

CHARTER OF SCHENECTADY COUNTY

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ARTICLE I SCHENECTADY COUNTY AND ITS GOVERNMENT

- 1.00 Title and purpose.
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Section 1.00. Title and purpose.

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

Section 1.01. County status, powers and duties.

The county of Schenectady 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with this charter or administrative code, such law shall be deemed to the extent of such inconsistency to be superseded by this charter insofar as the county of Schenectady and its government are affected.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heretofore adopted by the board of supervisors of the county of Schenectady shall continue in force until amended, superseded or repealed as provided herein.

ARTICLE II¹

THE COUNTY LEGISLATURE

- 2.00 The county legislature.
- 2.01 County legislators, term of office.
- 2.02 Qualifications of legislators.
- 2.03 County legislative districts.
- 2.04 Size of County Legislature; apportionment of seats.
- 2.05 Vacancies.
- 2.06 Officers and committees of the County Legislature.
- 2.07 Clerk of the County Legislature.
- 2.08 Director of Legislative Operations.
- 2.09 Counsel to the County Legislature.
- 2.10 Legislative Enactments.
- 2.11 Powers and duties of the county legislature.
- 2.12 Filing and publication of local laws; judicial notice.
- 2.13 Official Newspapers.

Section 2.00.² The county legislature.

(a) The county legislature shall be the elective governing body of the county. The legislators elected from the various county legislature districts, as more specifically hereinafter set forth, shall, when lawfully convened, constitute the legislative, appropriating, governing and policy determining body of Schenectady County.

(b) Whenever the words "board" or "board of representatives" or words of similar import are used herein they shall mean the "legislature".

(c) Whenever the word "representative" or words of similar import are used herein they shall mean "legislator" or "member of the county legislature".

Section 2.01.³ 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,

¹ Article retitled by Local Law 5, 1987, § 2.

² Amended by Local Law 5, 1987, § 2.

³ Amended by Local Law 9, 1971, § 1.

with the first election to be held in 1967. 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 two legislators from each of the districts shall be chosen at the general election in 1975 for four year terms, with the other legislators elected for only two year terms, and at subsequent general election in 1977, and thereafter, all legislators shall be elected for new four year terms commencing on the first day of January following the expiration of the former term, so that the terms of legislators will be staggered with the terms of a portion of the members of the county legislature expiring every two years.

Section 2.02. Qualifications of legislators.

County legislators, at the time of their official nomination for election, shall be electors of the county of Schenectady 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 Schenectady shall be the judge of the above qualifications of the members of the county legislature, 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 legislative 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 four districts. All references to city ward, and election district boundaries refer to those ward and election district boundaries as described in the charter of the City of Schenectady, as of July 1, 1965. All references to towns apply to that territory wholly contained in each of the towns in the county of Schenectady bounded as of July 1, 1965.

(a) The districts shall be as follows:

1. District one shall consist of the area contained within the boundaries of city wards number 1, 2, 3, 4, 5, 6, 10; election districts 1, 2, 3, 4, 5, 11 of ward 9 and election districts 1, 2, 3, 8 of ward 11.
2. District two shall consist of the area contained within the boundaries of city wards number 7, 8, 12, 13, 14; election districts 6, 7, 8, 9, 10 of ward 9; election districts 4, 5, 6, 7 of ward 11.

3. District three shall consist of the area contained within the boundaries of the towns of Glenville and Niskayuna.
4. District four shall consist of the area contained within the boundaries of the towns of Duanesburg, Princetown and Rotterdam.

(b) Any city, town or village within the aforementioned districts which shall have a population in excess of the "average population per legislator" as hereinafter defined in Section 2.04 shall be entitled to representation by at least one district legislator, out of the total number of district legislators of the district within which said city, town or village shall be located, and such legislator shall be a resident of that city, town or village.

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

(d) If any portion of a municipality is annexed by a municipality located in or constituting a different legislative district or districts, such annexed portion shall automatically become part of the district in which such annexing municipality is located, or of that district within the annexing municipality to which the annexed portion was added, as the case may be.

Section 2.04.⁴ Size of County Legislature, apportionment of seats.

(a) The County Legislature shall be composed of fifteen members except as provided in (c) below, divided on the basis of population among the county districts. After each official federal, decennial census, the County Legislature shall determine if any member represents a population more than seven and one half percent above or below the average population per legislator. The average population per legislator shall be determined by dividing the number of legislators into the county population as determined by the most recent official federal decennial census.

(b) If the County Legislature determines that all members represent a population less than seven and one half percent above or below the average population per legislator, the County Legislature shall continue to be composed of fifteen members, divided among the districts on the basis of population.

⁴ Amended by Local Law 7, 2001.

(c) If the County Legislature determines that one or more members represents a population more than seven and one half percent above or below the average population per legislator, then the County Legislature shall be composed of that number of members next lower than fifteen which provides for no representation deviation in excess of seven and one half percent above or below the average population per legislator.

(d) After determination by the County Legislature as provided in (c) above, it shall be the duty of the County Legislature to divide the numbers of legislators among the four county districts on a population basis. The County Legislature shall divide the average population per legislator into the population of each district, and the whole number thus obtained shall be the number of legislators allotted to each respective district. However, if the sum of the numbers under this allotment does not add up to the total required membership of the County Legislature, one additional member shall be allotted to the district having the greatest remaining fraction, this procedure to be followed until the appropriate legislature size has been achieved.

