

ALTERNATIVE COUNTY GOVERNMENT LAW

LAWS 1952, Chap. 11-B

AN ACT in relation to providing alternative forms of county government,
constituting chapter eleven-b of the consolidated laws

Became a law April 19, 1952, with the approval of the Governor.

Passed by a majority vote, three-fifths being present

The People of the State of New York, represented in Senate and
Assembly, do enact as follows:

CHAPTER ELEVEN-B OF THE CONSOLIDATED LAWS

ALTERNATIVE COUNTY GOVERNMENT LAW

- Article 1. Short title; application; authorization; definitions
 (§§ 1-4).
2. Alternative forms of county government (§§ 50-58).
3. Board of supervisors (§§ 100-102).
4. County executive (§§ 150-156).
5. County departments and offices (§§ 200-207).
6. Department of finance (§§ 250-251).
7. Department of audit and control (§§ 300-302).
8. Department of public works (§§ 350-351).
9. Department of purchase (§§ 400-401).
10. Department of public welfare (§§ 450-451).
11. Parks, playgrounds and recreation centers (§§ 500-502).
12. Optional transfer of powers (§§ 550-553).
13. General provisions (§§ 600-612).
14. Submission and adoption (§§ 650-656).
15. Construction; saving clauses; laws repealed; time of taking
 effect (§§ 700-703).

ARTICLE 1

SHORT TITLE; APPLICATION; AUTHORIZATION; DEFINITIONS

- Section 1. Short title.
2. Application.
3. Authorization; alternative forms; variations.
4. Definitions.

§ 1. Short title. This chapter shall be known as the "Alternative county government law."

§ 2. Application. This chapter shall apply to all counties, except that:

1. It shall not apply to counties within the city of New York.

2. It shall not affect the form of government in operation in a county which shall have heretofore adopted or shall hereafter adopt an alternative form of county government pursuant to any law other than this chapter, except that any such county may adopt any one of the alternative forms of county government provided in this chapter by the procedure herein provided.

§ 3. Authorization; alternative forms; variations. 1. Any county is hereby authorized to adopt one of the alternative forms of county government provided in this chapter in accordance with the procedure specified in article fourteen.

2. Alternative forms of county government provided by this chapter shall consist of: The "county administrator form"; the "county manager form"; the "county director form"; and the "county president form".

3. In connection with any alternative form of county government, a county may adopt one or more variations in structure, organization and distribution of functions authorized by this chapter. Any and each combination of provisions for the government of a county and the units of local government therein contained which is authorized by this chapter is hereby declared to be one of the alternative forms of county government provided by this chapter.

§ 4. Definitions. As used in this chapter the following terms shall mean and include:

1. "County". Any county other than a county within the city of New York.
2. "County executive". A county administrator, county manager, county director or county president.
3. "County administrator form". The form of county government prescribed by section fifty of this chapter.
4. "County manager form". The form of county government prescribed by section fifty-one of this chapter.
5. "County director form". The form of county government prescribed by section fifty-two of this chapter.
6. "County president form". The form of county government prescribed by section fifty-three of this chapter.
7. "Unit of local government". A city, town or village within the county.
8. "Population". The population shown by the last completed federal census.
9. "Administrative unit". An office, department, division, bureau, board or commission, or any other agency of county government.
10. "Spending agency". Any administrative unit of the county or office which expends or incurs obligations for the expenditure of county money.
11. "Auditing authority". The county comptroller, except that with respect to the county administrator form, it shall mean the county auditor.
12. "County act". A local law or resolution adopted by the board of supervisors.

13. "Local law". A law adopted by the board of supervisors pursuant to this chapter or other act of the legislature in accordance with the provisions of the municipal home rule law.

14. "Whole number". Shall have the meaning defined in section forty-one of the general construction law.

15. "County-using agency". Any administrative unit of the county which uses any supplies, materials or other articles.

ARTICLE 2

ALTERNATIVE FORMS OF COUNTY GOVERNMENT

Section 50. County administrator form.

