated. The board may also borrow temporarily pursuant to the local finance law in an amount no greater than such deficit for such purpose.

(b) The county manager may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same department, office, or agency subject to certain restrictions and limitations as set forth in the administrative code.

(c) Upon written request by the county manager or by its own action, the county board by resolution may transfer part or all of any unencumbered appropriation balance from one department, office or agency to another. But no transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

Section 7.09 Lapse of appropriations.

Every appropriation, except an appropriation for a Capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a Capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned by a two-thirds vote of the county board membership.

Section 7.10 Certain payments and obligations prohibited; amendment of capital program.

(a) No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made except that nothing contained in this section or other sections of this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds; nor shall it prevent the making, when permitted by law, of any contract or any lease providing for the payment of funds at a time beyond the end of the fiscal year in which the contract or lease is made. But any contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal

year shall be authorized by the board.

(b) No obligation for the financing of a capital improvement shall be authorized, issued or sold unless such obligation shall have been approved in the annual capital program, which may be amended as hereinafter provided. At any time after the adoption of such capital program the county board by the affirmative vote of two-thirds of its total membership may amend the capital program by adding, modifying or abandoning projects. Each amendment resulting in an addition or expansion shall be subject to the consideration of the county manager's recommendation.

ARTICLE VIII

DEPARTMENT OF PERSONNEL

Section

8.00 Department of personnel.

8.01 Department of personnel; commissioner.

8.02 Powers and duties.

Section 8.00 Department of personnel.

There shall be a department of personnel.

Section 8.01 Department of personnel; commissioner.

There shall be a department of personnel headed by a commissioner, who shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office by the county manager subject to confirmation by the board of legislators, for a term of six (6) years as provided in the civil service law.

Section 8.02 Powers and Duties.

The commissioner of personnel shall have, with reference to the civil service of the county, the powers and duties of a county personnel officer as provided in the civil service law, and he or she shall be subject to such supervision and control by the state civil service commission as are county personnel officers. The commissioner shall perform such other and related duties as shall be required or delegated to him or her by the county manager or board of legislators.

ARTICLE IX

DEPARTMENT OF RECORDS

Section 9.00 Department of records (County Clerk).

The department of records shall continue to exist as defined by state law.

ARTICLE X

DISTRICT ATTORNEY

Section 10.00 District attorney.

The district attorney position shall continue to exist as defined by state law.

ARTICLE XI

DEPARTMENT OF PUBLIC SAFETY

Section 11.00 Department of public safety (Sheriff Department).

The department of public safety shall continue to exist as defined by state law.

ARTICLE XII

DEPARTMENT OF SOCIAL SERVICES

Section

12.00 Department of social services; commissioner.

12.01 Powers and duties.

Section 12.00 Department of social services; commissioner.

There shall be a department of social services headed by a commissioner appointed by the county manager, subject to confirmation by the board of legislators. The commissioner of social services shall have received a bachelor's degree from an accredited college or university, and shall possess the qualifications required by state law. He or she shall be appointed for a five (5) year term.

Section 12.01 Powers and duties.

The commissioner of social services shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law. He or she shall perform such other related duties as shall be delegated to him or her by the county manager.

ARTICLE XIII

DEPARTMENT OF PUBLIC HEALTH/MENTAL HEALTH

Section

- 13.00 Department of public health/mental health; commissioner.
- 13.01 Community services and health services advisory boards
- 13.02 Public health staff; appointments.
- 13.03 Bureau of county coroners.

Section 13.00 Department of public health/mental health; commissioner.

There shall be a department of public health/mental health headed by a commissioner who shall be appointed by the county manager subject to confirmation by the board of legislators in accordance with New York state law. The commissioner shall have supervisory responsibility for all county public health programs, county public health nursing services, and county mental health programs including but not limited to alcohol and drug rehabilitation programs.

Section 13.01 Community services and health services advisory boards.

(a) Community services board.

There shall be a community services board, the members of which shall be appointed by the county manager subject to confirmation by the board of legislators, in manner and number according to New York state law.