(e)⁵ The County Legislature shall determine the size of the County Legislature, pursuant to the formulas expressed in paragraphs (a), (b), (c), and (d) above, and shall pass a local law amending the administrative code to express such determination, within 60 days of the county's receipt of the official, federal decennial census. If the County Legislature fails to enact such a local law within 60 days of the County's receipt of the official, federal decennial census, then the determination required pursuant to paragraphs (a), (b), (c), and (d) above shall be made by the Board of Elections.

(f)⁶ If the general laws of the state of New York or any court of competent jurisdiction shall provide for a lesser deviation than seven and one half percent from the average population per legislator for the Legislative body of Schenectady County, then the lesser percentage shall be substituted for the words "seven and one half percent" wherever such words appear in the paragraphs (a), (b), (c) and (d) of this section.

⁵ Added by Local Law 7, 2001; former subdivision (e) was redesignated subdivision (f) by Local Law 7, 2001.

⁶ Formerly subdivision (e); redesignated subdivision (f) and amended by Local Law 7, 2001; former subdivision (f) was redesignated subdivision (g) by Local Law 7, 2001.

(g)⁷ If at any time any district shall not be entitled to a district legislator under the formula herein contained, the County Legislature shall proceed to redistrict the County in accordance with provisions of this Charter or applicable state law. If, under this subsection, the County Legislature shall not have redistricted prior to a general election of members, the members shall be elected from the county-at-large until such redistricting is accomplished.

Section 2.05. Vacancies.

Vacancies which occur on the county legislature shall be filled in the following manner:

(a) Not later than 45 days after the happening of the vacancy, and upon at least ten days' written notice, the chairman of the county legislature shall conduct in his office a caucus of county legislators from the district in which the vacancy has occurred.

(b) At the caucus, each district legislator from the district in which the vacancy has occurred shall cast votes for a candidate to fill the vacancy equal in number to the votes that each legislator received at the last preceding general election of county legislators.

(c) If, at the time of the caucus, one or more of the county legislators from the district in which the vacancy occurred is himself holding his seat by reason of a prior vacancy, he shall cast votes for a candidate equal in number to the votes received by the person whom he succeeded and who was elected to that seat at the last preceding general election of county legislators.

(d) A county legislator, in voting to fill a vacancy, shall cast his votes as a unit.

(e) If more than two candidates receive votes in the caucus, and no candidate receives a majority of the votes cast, the person receiving the least number of votes shall be deemed eliminated, and this procedure shall be followed in each subsequent ballot until a candidate has received a majority of the votes cast.

(f) The candidate selected in the manner provided in this section shall take and file his oath of office in accordance with law, and shall be entitled to take his seat at the next meeting of the county legislature, and shall serve until

⁷ Formerly subdivision (f); redesignated subdivision (g) by Local Law 7, 2001.

the next general election, at which time the electors of the district shall elect a district legislator to complete the balance of the term, if any.

(g) If a vacancy occurs between September twentieth and the date of the general election in that same year, the procedure provided in the subsections of this section shall be followed to fill the vacancy, and the person selected in this manner shall take and file his oath of office in accordance with law and take his seat at the next meeting of the county legislature, and shall serve until the general election held in the year next following the year of his designation by the caucus, at which time the electors of the district shall elect a district legislator to complete the balance of the term, if any.

Section 2.06.⁸ Officers and committees of the County Legislature.

On January 1st of the even numbered year next following the election of any members of the county legislature, or as soon thereafter as practicable, the county legislature shall meet and organize by electing from among its members a chairman and such other officials as are deemed required. Notwithstanding the provisions of section 200 of the county law or other applicable law, the chairman, vice chairman, deputy chairman, majority and minority leaders may be paid an additional amount of salary which amount may be set from time to time in the tentative budget or within budgetary appropriations.

The chairman shall appoint a deputy chairman and members of the county legislature to serve on such legislative committees as are provided by the rules of the county legislature. The clerk of the county legislature shall serve as chairman until such time as the county legislature elects a chairman.

Section 2.07.⁹ Clerk of the County Legislature.

On January 1st of the even numbered year next following the election of any members of the county legislature, or as soon thereafter as practicable, the county legislature shall appoint a clerk who shall serve at the pleasure of the county legislature and until his 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.

⁸ Amended by Local Law 2, 2000, § 1; Local Law 9, 1971, § 2.

⁹ Amended by Local Law 9, 1971, § 3.

Section 2.08.¹⁰ Director of Legislative Operations.

On January 1st of the even numbered year next following the election of any members of the county legislature, or as soon thereafter as practicable, the chairman of the county legislature shall appoint a director of legislative operations who shall serve at the pleasure of the chairman of the county legislature and until his successor is appointed and has qualified, within budget limitations.

Section 2.09.¹¹ Counsel to the County Legislature.

Notwithstanding the provisions of section 501 of the county Law, this charter or other applicable law, on January 1st of the even numbered year next following the election of any members of the county legislature or as soon thereafter as practicable, the chairman of the county legislature shall appoint a counsel to the county legislature, who shall have been admitted to practice law in the State of New York and a resident of the county of Schenectady. The counsel to the county legislature shall serve at the pleasure of the chairman of the county legislature and until his successor is appointed and has qualified, within budget limitations.

Section 2.10.¹² Legislative Enactments.