51. County manager form.

52. County director form.

53. County president form.

54. Modification of alternative form after adoption.

55. Change from one alternative form of county government to another.

56. Abandonment of existing alternative form.

57. Terms of elective county officials not to be abridged.

58. Choice between election and appointment of officials.

§ 50. County administrator form. A county which shall adopt the county administrator form of government shall have a county executive to be called "county administrator." The board of supervisors shall appoint the county administrator to serve during the term of office for which the members of such board then in office were elected. Successors shall be appointed for like terms. Vacancies shall be filled by appointment by the board of supervisors for the remainder of the term of office for which the members of such board then in office were elected. No member of the board of supervisors, other than the chairman shall, during the term for which he was elected, be eligible for appointment as county administrator. The board of supervisors may appoint the chairman of the

board of supervisors as county administrator, who shall perform the duties of county administrator concurrently with those of chairman but without additional compensation. The county administrator may, when authorized by local law, serve as the head of one or more departments not administered by an elective official but without additional compensation. The board of supervisors shall appoint a county auditor who shall serve during the term of office for which the members of such board then in office were elected. Successors shall be appointed for like terms. In any county having an elective county auditor, the incumbent of the office shall continue in office, unless a vacancy otherwise occurs, until the expiration of the term of office for which he was elected. Vacancies in the office of county auditor shall be filled by appointment by the board of supervisors for the remainder of the term of office for which the members of such board then in office were elected. The county auditor shall audit all claims, accounts and demands which are made county charges by law and which otherwise would be audited by the board of supervisors. The county treasurer shall pay the amounts audited and certified by such auditor as if the same had been audited by the board of supervisors. The provisions of section three hundred sixty-nine of the county law shall apply to the audit and payment of claims against the county. The county administrator, subject to confirmation by the board of supervisors, shall appoint a county purchasing agent who shall serve during the term of office of the administrator. Successors shall be appointed for like terms. Vacancies in the office of county purchasing agent shall be filled by appointment in like manner for the remainder of the term. The county purchasing agent shall have and exercise all functions, powers and duties vested in or imposed upon the office under article nine of this chapter or other general law. The foregoing provisions of this section, together with other applicable provisions of this chapter, including those provisions which may be made applicable, shall constitute the structure of the county administrator form of government authorized to be adopted by this chapter.

§ 51. County manager form. A county which shall adopt the county manager form of government shall have a county executive to be called

"county manager." The board of supervisors shall appoint the county manager to serve during the pleasure of the board of supervisors. At the time of his appointment he need not be a resident of the county or the state, but during his term of office he shall reside within the county. No member of the board of supervisors shall, during the term for which he was elected, be eligible for appointment as county manager. Subject to any applicable provisions of the civil service law, the county manager shall appoint, supervise and at pleasure remove every other administrative officer and employee of the county except those elected by vote of the people and their subordinates, except that (1) the county manager may, when authorized by local law, serve without additional compensation as the head of one or more departments not administered by an elective official and (2) the county manager may delegate to any of his subordinates the power to appoint or remove persons working under the supervision of such subordinate. The foregoing provisions of this section, together with the other applicable provisions of this chapter, including those provisions which may be made applicable, shall constitute the structure of the county manager form of government authorized to be adopted by this chapter.

§ 52. County director form. A county which shall adopt the county director form of government shall have a county executive to be called "county director." The board of supervisors shall appoint the county director. The term of office of the county director first appointed shall be four years from and including the first day of January of the year in which the county director form becomes effective in the county. Successors shall be appointed for terms of four years each. Vacancies occurring otherwise than by expiration of term shall be filled by appointment by the board of supervisors for the unexpired portion of the term. The county director may, when authorized by local law, serve as the head of one or more departments not administered by an elective official but without additional compensation. The foregoing provisions of this section, together with other applicable provisions of this chapter, including those provisions which may be made applicable, shall constitute the structure of the county director form of government authorized to be adopted by this chapter.

§ 53. County president form. A county which shall adopt the county president form of government shall have a county executive to be called "county president." The office of county president shall be elective. The term of office of the county president first elected shall be three years from and including the first day of January of the second calendar year in which the county president form becomes effective in the county. Successors shall be chosen by the electors of the county for terms of four years each. A vacancy occurring otherwise than by expiration of term shall be filled by appointment by the board of supervisors and the person so appointed shall hold office until the commencement of the calendar year next succeeding the first general election at which the vacancy may be filled. The county president may, when authorized by local law, serve as the head of one or more departments not administered by an elective official but without additional compensation. The board of supervisors of the county shall continue to have and exercise all the functions, powers and duties of boards of supervisors as now or hereafter provided by this chapter or by other law, except as limited or otherwise provided by this section. The county president shall have power, as provided in subdivision five of section twenty of the municipal home rule law, to veto any local law passed by the board of supervisors. The foregoing provisions of this section, together with other applicable provisions of this chapter, including those provisions of this chapter which may be made applicable, shall constitute the county president form of government authorized to be adopted by this chapter.