(1) Powers and duties.

The community services board shall recommend for appointment by the county manager such staff as are provided within the appropriations therefor. In the event that the community services board does not recommend an appointment of a new director within ninety (90) days after the vacancy in the office of director, then the county manager must make an appointment without recommendation from the community services board but subject to approval of the board of legislators. Except where inconsistent with this charter or administrative code, the community services board shall have and exercise all other powers and duties now or hereafter conferred or imposed upon a community services board by the state mental hygiene law or other applicable law. It shall perform such other and related duties as shall be required or delegated to it by the board of legislators or the county manager.

(b) Health services advisory board.

There shall be a health services advisory board, the members of which shall be appointed by the county manager subject to confirmation by the board of legislators, in manner and number according to New York state law.

(1) Powers and duties.

The health services advisory board shall be appointed and perform such duties as are commensurate with appropriate public health laws of the state of New York.

Section 13.02 Public health staff; appointments.

The county manager upon recommendation of the public health/mental health commissioner shall appoint staff in relation to administering the public health programs within the appropriations thereof.

Section 13.03 Bureau of county coroners.

There shall be within the department of public health/mental health a bureau of county coroners. The staff of this bureau shall exercise all powers and duties now or hereafter conferred or imposed upon them by applicable law. The staff of the bureau of coroners shall consist of coroners who shall be appointed by the county manager subject to confirmation by the county legislature and shall serve at the pleasure of the county manager. The county manager shall determine in accordance with county needs the number of coroners who shall be physicians duly licensed to practice in the state of New York.

ARTICLE XIV

DEPARTMENT OF PLANNING

Section

14.00 Department of planning; commissioner.

14.01 Powers and duties.

14.02 Planning advisory board.

Section 14.00 Department of planning; commissioner.

There shall be a department of planning headed by a commissioner who shall be appointed by the county manager, subject to confirmation by the board of legislators, on the basis of his or her professional training and experience in the field of metropolitan, regional, county or municipal planning. He or she shall serve at the pleasure of the county manager.

Section 14.01 Powers and duties.

The commissioner of planning shall have and exercise all the powers and duties of a county, metropolitan or regional planning board as authorized by law. He or she shall:

(a) Assist the county manager in executive planning, including the capital budget and capital improvement program, the preparation of all county plans, and supervise the writing of all planning reports.

(b) Make available to cities, towns and villages in St. Lawrence County, at their request, advice and assistance on matters related to the planning function.

(c) Act as secretary of the county planning advisory board and provide staff services to the Environmental Management Council within budgetary appropriations.

(d) Perform such other and related duties as shall be required or delegated to him or her by the county manager.

Section 14.02 Planning advisory board.

There may be in the department of planning a planning advisory board the members of which shall be appointed by the county manager subject to confirmation by the board of legislators in manner and number according to the administrative code. Such board shall be advisory to the board of legislators, the county manager and the commissioner of planning in matters pertaining to comprehensive metropolitan, regional, county and municipal planning.

ARTICLE XV

MUNICIPAL COOPERATION

Section

15.00 Local government functions, facilities and powers not transferred, altered or impaired.

15.01 Contracts for municipal cooperation.

Section 15.00 Local government functions, facilities and powers not transferred, altered or impaired.

No function, facility, duty or power of any city, town, village, school district or other district is transferred, altered or impaired by this charter or administrative code.

Section 15.01 Contracts for municipal cooperation.

The county of St. Lawrence shall have power to contract with any

public corporation, including, but not limited to, a municipal, district, or public benefit corporation or with any combination of the same 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, or render for itself. Each of such contracting parties shall bear a fair proportionate share of the costs as agreed upon.