Every resolution before the county legislature for enactment shall be in writing. Every written resolution shall have a title which shall concisely state the subject and contents thereof; shall completely embody the legislative initiatives from which it is preceded; shall expressly set forth the provisions of local law to be enacted; and shall expressly specify whether it is repealing or amending an existing local law.

Every resolution shall be preceded by a legislative initiative, which shall be in writing, in a form and manner as prescribed in these rules and as set forth by the chair. Every legislative initiative must set forth the following information in the following form:

¹⁰ Added by Local Law 2, 2000, § 3; former § 2.08 was renumbered § 2.11 by Local Law 2, 2000, § 2.

¹¹ Added by Local Law 2, 2000, § 4; former § 2.09 was renumbered § 2.12 by Local Law 2, 2000, § 2.

¹² Added by Local Law 2, 2000, § 5; former § 2.10 was renumbered § 2.13 by Local Law 2, 2000, § 2.

- (a) The sponsor of the proposed resolution;
- (b) The title of the proposed resolution;
- (c) A statement of the purpose and general idea of the proposed resolution;
- (d) A summary of the specific provisions of the proposed resolution;
- (e) A statement as to the effects the proposed resolution would have upon present law; and
- (f) A statement of the sponsor's justification as to why the proposed resolution should become law.

Upon the report of a legislative initiative from a standing committee to the floor of the county legislature, at the election of the sponsor of the legislative initiative, the counsel to the county legislature, the county attorney, or the sponsor, shall convert the legislative initiative so reported, into resolution form. Each resolution shall completely embody the terms of the legislative initiative from which it was converted, and shall be considered by the entire county legislature at the first regular meeting after it was reported to the floor of the county legislature.

Section 2.11.¹³ Powers and duties of the county legislature.

Except as otherwise provided in this charter, the county legislature shall have and exercise all such powers and duties conferred on the Schenectady County board of supervisors, or generally conferred on a board of supervisors 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 boards of supervisors be the county legislature.

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

- 1. To adopt by resolution all necessary rules and regulations for its conduct and procedure in accordance with Section 153 of the county law.
- 2. To make appropriations, incur indebtedness and adopt the budget.
- 3. 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

¹³ Formerly § 2.08; renumbered § 2.11 by Local Law 2, 2000, § 2.

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.

4. 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 Schenectady, and various county administrative units.

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

6. 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.

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

8. 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 decreased during his term of office.

9. 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.

10. 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.

11. To fix the amount of bonds of officers and employees paid from county funds.

12. 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.

13. 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 2.12.¹⁴ 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 legislature, the clerk of the legislature shall cause a copy of an abstract of the local law to be published in the official newspapers of the county.

Section 2.13.¹⁵ Official Newspapers.

Notwithstanding the provisions of Section 214 of the state county law or other applicable law, the legislature shall be required to designate annually only one newspaper as the official newspaper for the publication of all local laws, notices and other matters required by law to be published.

ARTICLE III

THE COUNTY MANAGER

- 3.00 The county manager; appointment; term; qualifications.
- 3.01 Powers and duties.
- 3.02 Acting county manager; how designated.

Section 3.00. The county manager; appointment; term; qualifications.

The county manager shall be the chief administrative officer of the county. He shall be appointed by the county legislature solely on the basis of his executive and administrative qualifications. He shall serve at the pleasure of the county legislature and may be suspended or removed by it. The county manager shall have supervision over all county departments, offices, agencies and

¹⁴ Formerly § 2.09; renumbered § 2.12 by Local Law 2, 2000, § 2.

¹⁵ Formerly § 2.10; renumbered § 2.13 by Local Law 2, 2000, § 2; added by Local Law 1, 1988, § 1.

administrative units except as otherwise provided in this charter, and shall hold no other public or political office.

Section 3.01. Powers and duties.

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

1. Be the chief executive officer and administrative head of county government.
2. Appoint to serve during his pleasure the heads of all departments, subject to confirmation by the county legislature, and all subordinate officers and employees, except such officers required to be elected and their subordinates, and except as otherwise provided in this charter.
3. Exercise supervision and control of all administrative units, the heads of which he appoints, and prescribe the internal organization of such departments, offices and agencies.
4. Execute and enforce all local laws, legalizing acts, ordinances or resolutions of the county legislature, and all other laws required to be enforced through the county legislature or other county officers subject to its control.
5. 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.
6. 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.
7. Attend all meetings of the county legislature and recommend such measures as he may deem expedient or necessary.
8. Designate one or more depositaries located within the county for the deposit of monies received by the county.
9. Examine regularly the books and papers of every administrative unit and report thereon to the county legislature, and order an audit of any administrative unit at any time.
10. 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.

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

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

13. Perform such other duties and have such other powers as may be prescribed for him by law, administrative code, ordinance or resolution, or as may be prescribed by the county legislature.

14. 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 3.02. 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 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 county legislature. Any such designation may be revoked by the county manager at any time by filing a notice of revocation with the clerk of the county legislature or by majority vote of the county legislature. If a vacancy occurs in the office of the county manager, the acting county manager shall serve until the vacancy is filled by the county legislature, 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 county legislature 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.

¹⁶ Amended by Local Law 2, 1985, § 1.

ARTICLE IV

DEPARTMENT OF LAW

- 4.00 Department of law; county attorney.
- 4.01 Powers and duties.
- 4.02 Deputy and assistant county attorneys.

Section 4.00. Department of law; county attorney.