§ 54. Modification of alternative form after adoption. A county which shall have adopted an alternative form of county government may, in like manner and with like approval of the electors of the county, as provided by this chapter for submission and adoption of an alternative form of county government, supplement the form of government theretofore approved by adding thereto any provisions which might have been adopted originally or delete or change any provisions of the form so as to leave it in a modified form which could have been adopted originally, and the

form of government as thus modified shall, from and after the time it becomes effective, have the force and effect of, and be deemed to be, an alternative form of county government.

§ 55. Change from one alternative form of county government to another. A county operating under an alternative form of county government may, after the lapse of three years from the date such form becomes effective in the county, abandon its then existing form and adopt another alternative form of county government authorized by this chapter, and such change shall become effective at the time provided in subdivision five of section six hundred fifty-six. No such question shall be submitted more often than once in every four years. All of the provisions of this chapter relating to initiating a proceeding for the adoption of an alternative form of county government and to the submission and approval of the question shall apply also to a change from one alternative form of county government to another as authorized in this section. The question shall be in substantially the following form: "Shall the county of (name of county) abandon its present form of county government and adopt the (name of form) of government?"

§ 56. Abandonment of existing alternative form. A county which shall have adopted an alternative form of county government may, after the lapse of three years from the date such form becomes effective in the county, rescind its previous action and elect to be governed by the provisions of the county law as then or thereafter in force. No such question shall be submitted more often than once in every four years. All of the provisions of this chapter relating to initiating a proceeding for the adoption of an alternative form of county government and to the submission and approval of the question shall apply also to the abandonment of an existing alternative form of county government as authorized by this section. Any such question shall become effective, if approved, on the first day of January of the year specified in the petition or resolution, and if no year be specified, shall become effective on the first day of January of the second year after its adoption. The question shall be in substantially the following form:

"Shall the county of (name of county) abandon its present form of county government and be governed by the county law after January first (year)?"

§ 57. Terms of elective county officials not to be abridged. The term of office of an elective county official shall not be abridged by reason of the approval of any question providing for the adoption in the first instance of an alternative form of county government or modification, change or abandonment, of any such form previously adopted. If an elective official of the county is continued in office after his office is abolished, he shall perform such related duties for the remainder of his term, unless a vacancy otherwise occurs, as may be assigned to him: (1) in case of the modification or change of an existing form of county government, by the county executive; or (2) in case of the abandonment of an existing form, by the board of supervisors of the county. He shall be paid a compensation to be fixed by the board of supervisors and paid by the county.

§ 58. Choice between election and appointment of officials. 1. The office of comptroller, in a county where the office would otherwise be elective, or any elective county office that is being continued except that of a supervisor or a judicial officer, may be made appointive by provision therefor in the petition or resolution by which an alternative form of county government or a change in such a form is initiated and by vote of the people as provided in article fourteen. This option shall apply to elective officers provided for in the constitution as well as to others. By like action the office of county commissioner of public welfare, in a county where the office would otherwise be appointive, or any formerly elective office that has been made appointive pursuant to this section, may be made elective. Whenever one of the options provided for in this section is submitted to the people, it shall be submitted as a separate question. Its adoption may, however, be made contingent on the adoption of another question submitted at the same time if the petition or resolution by which it is initiated so provides.

2. Except as otherwise expressly provided in this chapter, every elective official of a county shall remain elective after the adoption of an alternative form of government and shall continue to perform the functions pertaining to his office.

3. When an office which could be made appointive remains or becomes elective under an alternative form of county government, the term of such office shall be four years from and including the first day of January after each election to the office, except that the term of the first official elected to such office after the alternative form takes effect shall be three years if the term begins in an odd-numbered year. Elections shall take place at the general elections in the last year of each term. When an appointive office is made elective, the first election to the office shall take place at the next general election.

4. When an elective office is made appointive, the appointment shall be made as provided in section two hundred two for a term coterminous with the term of the county executive or board of supervisors making the appointment, except that it may be shortened as provided in subdivision three if the office is made elective and that the person so appointed shall continue to serve until his successor is chosen and has qualified. If a vacancy occurs in such an office, it shall be filled similarly by appointment for the balance of the term.

ARTICLE 3

BOARD OF SUPERVISORS

Section 100. Board of supervisors.

101. General powers.

102. Specific powers.

§ 100. Board of supervisors. 1. A county adopting an alternative form of county government shall continue to have a board of supervisors. The supervisors of the several cities and towns in the county, when lawfully convened, shall constitute the board of supervisors.