ARTICLE XVI

OTHER COUNTY FUNCTIONS

Section

- 16.00 Board of elections; commissioners; employees.
- 16.01 Office of probation, director.
- 16.02 County jury board; commissioner of jurors.
- 16.03 Office of fire/rescue coordinator.
- 16.04 Veterans service agency; director.
- 16.05 County sealer of weights and measures.
- 16.06 Department of economic development.
- 16.07 Department of highways; superintendent.
- 16.08 Department of forestry; director.
- 16.09 Department of buildings and grounds; director.
- 16.10 Office of the aging.
- 16.11 Department of youth services.
- 16.12 Department of equalization and assessment; director.
- 16.13 Department of purchase; purchasing agent.
- 16.14 Department of data processing.
- 16.15 Other county boards; appointment.
- 16.16 Miscellaneous administrative functions.
- 16.17 Power to administer oaths and issue subpoenas.

Section 16.00 Board of elections; commissioners; employees.

There shall be a St. Lawrence County Board of Elections constituted according to the State Election Law. The Commissioners of Election shall be appointed by the Board of Legislators in accordance with the State Election law, and shall have and exercise all powers and duties now or hereafter conferred or imposed upon them by applicable law.

Section 16.01 Office of probation; director.

There shall be an office of probation headed by a director of probation appointed in the manner provided by the criminal procedure law. The director of probation shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law.

Section 16.02 County jury board; commissioner of jurors.

There shall be a county jury board constituted according to the state judiciary law. The county jury board shall appoint a commissioner of jurors, who shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law.

Section 16.03 Office of fire/rescue coordinator.

There shall be an office of fire/rescue coordinator headed by a director who shall be appointed by the county manager, subject to confirmation by the board of legislators, on the basis of his or her experience and qualifications. He or she shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law. Such duties shall include but not be limited to those duties normally carried out by a director of civil defense.

Section 16.04 Veterans service agency; director.

There shall be a veterans service agency headed by a director, who shall be an honorably discharged veteran, who shall be accredited by the Veterans Service Agency and be appointed by the county manager, subject to confirmation by the board of legislators, on the basis of his or her experience and qualifications for the office. He or she shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law.

Section 16.05 County sealer of weights and measures.

There shall be a county sealer of weights and measures who shall be appointed by the county manager, subject to confirmation by the board of legislators, on the basis of his or her experience and qualifications for the office. He or she shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law.

Section 16.06 Department of economic development; commissioner.

There shall be a department of economic development headed by a commissioner who shall be appointed by the county manager, subject to confirmation by the board of legislators, on the basis of his

or her professional training and experience in the field of economic development. He or she shall serve at the pleasure of the county manager.

(a) Powers and duties:

The commissioner shall be responsible for:

- (1) Initiating, recommending, promoting and carrying out an action program relating to the industrial, wholesale distribution, recreational and commercial development of St. Lawrence County.
- (2) Administration of employment and training programs as provided by the Job Training Partnership Act of 1982.
- (3) Providing and assigning staff time to meet the business and operational requirements of the St. Lawrence County Industrial Development Agency and the St. Lawrence County Private Industry Council.
- (4) Making available to cities, towns and villages in St. Lawrence County, at their request, advice and assistance on matters related to economic development.
- (5) Such other services and duties as directed by the county manager within appropriations therefor.

Section 16.07 Department of highways; superintendent

There shall be a department of highways, headed by a superintendent of highways appointed by the county manager, subject to confirmation by the board of legislators, on the basis of his or her experience and qualifications for the office. He or she shall have charge and supervision of the design, construction, improvement, maintenance, repair, cleaning and lighting of all highways, roads, streets, bridges and grade separation structures, drains and drainage structures under jurisdiction of the county. The highway superintendent shall exercise all other powers and duties normally assigned to a highway superintendent by the laws of the state of New York.

Section 16.08 Department of forestry; director.

There shall be a department of county forestry, headed by a county forester appointed by the county manager, subject to confirmation by the board of legislators, on the basis of his or her experience and qualifications for the office. He or she shall exercise those duties and powers necessary to maintain and administer all programs related to the county forest. He or she shall also perform such other duties as determined appropriate by the county manager in accordance with funding provided by the county legislature.

Section 16.09 Department of buildings and grounds; director.