There shall be a department of law headed by the county attorney, appointed by the county manager subject to confirmation by the county legislature. The county attorney shall have been admitted to practice law in the State of New York, and a resident of the County of Schenectady. He shall serve at the pleasure of the county manager.

Section 4.01.¹⁷ Powers and duties.

Except as otherwise provided in this charter or the administrative code, the county attorney shall be the 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 action or proceedings of a civil nature brought by or against the county; 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 county legislature.

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 county legislature 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.

¹⁷ Amended by Local Law 2, 2000, § 6.

ARTICLE V

DEPARTMENT OF FINANCE

- 5.00 Department of finance; commissioner.
- 5.01 Powers and duties.
- 5.02 Bureau of treasury; county treasurer.
- 5.03 Bureau of equalization and assessment; director.
- 5.04 Bureau of purchase; purchasing agent.
- 5.05 Bureau of accounts; supervisor.

Section 5.00.¹⁸ Department of finance; commissioner.

There shall be a department of finance headed by a commissioner who shall be appointed by the county manager, subject to confirmation by the county legislature, on the basis of his administrative experience and qualifications for the office. Notwithstanding the provisions of section 3.01(2) of this charter, the commissioner shall be appointed for a five-year term. During the term of appointment, the commissioner's salary shall not be diminished.

Section 5.01. Powers and duties.

The commissioner of finance shall be the chief fiscal officer of the county.

1. Except as otherwise provided in this charter, he 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 upon the several bureaus of the department, and have all the powers granted to a county treasurer by applicable law.

2. Upon approval of the county manager he may perform the duties of any bureau head under his supervision, for which he has the prescribed qualifications, and may consolidate two or more bureaus under one head.

Section 5.02.¹⁹ Bureau of treasury; county treasurer.

The functions, powers and duties of the bureau of treasury/county treasurer provided by this charter or administrative code, or by applicable law shall devolve upon the commissioner of finance.

¹⁸ Amended by Local Law 13, 2000, § 1.

¹⁹ Amended by Local Law 2, 1985, § 2.

Section 5.03.²⁰ Bureau of equalization and assessment; director.

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

Section 5.04. Bureau of purchase; purchasing agent.

There shall be in the department of finance a bureau of purchase headed by a purchasing agent who shall be appointed by the county manager on the basis of his experience and qualifications for the office. He shall:

1. 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.
2. 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.
3. 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.
4. Have authority to transfer materials, supplies and equipment between departments, offices and agencies subject to the approval of the county manager.
5. 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 inspection, subject to approval of the county manager.

²⁰ Amended by Local Law 2, 1985, § 3.

Section 5.05. Bureau of accounts; supervisor.

There shall be in the department of finance a bureau of accounts headed by a supervisor of accounts who shall be appointed by the county manager on the basis of his experience and qualifications for the office. He shall:

1. Keep records of appropriations, encumbrances and expenditures, and prescribe approved methods of accounting for county offices and administrative units.
2. Examine all requisitions for the encumbering of funds for the expenditures for which the county is responsible and certify as to the availability of funds therefor.
3. Audit and certify for payment all lawful claims or charges against the county or against funds for which the county is responsible.
4. Procure statements from all depositories of county funds and funds for which the county is responsible and reconcile such statements with the county accounts.
5. Subject to the provisions of the civil service law, certify the correctness of payrolls for the payment of salaries of officers and employees paid from county funds and deliver a certified transcript to the commissioner of finance as authorization for payment.

ARTICLE VI

DEPARTMENT OF AUDIT AND CONTROL

- 6.00 Department of audit and control; county auditor.
- 6.01 Powers and duties.
- 6.02 Professional accounting firm; designation by county legislature.

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 legislature.

He shall serve at the pleasure of the county legislature.

Section 6.01.²¹ Powers and duties.

The county auditor shall be the chief internal auditing officer of the county. He shall at the direction of the county legislature:

1. 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 county legislature as to whether proper books and records have been kept and all money and property accounted for.
2. Maintain an internal audit of any county department in conjunction with, and as a supplement to, the external audits performed by professional accounting firms.
3. Conduct investigations which may be upon his own initiative into any phase of county financial operations.
4. Perform such other additional and related duties as may be prescribed by the county legislature.

Section 6.02. Professional accounting firm; designation by county legislature.

The county legislature shall designate a professional accounting firm to conduct external audits at intervals not exceeding four years. Such professional accounting firm shall make the results of its audits available, in writing, to the county legislature. The professional accounting firm shall be responsible for guiding the internal audit.

ARTICLE VII

FINANCIAL PROCEDURES

- 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.

²¹ Amended by Local Law 2, 1985, § 4.

- 7.05 County legislature 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 and may revise the estimates in such manner as he deems advisable.

(b) On or before the first day of October the county manager shall submit to the county legislature 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 legislature 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 legislative action on such budget and capital program.

(b) At least ten days before such public hearing the legislature 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. County legislature action.

(a) After the public hearing the county legislature 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 legislature 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 legislature must request and consider, but need not follow. If a requested recommendation is not presented to

the legislature within five days after the request therefor, the legislature may make such additions and increases without such recommendation.

(c) The legislature 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 legislature 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 legislature. 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 legislature. 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 legislature 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 legislature 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 legislature 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 legislature 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 legislature 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 legislature the estimated amount of the deficit, remedial action taken by him, and his recommendations as

to further action. To prevent or minimize a deficit the legislature 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 legislature 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 legislature 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 legislature 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 legislature.