2. If the petition or resolution for the adoption of an alternative form of county government or for the modification or change of an alternative form previously adopted shall so provide and the adoption, modification or change shall be approved by the voters as herein provided, the members of the common council or other legislative governing body of each city within the county shall serve as the members of the county board of supervisors representing such city and no separate city supervisors shall be elected. In such case each city shall continue to have the number of votes on the board of supervisors which it would have had if this option had not been exercised and the votes of each city shall be divided equally among the members representing such city.

§ 101. General powers. The board of supervisors of any such county shall be the legislative and policy determining body of the county and shall, except as otherwise expressly provided in the alternative form adopted by the county, continue to be vested with all the functions, powers and duties of the county and of the board of supervisors as now or hereafter provided by law.

§ 102. Specific powers. In pursuance of and in addition to all powers specified in section one hundred one, the board of supervisors, subject to the provisions of the alternative form adopted by the county, shall have power to:

1. Create, organize, alter, consolidate or abolish administrative units and transfer and assign their functions, powers and duties.

2. Exercise all powers of local legislation under the provisions of article six of the county law or other act of the legislature.

3. Adopt the annual county budget as provided in article seven of the county law.

4. Fix the compensation of all officers and employees of the county

paid from county funds, except judicial officers, as provided in the county law.

5. Fix the number of deputies, assistants and clerks in the several administrative units of the county.

6. Provide for the assumption and discharge by county officers and other officials paid from county funds of such functions of cities, towns and villages as may devolve upon the county under or pursuant to the alternative form of county government, or modification or change, adopted by the county.

7. Fix the amount of bonds of all officers and employees paid from county funds.

8. Employ such legal, financial or other technical advisers as may be necessary from time to time, in relation to the performance of any of the functions of the alternative form of government adopted by the county.

9. Make appropriations, levy taxes and incur indebtedness in the manner provided by law for the purpose of carrying out any of the functions, powers and duties conferred or imposed on the county or on any officer or administrative unit of the county, by the alternative form of government adopted by the county or otherwise by law.

10. Make appropriation for the expenses of any advisory board.

11. Investigate the official conduct and the accounts, receipts, disbursements, bills and affairs of any administrative unit or of any officer paid from county funds of the county.

12. Make such studies and investigations as it deems to be in the best interest of the county, and for such purposes subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to the inquiry.

13. Whenever it is not clear what officer shall exercise any power or perform any duty conferred or imposed upon the county or an officer thereof, designate the officer who shall perform the service. Pending action by the board of supervisors, the county executive may make a temporary assignment.

14. Determine and make provision for any matter of county government not otherwise provided for, including any matter involved in transition to the form of government adopted by the county.

15. Enact such county acts and make such reasonable rules and regulations as may be necessary and proper to carry out the form of alternative county government adopted by the county.

ARTICLE 4 COUNTY EXECUTIVE

Section 150. Expiration of term.

151. Compensation.

152. County executive to hold no other elective office.

153. Qualifications.

154. Removal of county executive.

155. Powers and duties.

156. Deputy county executive.

§ 150. Expiration of term. Every county executive elected or appointed for a fixed term shall hold over and continue to discharge the duties of his office after the expiration of his term until his successor is chosen and has qualified, but after the expiration of such term the office shall be deemed vacant for the purpose of choosing his successor. All provisions of section five of the public officers law not inconsistent with this chapter shall apply.

§ 151. Compensation. The county executive shall be paid an annual compensation to be fixed by the board of supervisors of the county in

accordance with the provisions of the county law.

§ 152. County executive to hold no other elective office. The county executive shall, during the term for which he was elected or appointed, hold no other elective office, except as otherwise provided in section fifty of this chapter.

§ 153. Qualifications. A person holding the office of county executive shall have the qualifications prescribed by section three of the public officers law, except as otherwise provided in section fifty-one of this chapter.

§ 154. Removal of county executive. 1. A county president may be removed in the manner provided in sections thirty-three, thirty-four and thirty-five of the public officers law.

2. A county manager may be removed by majority vote of the whole number of the members of the board of supervisors for any reason deemed by the board to be sufficient.

3. An appointive county executive, other than a county manager, may be removed by a two-thirds vote of the whole number of the members of the board of supervisors for any of the following reasons:

(a) because at the time of his appointment he was ineligible or has since become ineligible to hold such office; or

(b) for malfeasance or nonfeasance in office; or

(c) upon conviction of a felony or of a misdemeanor involving moral turpitude; or

(d) for failure to perform the duties of his office in an honorable, competent and reasonably efficient manner; or

(e) if he becomes morally, physically or mentally unfit to act in behalf of the county.