There shall be a department of buildings and grounds, headed by a director who shall be appointed by the county manager, subject to confirmation by the board of legislators, on the basis of his or her experience and qualifications for the office. He or she shall have charge and supervision of the design, construction and alterations of county buildings, parking areas, drives, walks, and such other structures and facilities in the nature of public works under the jurisdiction of the county, as well as maintenance and repair of all county buildings. He or she shall have custodial care of the county courthouse and county office buildings and shall perform such other duties as may be directed by the county manager.

Section 16.10 Office of the aging.

There shall be an office of the aging, the head of which shall be the director of the office of the aging, who shall be appointed by the county manager, subject to confirmation by the board of legislators. The director so appointed shall serve at the pleasure of the county manager.

The director of the office of the aging shall have the following powers and duties:

- (a) To advise and assist the county manager in developing policies designed to help meet the needs of the aging and to encourage the full participation of the aging in society.
- (b) To coordinate programs and activities relating to the aging.
- (c) To cooperate with and assist political subdivisions in the development of local programs for the aging.
- (d) To render each year to the county manager a written report of the activities and recommendations of the office of the aging.

Section 16.11 Department of youth services.

The department of youth services shall be administered by a director who shall be appointed by the county manager, subject to confirmation by the board of legislators, and shall perform all of the duties and exercise all of the powers of a youth department or agency as now or hereafter provided by the general municipal law and other applicable general, special, or local laws.

Section 16.12 Department of equalization and assessment; director.

There shall be a department of equalization and assessment, headed by a director of real property tax service agency who shall be appointed by the county manager, subject to confirmation by the Board of Legislators, on the basis of his or her experience and qualifications for the office.

The functions, powers, and duties of the Bureau of equalization and assessment/director provided by this charter or administrative code, or by applicable law in addition to consultation and advisory services to local assessors shall devolve upon the director of the real property tax service agency.

Section 16.13 Department of purchase; purchasing agent.

There shall be a department of purchase, headed by a purchasing agent who shall be appointed by the county manager, subject to confirmation by the Board of Legislators, on the basis of his or her experience and qualifications for the office. He or she shall have the following powers and duties:

- (a) Make all purchases and sales of materials, supplies, and equipment and contract for the rental or servicing of equipment for all departments of the county in accordance with requirements as to advertising and competitive bidding set forth in the administrative code or, in the absence of such requirements, as set forth in applicable law.
- (b) Make purchases for other civil divisions within the county, if approved by the governing board of such divisions, and pursuant to agreement as provided in this charter or administrative code.
- (c) Be responsible for the proper maintenance of all current inventories of supplies, equipment, and materials owned or under the jurisdiction of the county, and for such purpose oversee the keeping of records and the operation of any storeroom or warehouse operated by the county.
- (d) Have authority to transfer materials, supplies, and equipment between departments, offices, and agencies subject to the approval of the county manager.
- (e) Provide or approve suitable specifications or standards for all materials, supplies, and equipment to be purchased for the county, inspect all deliveries to determine their compliance with such specifications and standards and accept or reject the deliveries in accordance with the results of his or her inspection, subject to approval of the county manager.
- (f) Operate and administer Workers Compensation and the self-insurance program as authorized by the Board of Legislators.
- (g) Be responsible for and supervise all central printing and mailing functions of the county.

Section 16.14 Department of data processing.

There shall be a department of data processing director appointed by the county manager, subject to confirmation by the Board of Legislators, on the basis of his or her experience and qualifications for the office. He or she shall have the following powers and duties:

- (a) To supervise and maintain all electronic data processing equipment in the county.
- (b) To plan, implement, supervise, and coordinate computer programming, and all central computer data and records.

(c) To encourage intergovernmental use of county data processing facilities.

(d) To perform such other duties as may be required by the administrative code and other laws.

Section 16.15 Other county boards; appointment.

All other county boards, including, but not limited to, the county fire advisory board, the district fish and wildlife management board, the alcoholic beverage control board, and the soil conservation district, shall continue as provided by law, except that the members thereof required to be appointed by county government shall be appointed by the county manager, with confirmation by the Board of Legislators. The names of individuals to fill these vacancies shall be received by the county manager from the various community groups and boards involved with the specific function.