(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 legislature 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

CIVIL SERVICE COMMISSION

- 8.00 Civil service commission; membership.
- 8.01 Commission members; term of office.
- 8.02 Organization of commission; election of chairman.
- 8.03 Powers and duties of commission.

Section 8.00. Civil service commission; membership.

There shall be a county civil service commission consisting of three members not more than two of whom shall be adherents of the same political party. The members of the county civil service commission shall be appointed by the county manager subject to confirmation by the county legislature, except that the membership of the county civil service commission at the time of adoption of this charter shall be continued to the end of each member's respective term, at which time the appointing authority of the county manager shall take effect.

Section 8.01. Commission members, term of office.

The term of office of each county civil service commissioner shall be six years from the first day of June in the year in which the term of his predecessor expired. If the office of any such commissioner shall become vacant by death, resignation or otherwise, his successor shall be appointed as herein provided for the unexpired term.

Section 8.02. Organization of commission, election of chairman.

The county civil service commission shall annually elect one of its members chairman. The county manager shall appoint such officers and employees as may be necessary for the performance of its duties.

Section 8.03. Powers and duties of commission.

Except as otherwise provided in this charter, the county civil service commission shall have, with reference to the civil service of the county, the powers and duties of a municipal civil service commission as provided in the civil service law of this state, and shall be subject to supervision and control by the state civil service commission as are municipal civil service commissions.

ARTICLE IX [Deleted]²²

ARTICLE X [Deleted]²³

ARTICLE XI [Deleted]²⁴

ARTICLE XII [Deleted]²⁵

ARTICLE XIII²⁶

DEPARTMENT OF SOCIAL SERVICES

- 13.00 Department of social services; commissioner.
- 13.01 Powers and duties.

Section 13.00.²⁷ 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 county legislature. 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 shall be appointed for a five year term.

Section 13.01.²⁸ Powers and duties.

The commissioner of social services shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law,

²² Deleted by Local Law 6, 1971, § 1.

²³ Deleted by Local Law 7, 1971, § 1.

²⁴ Deleted by Local Law 8, 1971, § 1.

²⁵ Deleted by Local Law 5, 1990, § 1.

²⁶ Article retitled by Local Law 2, 1985, § 5.

²⁷ Amended by Local Law 2, 1985, § 5.

²⁸ Amended by Local Law 2, 1985, § 5.

including management and supervision of the Schenectady county home and infirmary and any other welfare institutions of the county. He shall perform such other and related duties as shall be delegated to him by the county manager.

ARTICLE XIV²⁹

DEPARTMENT OF PUBLIC HEALTH SERVICES

- 14.00 County health district; board of health.
- 14.01 Department of public health services; public health director; appointment; qualifications.
- 14.02 Powers and duties of the public health director.
- 14.03 Acting public health director.
- 14.04 Medical director and staff.
- 14.05 Health services advisory board.
- 14.06 Sanitary code.
- 14.07 Commissioner of Public Health Services.
- 14.08 Organization of the department of public health services.

Section 14.00.³⁰ County health district; board of health.

The County of Schenectady shall be a county health district. The county legislature shall constitute the board of health with all the powers and duties of a board of health of a county or part-county health district.

Section 14.01.³¹ Department of public health services; public health director; appointment; qualifications.

There shall be a department of public health services headed by a public health director who shall be appointed by the county manager, subject to confirmation by the county legislature on the basis of his professional training; qualifications as may be required by law, and experience in the field of public health administration. He shall serve at the pleasure of the county manager.

²⁹ Article retitled by Local Law 4, 1990, § 1.

³⁰ Amended by Local Law 4, 1990, § 1; Local Law 2, 1985, § 6.

³¹ Added by Local Law 4, 1990, § 1; deleted by Local Law 2, 1985, § 6.

Section 14.02.³² Powers and duties of the public health director.

Except as otherwise provided in this charter, the public health director shall have all the powers and perform all the duties conferred or imposed by law upon public health directors. In addition thereto, he shall perform such other and related duties as shall be required or delegated to him by the county manager or county legislature.

Section 14.03.³³ Acting public health director.

The public health director shall designate in writing and file in the office of the county clerk, the office of the county manager and the office of the clerk of the county legislature an acting public health director who shall perform the powers and duties of the office in the event of a vacancy or the absence or the inability of such public health director to perform the duties of the office. Such acting public health director shall be designated from among the deputy directors, medical director and bureau heads under the jurisdiction of the public health director.

Section 14.04.³⁴ Medical director and staff.

The county manager, upon the recommendation of the public health director, shall have the power to appoint a medical director and such assistants and employees as shall be authorized by the county legislature. At the time of appointment, the medical director shall be and remain duly licensed and entitled to practice medicine in the State of New York, and shall have such other qualifications as may be required by law. The medical director shall be directly responsible to the public health director.

Section 14.05.³⁵ Health services advisory board.

There shall be in the department of public health services a health services advisory board the members of which shall be appointed by the county manager, subject to confirmation by the county legislature. The composition of such advisory board in relation to the number of members and the professional or

³² Added by Local Law 4, 1990, § 1; deleted by Local Law 2, 1985, § 6.

³³ Added by Local Law 4, 1990, § 1.

³⁴ Added by Local Law 4, 1990, § 1.