4. Before an appointive county executive can be removed, he must be

given ten days' written notice of the proposed action, and if he so demands, must within ten days after such demand, and at least ten days before the board of supervisors votes to remove him, be furnished with a written statement of the charges against him or the reasons for his removal in order that he may reply thereto. If he so demands within five days after receiving such statement or at any time prior thereto, he shall also have the right to a hearing on such charges or reasons arranged with at least five days' public notice at a public meeting of the board of supervisors held within fifteen days of such demand and the board of supervisors shall not vote on the question of his removal until at least ten days after such hearing. Pending removal, the board of supervisors may suspend him from office, except that the period of suspension shall not exceed fifty days. The action of the board of supervisors in suspending or removing a county manager shall not be subject to review. Such action in suspending or removing a county executive other than a county manager shall be subject to review under article seventy-eight of the civil practice law and rules.

§ 155. Powers and duties. 1. The county executive, except as otherwise provided by this chapter or by other law, shall:

- (a) Be the administrative head of the county government.
- (b) Have supervision, direction and control over governmental functions of all administrative units of the county.
- (c) Have and exercise all functions, powers and duties of budget officer under article seven of the county law.
- (d) Do and perform such additional acts, duties and governmental functions as may be delegated to him by county act.
- (e) Report to the board of supervisors annually on or before the first day of February, a statement of the activities of the several administrative units of the county during the preceding fiscal year in such detail as the board of supervisors shall direct.
- (f) See that all laws of the state and all county acts pertaining to the administration of county government are enforced.
- (g) Report to the board of supervisors the failure of any county officer or other official paid from county funds, or the head of any administrative unit, institution or other county agency to enforce any

law or county act which such official has been charged to perform.

(h) Examine and approve or disapprove the form and sufficiency of sureties on official bonds and undertakings.

(i) Report to the board of supervisors the removal of any appointive officer or employee of the county in the manner and within the time prescribed by local law.

(j) Present to the board of supervisors, from time to time, such information concerning the affairs of the county as he may deem necessary or as the board of supervisors by county act may request.

(k) Attend meetings of the board of supervisors if he so desires or is requested by the board of supervisors so to do.

2. When delegated to him by county act, the county executive shall have and exercise the following functions, powers and duties: (a) to coordinate the various activities of the county and unify the management of its affairs; (b) to cause an audit and examination to be made of the books, records and papers of any administrative unit of the county and of any county officer or other official paid from county funds and report thereon to the board of supervisors with all convenient speed; and (c) to supervise the administration of all functions transferred to the county from units of local government and make recommendations thereon to the board of supervisors.

§ 156. Deputy county executive. 1. The board of supervisors shall have power to authorize the county executive to appoint one or more deputy county executives. Every appointment of a deputy county executive shall be in writing filed and recorded in the office of the county clerk. Any such appointment may be revoked by the county executive at any time by filing a written revocation in the office of the county clerk.

2. A deputy county executive shall perform such duties pertaining to the office as may be directed by the county executive.

3. The deputy designated by the county executive for the purpose shall have the powers and perform the duties of the county executive during his absence or disability.

4. If more than one deputy county executive shall be appointed, the county executive shall designate in writing and file in the office of the county clerk and clerk of the board of supervisors the order in which such deputies shall exercise the powers and duties of the office in the event of the absence or inability of such county executive to perform the duties of the office.

5. The head of any department may be designated to serve as deputy county executive but without additional compensation. In the event that no deputy county executive has been appointed or designated, or in the event that the deputy appointed or person so designated is unable to serve, the board of supervisors shall designate the head of a department or other qualified person to perform the duties of the office during the absence or inability of the county executive.

ARTICLE 5

COUNTY DEPARTMENTS AND OFFICES

Section 200. Departments.

201. Reorganization of departments.

202. Department heads.

203. Elective and appointive officers.

204. Confirmation by board of supervisors.

205. Vacancies in elective offices.

206. Organization of departments and offices.

207. Abolition of register or registrar.

§ 200. Departments. Each county adopting the county manager form, the county director form or the county president form shall have a department of finance, a department of audit and control, a department of public works, a department of purchase and a department of public welfare. Each county adopting the county administrator form shall have a department of finance and a department of public welfare. All offices, commissions, boards, bureaus and other agencies of the county, so far as consistent with the alternative form adopted, shall continue until

modified, amended, superseded or repealed by or pursuant to the alternative form of county government adopted, or by or pursuant to local law.