Section 16.16 Miscellaneous administrative functions.

Administrative functions not otherwise assigned by this charter or the administrative code shall be assigned by the county manager to an appropriate administrative unit.

Section 16.17 Power to administer oaths and issue subpoenas.

The chairman of the Board of Legislators in accordance with Section 209 of the County Law, the County Manager, the County Auditor, and such other county officers as may be authorized by law, shall have the power to subpoena and compel the attendance of witnesses and the production of books, records, and papers, as the same may be pertinent to their respective offices. Any county officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths or affirmations in connection therewith.

ARTICLE XVII

GENERAL AND TRANSITIONAL PROVISIONS

Section

- 17.00 Adoption of charter; when effective
- 17.01 Charter clarification.
- 17.02 Continuity of authority.
- 17.03 Appointment of county manager.
- 17.04 Status of certain county officers deinfed.
- 17.05 Civil service rights continued.
- 17.06 Amendment of charter.
- 17.07 Separability.
- 17.08 Charter to be liberally construed

Section 17.00 Adoption of charter; when effective.

This charter shall upon approval by referendum in the manner provided by law, become effective as of April 1, 1986.

Section 17.01 Charter clarification.

If any provision of this charter is not clear or requires elaboration in its application to the county, the Board of Legislators may interpret such provision in a local law not inconsistent with the provisions of the municipal home rule law. Where any question arises concerning the transition to a charter which is not provided for herein, the Board of Legislators may provide for such transition by a local law not inconsistent with the provisions of the municipal home rule law.

Section 17.02 Continuity of authority.

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, either by this charter or an enactment adopted subsequent to its effective date. Any proceedings or other business undertaken or commenced prior to the effective date of this charter may be conducted and completed by the county officer or administrative unit responsible therefor under this charter or the administrative code.

Section 17.03 Appointment of county manager.

In accordance with appropriate sections of the charter, the county manager shall be appointed by April 1, 1986. In the event that such appointment is delayed beyond April 1, 1986, the Board of Legislators shall designate an appointive department or executive office head or the chairman of the Board of Legislators to perform the duties of the manager until such time as the manager is appointed.

Section 17.04 Status of certain county officers defined.

The elective office of county coroner shall hereby be abolished effective April 1, 1986. The persons holding such offices on April 1, 1986, shall be continued in the appointive positions relating to their functions for the remainder of the respective terms for which they were elected, at the conclusion of which the provisions of this charter relating to the appointment of a county coroner shall take effect.

Section 17.05 Civil service rights continued.

The civil service status and rights of all county employees and their beneficiaries, including but not limited to, those with respect to retirement and social security, shall not be affected by this charter. The terms of office of all county officers whose appointment under this charter is vested in the county manager shall terminate on April 1, 1986, except as provided in Section 8.01, Section 12.00, and Section 17.04 of this charter. Any county officers presently holding a competitive civil service position shall continue the appointive positions relating to their functions until such time that they vacate such position either by resignation or retirement, at the conclusion of which the provisions of this charter relating to the appointment of such officers shall apply.

Section 17.06 Amendment of charter.

This charter may be amended in the manner provided by the municipal home rule law. Any proposed amendment which would have the effect of transferring a function or duty of the county, or of a city, town, village, district, or other unit of local government, wholly contained in the county, shall not become operative unless and until it is approved by mandatory referendum as required by the municipal home rule law. Any amendment which would create or abolish an elective county office, change the power or method of removing an elective county officer during his term of office, abolish, curtail, or transfer to another county officer or agency any power of an elected county officer, or change the method of election of the Board of Legislators, as provided in Article II of this charter, shall be subject to a mandatory referendum.

Section 17.07 Separability.

If any provision of this charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy.

Section 17.08 Charter to be liberally construed.

This charter shall be liberally construed to achieve its objectives and purposes.