³⁵ Added by Local Law 4, 1990, § 1.

other representation, and the terms of such members, shall be as provided in the public health law for a health services advisory board. The health services advisory board shall advise the public health director with respect to the discharge of his powers, responsibilities and duties. The health services advisory board shall, at the request of the public health director, and may on its own initiative, advise the county legislature and the public health director on matters relating to the preservation and improvement of the public health.

Section 14.06.³⁶ Sanitary code.

The health services advisory board may, subject to the approval of the public health director, recommend and submit to the county legislature for adoption, amendment or repeal thereof such rules, regulations, orders and directions relating to health in the county or part-county health district not inconsistent with the public health law or the state sanitary code. Any such rules, regulation, orders and directions so adopted, amended or repeal, in such manner and form as provided in the public health law, by the county legislature shall be known as the Schenectady county sanitary code.

Section 14.07.³⁷ Commissioner of Public Health Services.

When a physician possessing the qualifications as prescribed in the sanitary code is the public health director, such individual shall perform the functions and exercise the powers and duties provided by this charter, or by applicable law, as the commissioner of public health services.

Section 14.08.³⁸ Organization of the department of public health services.

The department of public health services may be organized into such divisions and bureaus as may be prescribed in the administrative code.

³⁶ Added by Local Law 4, 1990, § 1.

³⁷ Amended by Local Law 1, 1994, § 1; added by Local Law 4, 1990, § 1.

³⁸ Added by Local Law 4, 1990, § 1.

ARTICLE XV

DEPARTMENT OF MENTAL HEALTH

- 15.00 Department of mental health; community services board
- 15.01 Powers and duties.

Section 15.00.³⁹ Department of mental health; community services board.

There shall be a department of mental health headed by a community services board, the members of which shall be appointed by the county manager subject to confirmation by the county legislature in manner and number according to the administrative code.

Section 15.01.⁴⁰ 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 county legislature. 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 county legislature or the county manager.

³⁹ Amended by Local Law 2, 1985, § 7.

⁴⁰ Amended by Local Law 2, 1985, § 7; Local Law 5, 1978, § 1.

ARTICLE XVI⁴¹

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

- 16.00 Department of economic development and planning; commissioner.
- 16.01 Powers and duties.
- 16.02 Planning advisory board.

Section 16.00.⁴² Department of economic development and planning; commissioner.

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

Section 16.01.⁴³ Powers and duties.

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

- (1) 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.
- (2) Make available to cities, towns and villages in Schenectady County, at their request, advice and assistance on matters related to the planning function.
- (3) Act as secretary of the economic development advisory board.
- (4) Coordinate and oversee the various economic development initiatives within the county that receive public monies.

⁴¹ Article retitled by Local Law 5, 2004, § 1.

⁴² Amended by Local Law 5, 2004, § 1.

⁴³ Amended by Local Law 5, 2004, § 1.

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

Section 16.02.⁴⁴ Economic development and advisory board.

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

ARTICLE XVII

DEPARTMENT OF ENGINEERING AND PUBLIC WORKS

- 17.00 Department of Engineering. Department of Public Works; Directors.
- 17.01 Powers and Duties of Director of Public Works.
- 17.02 Powers and Duties of Director of Engineering.
- 17.03 Office of Parks; Appointment of Director.
- 17.04 Powers and Duties of Director of Facilities.
- 17.05 Interim authority.

Section 17.00.⁴⁵ Department of Engineering. Department of Public Works; Directors.

There shall be a department of engineering and a department of public works both headed by directors appointed by the county manager subject to confirmation by the county legislature.

⁴⁴ Amended by Local Law 5, 2004, § 1; added by Local Law 1, 1981, § 2; deleted by Local Law 1, 1981, § 1.

⁴⁵ Amended by Local Law 12, 2000.

Section 17.01.⁴⁶ Powers and Duties of Director of Public Works.

There shall be a department of public works headed by the director of public works. The director of public works shall have all the powers and duties of the county superintendent of highways including but not limited to supervision of the construction, improvement, maintenance, repair, cleaning and lighting of all highways, roads, bridges, and grade separation structures, drains and drainage structures under jurisdictions of the county. The director shall have charge and supervision of the maintenance and operations of docks, marinas, parks, preserves, and other structures and facilities under the jurisdiction of the county.

Section 17.02.⁴⁷ Powers and Duties of Director of Engineering; County Engineer.

There shall be an office of engineering headed by the director of engineering. The director of engineering shall be a professional engineer licensed by the State of New York. The director shall have all the powers and duties of the county engineer and engineering duties of the county superintendent of highways including but not limited to the design, survey and other engineering related matters of structures under the jurisdiction of the county as provided by applicable law. The director of engineering shall furnish engineering and other services as directed by the county manager.

Section 17.03.⁴⁸ Office of Parks; Appointment of Director.

The director of public works shall act as director of the office of parks until such time as the county legislature may create the position of director of parks as part of the annual budget of the county. The director of parks shall, under the supervision of the director of public works, maintain and administer all county parks, trails and preserves. The director of parks shall have such other duties as are required by the county manager.

⁴⁶ Amended by Local Law 12, 2000.

⁴⁷ Amended by Local Law 12, 2000.

⁴⁸ Formerly § 17.04; renumbered § 17.03 and amended by Local Law 12, 2000; former § 17.03 was deleted by Local Law 12, 2000.

Section 17.04.⁴⁹ Powers and Duties of Director of Facilities.