§ 201. Reorganization of departments. When authorized by local law, and in accordance with its provisions, the county executive may establish additional departments or change the functions of existing departments under his jurisdiction, provide for their organization and maintenance and assign to each the functions it shall perform, including functions exercised at the time of such reorganization by any other administrative departments, offices or agencies of the county not headed by elective officers. Any such department, office or agency, when all of its functions are so assigned, may be abolished by local law. County functions not expressly assigned by this chapter shall be distributed among departments as may be provided by local law.

§ 202. Department heads. 1. The county executive shall appoint, to serve during his pleasure, the head of every department or office not administered by an elective official, except that an appointive auditor or comptroller shall always be appointed by the board of supervisors and except as otherwise specifically provided in this chapter. The appointment of the head of any department or office in a county adopting the county administrator form, the county director form or the county president form, shall be subject to confirmation by the board of supervisors. The county executive may with the approval of the board of supervisors appoint one head for two or more departments. All appointments shall be in writing under the hand of the county executive and filed and recorded in the office of the county clerk. A duplicate certificate of each appointment shall be filed with the clerk of the board of supervisors within ten days after the appointment is made.

2. Subject to the provisions of section five of the public officers law, the head of any such department or office, unless reappointed for a new term, shall not be authorized or permitted to serve beyond the term of the county executive by whom the appointment was made, except that he

shall continue to serve until his successor is appointed and has qualified.

3. In any county adopting the county administrator form, the county director form or the county president form, the county executive may appoint the head of any department by interim appointment pending confirmation. Any such interim appointment shall be effective for ninety days only and may not be renewed or extended. The county executive may, however, act as head of the department, or designate a deputy in the department to be acting head until the appointment is confirmed or the position otherwise filled.

4. The head of a department, one deputy and the confidential secretary of the head of each department or office shall be in the exempt class of the civil service. This section shall not affect any other position in the exempt class now or hereafter included therein by or pursuant to law.

5. Except as otherwise provided in this chapter and subject to any pertinent provisions of the civil service law, the head of every department and office shall appoint all of his subordinates. Except as otherwise provided in the civil service law, such subordinates shall serve during his pleasure.

§ 203. Elective and appointive officers. Except as otherwise provided in this chapter, all officers paid from county funds shall continue to be elected or appointed as provided in the constitution and laws of this state.

§ 204. Confirmation by board of supervisors. Confirmation of appointment of the head of any department or office when required, shall be by affirmative vote of a majority of the whole number of members of the board of supervisors taken at a regular meeting or at a special meeting of the board of supervisors called for that purpose.

§ 205. Vacancies in elective offices. Vacancy in the offices of sheriff, coroner, county clerk, register, district attorney, and county treasurer shall be filled by the governor with the advice and consent of the senate if in session. When a vacancy shall occur, otherwise than by expiration of term, in the office of judge of the county court, surrogate, or judge of the family court outside the city of New York, it shall be filled for a full term at the next general election held not less than three months after such vacancy occurs and, until the vacancy shall be so filled, the governor by and with the consent of the senate, if the senate shall be in session, or, if the senate not be in session the governor may fill such vacancy by an appointment which shall continue until and including the last day of December next after the election at which the vacancy shall be filled. All other vacancies in an elective county office shall be filled by the board of supervisors.

§ 206. Organization of departments and offices. Subject to approval by the board of supervisors of the county, the county executive may organize departments and offices into such divisions, bureaus or offices and make such assignments of functions, powers and duties among them, and from time to time change such organization or assignments, as he may consider advisable.

§ 207. Abolition of register or registrar. The office of register or registrar, where such office exists in any county operating under an alternative form of county government, may be abolished by local law and its functions, powers and duties transferred to the county clerk, and such local law shall not require submission to the people. Such abolition and transfer may also be provided for in the petition or resolution by which an alternative form of county government, or a change in such a form, is initiated.

ARTICLE 6
DEPARTMENT OF FINANCE

Section 250. Department of finance.

251. Powers and duties.

§ 250. Department of finance. The head of the department of finance shall be the director of finance, except that in counties adopting the county administrator form, the head of the department shall be the county treasurer. The director of finance shall be appointed as provided in section two hundred two. In counties adopting the county manager form, the county director form or the county president form, the office of county treasurer is abolished and the functions, powers and duties of the office, except as otherwise expressly provided, shall devolve upon the department of finance. In a county in which the office of county treasurer is abolished, the county treasurer in office at the time the alternative form becomes effective in the county, shall perform the duties of director of finance, unless a vacancy otherwise occurs, until the expiration of the term for which he was elected county treasurer. Whenever in this chapter the term "director of finance" is used, it shall be deemed to mean and to refer to the county treasurer in counties adopting the county administrator form of government.