There shall be within the department of public works an office of facilities. The director shall be appointed by the county manager, subject to confirmation by the county legislature. The director of facilities shall have all charge and supervision of the design, construction and alteration of county buildings, parking areas, drives, grounds and walks. The director shall have charge and supervision of maintenance, repair and custodial care of county buildings, except hospitals and infirmary buildings. The director of facilities shall furnish services as directed by the county manager.

Section 17.05.⁵⁰ Interim Authority.

Upon approval of the county manager, any director is authorized, on an interim basis, to perform the duties of another director within the department of engineering and public works for which he has the prescribed qualifications consistent with applicable law.

ARTICLE XVIII

DEPARTMENT OF AVIATION

- 18.00 Department of aviation; commissioner
- 18.01 Powers and duties.

Section 18.00. Department of aviation; commissioner.

There shall be a department of aviation headed by a commissioner of aviation appointed by the county manager, subject to confirmation by the county legislature, on the basis of his administrative experience and qualifications for the office. He shall serve at the pleasure of the county manager.

⁴⁹ Formerly § 17.05; renumbered § 17.04 and amended by Local Law 12, 2000; former § 17.04 was renumbered § 17.03 by Local Law 12, 2000.

⁵⁰ Added by Local Law 12, 2000; former § 17.05 was renumbered § 17.04 by Local Law 12, 2000.

Section 18.01. Powers and duties.

In addition to such other and related duties as may be required or delegated to him by the county manager or the county legislature, the commissioner of aviation shall oversee and manage the operations of the Schenectady County airport, including the sale of supplies and the rental of space, and be responsible for custodial duties at said facility.

ARTICLE XIX

DEPARTMENT OF LIBRARIES

- 19.00 Schenectady county library system; board of trustees.
- 19.01 Powers and duties.

Section 19.00. Schenectady county library system; board of trustees.

There shall be a Schenectady county library system headed by a library board of trustees, the members of which shall be appointed by the county manager, subject to confirmation by the county legislature, in manner and number according to the administrative code.

Section 19.01. Powers and duties.

The library board of trustees shall recommend for appointment by the county manager such staff as is provided within the appropriations therefor. Except where inconsistent with this charter or administrative code, the board of trustees shall have and exercise all other powers and duties now or hereafter imposed upon a board of trustees of a library system by the state education law or other applicable law. It shall perform such other and related duties as shall be required or delegated to it by the county legislature or the county manager.

ARTICLE XX

MUNICIPAL COOPERATION

- 20.00 Local government functions, facilities and powers not transferred, altered or impaired.
- 20.01 Contracts for municipal cooperation.

Section 20.00. 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 the administrative code.

Section 20.01. Contracts for municipal cooperation.

The county of Schenectady 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 XXI

OTHER COUNTY FUNCTIONS

- 21.00 Board of elections; commissioners; employees.
- 21.01 Office of probation; director.
- 21.02 County jury board; commissioner of jurors.
- 21.03 Office of emergency management; director.
- 21.04 Veterans service agency; director.
- 21.05 Office of Consumer Affairs/Weights and Measures; Director.
- 21.06 Other county boards; appointment.
- 21.07 Additional appointments by county manager.
- 21.08 Miscellaneous administrative functions.
- 21.09 Power to administer oaths and issue subpoenas.
- 21.10 Real property tax service agency; director.
- 21.11 Community college.
- 21.12 Public defender.
- 21.13[1] Economic development.
- 21.13[2] Office of Security Services; Chief Security Officer.
- 21.13[3] Conflict Defender.

Section 21.00. Board of elections; commissioners; employees.

There shall be a Schenectady county board of elections constituted according to the state election law. The commissioners of election shall be appointed by the county legislature 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 21.01.⁵¹ 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 by applicable law.

Section 21.02. 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 by applicable law.

Section 21.03.⁵² Office of emergency management; director.

There shall be an office of emergency management headed by a director of emergency management who shall be appointed by the county manager, subject to confirmation by the county legislature, on the basis of his experience and qualifications for the office. He shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

Section 21.04. Veterans service agency; director.

There shall be a veterans service agency headed by a director who shall be appointed by the county manager, subject to confirmation by the county legislature, on the basis of his experience and qualifications for the office. He shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

Section 21.05.⁵³ Office of Consumer Affairs/Weights and Measures; Director

There shall be an office of consumer affairs/weights and measures

⁵¹ Amended by Local Law 2, 1985, § 9.

⁵² Amended by Local Law 2, 1985, § 10.

⁵³ Amended by Local Law 1, 1997, § 1.

under the direction of a director of consumer affairs/weights and measures, who shall be appointed by the county manager, subject to confirmation by the county legislature, on the basis of his experience and qualifications for the office. He shall also be the county sealer of weights and measures, and shall have the powers and duties heretofore or hereafter conferred or imposed upon sealers of weights and measures by the laws of the State of New York.

Section 21.06. 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 county legislature.

Section 21.07. Additional appointments by county manager.

The county manager shall appoint the county historian, county fire coordinator, subject to confirmation by the county legislature, and all other county employees, except as provided in this charter. All such appointees shall serve at the pleasure of the county manager, except where otherwise provided by this charter.

Section 21.08. 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 21.09. Power to administer oaths and issue subpoenas.

The chairman of the county legislature 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.

Section 21.10.⁵⁴ Real property tax service agency; director.