§ 251. Powers and duties. The director of finance, or county treasurer, as the case may be, subject to the powers and authority of the board of supervisors and of the county executive, shall:

1. Be the chief fiscal officer of the county.
2. Have charge of the administration of all the financial affairs of the county, except as otherwise provided in this chapter.
3. Receive and have custody of all public funds belonging to or handled by the county.
4. Collect all taxes, assessments, license fees and other revenues of the county for whose collection the county is responsible, except those payable by law to the county clerk or sheriff.

5. Deposit all funds coming into his hands in such depositories as may be designated by resolution of the board of supervisors, or if no such resolution be adopted then as designated by the county executive, subject to the requirements of law as to depositories and depositories' undertakings.

6. Have supervision over and be responsible for the disbursement of all county funds.

7. Require reports of receipts and disbursements from all spending agencies of the county to be made daily, or at such intervals as may be required by county act.

8. Submit to the board of supervisors annually on or before the first day of February a complete financial statement containing a general balance sheet for the county, and at such other times as may be required by county act.

9. Have charge of the administration of the function of assessment of real property for taxation, in the event such function shall be transferred from units of local government to the county, unless otherwise delegated by local law.

10. Perform all the duties required by any law to be performed by the county treasurer, unless such duties shall have been assigned to some other county department or officer.

11. Have the custody, investment and management of any sinking funds provided for the payment or redemption of county debts.

12. Perform such additional and related duties as the board of supervisors shall require by county act.

ARTICLE 7
DEPARTMENT OF AUDIT AND CONTROL

Section 300. Department of audit and control.

301. Powers and duties.

302. Audit and payment of claims.

§ 300. Department of audit and control. 1. The head of the department of audit and control in a county operating under the county manager form, the county director form or the county president form shall be the comptroller. The office of comptroller shall be elective, except that under the county manager form it shall be appointive and under any of the other forms provided by this chapter it may be made appointive by vote of the people as provided in section fifty-eight.

2. If the comptroller is elective, the first comptroller elected under the form adopted shall be elected at the first general election after its adoption, except that, if the county has an elective county auditor at the time of such adoption, the first comptroller shall be elected at the general election in the last year of the term of the last county auditor elected or, if the office of such auditor becomes vacant before the last year of his term, at the next general election thereafter at which the vacancy may be filled by the election of a comptroller. The second comptroller shall be elected at the general election in the second odd-numbered year after the year in which the first comptroller is elected, and subsequent comptrollers shall be elected at the general election in every fourth year thereafter. The term of office of the comptroller shall be four years from and including the first day of January next following his election, except that the first comptroller elected shall serve for a term of three years if he is elected in an even-numbered year. A vacancy in the office of an elective comptroller occurring otherwise than by expiration of term shall be filled by appointment by the board of supervisors and the person so appointed shall hold office until the commencement of the calendar year next succeeding the first general election at which the vacancy may be filled.

3. If the comptroller is appointive, he shall be appointed by the board of supervisors for an indefinite term and shall be removable by

the board of supervisors at its pleasure. If the office becomes vacant in such a county, the board of supervisors may appoint an acting comptroller pending its appointment of a new comptroller.

4. In counties adopting the county manager form, the county director form or the county president form, the office of county auditor is abolished, and the functions, powers and duties of the office shall devolve upon the department of audit and control.

5. In a county having an elective county auditor wherein the office is thus abolished, the last county auditor elected before the alternative form becomes effective in the county shall perform the duties of comptroller, unless a vacancy otherwise occurs, until the expiration of the term for which he was elected county auditor. If the office of the last auditor elected becomes vacant otherwise than by expiration of term, the board of supervisors shall forthwith appoint a comptroller, who shall serve until his successor is elected or appointed and has qualified.

6. In a county having no county auditor or having an appointive county auditor in which the form adopted provides for a comptroller, the board of supervisors shall appoint a county comptroller as soon as the alternative form takes effect and the person so appointed shall succeed the county auditor, if any, forthwith and hold office until his successor is elected or appointed and has qualified.

7. Nothing in this article contained shall be construed to impair the powers of the county auditor in counties adopting the county administrator form of government.