There shall be a real property tax service agency headed by a director who shall be appointed by the county manager, subject to confirmation by the county legislature. The operation of the real property tax service agency shall be provided and administered in accordance with the provisions of the real property tax law, administrative code and by applicable law.

Section 21.11.⁵⁵ Community college.

There shall be a community college headed by a board of trustees, the members of which shall be appointed in accordance with the provisions of the education law of the State of New York. The operation of the community college shall be provided and administered in accordance with the provisions of the education law, administrative code and by applicable law.

Section 21.12.⁵⁶ Public defender.

There shall be an office of public defender, which shall be headed by an attorney admitted to practice law in the State of New York and a resident of the County of Schenectady. The public defender shall be appointed by the county manager subject to confirmation by the county legislature. He shall serve at the pleasure of the county manager. The operation of the office of public defender shall be provided and administered in accordance with the provisions of the county law, administrative code and by applicable law.

Section 21.13.[1]⁵⁷ Economic Development.

1. Notwithstanding any other provisions of law, the terms “public” or “municipal purpose” of the county of Schenectady shall include the promotion, creation, development or expansion of business, commerce, industry, or job opportunities within the corporate limits of the county of Schenectady in order to benefit the inhabitants thereof.

2. In order to carry out the aforesaid purposes, the county shall have the power to acquire, hold, maintain and dispose of membership in the World

⁵⁴ Added by Local Law 2, 1985, § 11.

⁵⁵ Added by Local Law 2, 1985, § 12.

⁵⁶ Amended by Local Law 6, 1986, § 1.

⁵⁷ Added by Local Law 8, 1995, § 1.

Section 21.13.[2]⁵⁸ Office of Security Services; Chief Security Officer.

There shall be an office of security services headed by a chief security officer who shall be appointed by the county manager on the basis of his experience and qualifications for the office. He shall, under the supervision of the county manager, have charge of security of all county buildings. He shall perform such other duties as may be directed by the county manager. The chief security officer shall be authorized to employ retired former members of police or sheriff's departments, or the division of state police or retired former correction, parole or probation officers for the purpose of providing special patrolmen in properties owned or leased by the county in order to protect the property or persons on such premises.

Section 21.13.[3]⁵⁹ Conflict Defender.

There shall be an office of conflict defender to provide representation for indigent defendants who qualify for representation by the office of the public defender under state law, but due to a conflict of interest, the office of public defender is precluded from providing representation. The office of the conflict defender shall be headed by an attorney admitted to practice law in the State of New York and a resident of the County of Schenectady. The conflict defender shall be appointed by the county manager subject to confirmation by the county legislature. The conflict defender shall serve at the pleasure of the county manager. The conflict defender shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

ARTICLE XXII

GENERAL AND TRANSITIONAL PROVISIONS

- 22.00 Adoption of charter; when effective.
- 22.01 Elective offices abolished; incumbents continued.
- 22.02 Civil service rights continued.
- 22.03 Continuity of authority.
- 22.04 Charter clarification.

⁵⁸ Added by Local Law 6, 1996, § 1.

⁵⁹ Added by Local Law 3, 2004, § 1.

- 22.05 Amendment of charter.
- 22.06 Separability.
- 22.07 Charter to be liberally construed.

Section 22.00. Adoption of charter; when effective.

This charter shall, upon approval by referendum in the manner provided by law, become effective as of January 1, 1966, except that the provisions of article II of this charter relating to the election of the board of representatives shall become effective with the general election of 1967.

Section 22.01. Effective offices abolished; incumbents continued.

The elective offices of county treasurer, commissioner of public welfare, and coroner are abolished, effective January 1, 1966. The persons holding such offices on January 1, 1966, shall be continued in the appointive positions relating to their functions for the remainder of their respective terms of office, at the conclusion of which the provisions of this charter relating to the appointment of a county treasurer, commissioner of social welfare and medical examiner shall take effect.

Section 22.02. 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 December 31, 1965, except as provided in section 22.01 of this charter, and except that any such officer, unless removed, shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made.

Section 22.03. 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 22.04. Charter clarification.

If any provision of this charter is not clear or requires elaboration in its application to the county, the county legislature 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 county legislature may provide for such transition by a local law not inconsistent with the provisions of the municipal home rule law.

Section 22.05. 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 or 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 county legislature, as provided in article II of this charter, shall be subject to a permissive referendum.

Section 22.06. 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 22.07. Charter to be liberally construed.

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

CERTIFICATION

I hereby CERTIFY that the following comprises the "Charter of the County of Schenectady" and, upon comparison of the original thereof is a true compilation of such charter as titled and first adopted by Local Law 1 of 1965 and thereafter amended by:

Local Law 6, 1971
Local Law 7, 1971
Local Law 8, 1971
Local Law 9, 1971
Local Law 5, 1978
Local Law 1, 1981
Local Law 2, 1985
Local Law 6, 1986
Local Law 5, 1987
Local Law 1, 1988
Local Law 4, 1990
Local Law 5, 1990
Local Law 1, 1994
Local Law 8, 1995
Local Law 6, 1996
Local Law 1, 1997
Local Law 2, 2000
Local Law 12, 2000
Local Law 13, 2000
Local Law 7, 2001
Local Law 3, 2004
Local Law 5, 2004

Dated: April 27, 2006

**s/Brian L. Quail, Esq.,
Clerk of the Legislature**