§ 301. Powers and duties. The county comptroller shall:

1. Examine, audit and verify all books, records and accounts kept by the various administrative units, offices, officials paid from county funds, institutions and other agencies of the county, including bond and note registers and trust accounts, and the accrual and collection of all

county revenues and receipts, and for this purpose have access to all such books, records and accounts at any time.

2. Procure from the depositories with which the director of finance shall have deposited the funds and moneys coming into his possession, statements, at least monthly, of all moneys deposited by the director of finance or paid out pursuant to his order, and reconcile such statements with the county accounts.

3. Prescribe such methods of accounting for the county and other units of local government of the county as he may deem necessary, provided the same shall have been approved by the state comptroller and county executive.

4. Submit to the board of supervisors periodic reports in such form and detail and at such times as may be prescribed by county act.

5. Be the auditing authority of the county.

6. Perform such additional and related duties as the board of supervisors shall require by county act.

§ 302. Audit and payment of claims. All claims, accounts and demands against the county shall be submitted, audited, allowed and paid in the manner provided by section three hundred sixty-nine of the county law as now in force or hereafter amended.

ARTICLE 8

DEPARTMENT OF PUBLIC WORKS

Section 350. Department of public works.

351. Powers and duties.

§ 350. Department of public works. The head of the department of public works shall be the director of public works. In counties adopting

the county manager form, the county director form and the county president form, the office of county superintendent of highways and of county engineer, if any, is abolished and the functions, powers and duties of the office shall devolve upon the department of public works. Nothing in this article contained shall be construed to impair the powers of the county superintendent of highways in counties adopting the county administrator form of government, and the county superintendent of highways of any such county shall continue to have and exercise the functions, powers and duties of his office as now or hereafter provided by law.

§ 351. Powers and duties. The director of public works shall:

1. Have charge of the construction and maintenance of county roads, bridges, sewers, drains and all other public works of the county.
2. Have charge of the construction, repair, upkeep and care of all public buildings, storerooms and warehouses of the county.
3. Have charge of such equipment and supplies as the board of supervisors may authorize.
4. Have general supervisory power over town superintendents of highways.
5. Have charge of county parks and playgrounds, athletic fields and recreation centers, together with all buildings, structures, equipment and appurtenances thereof, except in counties having a park and recreation commission.
6. Have supervision of all public works and co-operate with and advise any public works, sewer, water or other commission or bureau or department specially created, and through his department provide engineering services for all county departments, unless otherwise specified by law.

7. Have and exercise all the powers and duties of the county superintendent of highways as now or hereafter prescribed by law.

8. Have all the powers and be subject to all the duties of the town superintendent of highways for every town in the county if the form adopted provides for the transfer to the county of the functions of towns in relation to the construction and maintenance of town highways and bridges, and of the corresponding officials of any other units of local government from which such functions are similarly transferred to the county.

9. Perform such additional and related duties as may be prescribed by general or special law or by county act.

ARTICLE 9

DEPARTMENT OF PURCHASE

Section 400. Department of purchase.

401. Powers and duties.

§ 400. Department of purchase. The head of the department of purchase shall be the county purchasing agent. Nothing in this article contained shall be construed to impair the powers of the county purchasing agent in counties adopting the county administrator form of county government, and the county purchasing agent of any such county shall continue to have and exercise the functions, powers and duties of his office as now or hereafter provided by the county law.

§ 401. Powers and duties. The county purchasing agent except in a county having adopted the county administrator form of county government:

1. Shall, within the amount of the unencumbered balance provided by appropriation therefor, make all purchases and contracts for the various administrative units, officers and other officials paid from county

funds, institutions and other agencies of the county, except the purchase of real estate, and may also make purchases for units of local government of the county if authorized by local law and by appropriate action by the governing board or body of the unit of local government affected.

2. May with the approval of the county executive, transfer supplies, materials, equipment and other articles from one administrative unit of the county to another.

3. May with the approval of the county executive, sell, trade in and exchange supplies, materials, equipment and other articles of the county.

4. May with the approval of the county executive, establish suitable specifications and standards for all supplies, materials, equipment and other articles which the county purchases, and may inspect deliveries of all such materials, equipment and other articles to determine their compliance with such specifications and standards.

5. Shall let only after public advertisement and competitive bidding every purchase or contract in an amount exceeding one thousand dollars under rules and regulations to be established by local law except that he may make any such purchase or contract without public advertisement or competitive bidding: (a) when, by resolution duly adopted by a two-thirds vote of the whole number of the members of the board of supervisors, it is determined to be impracticable to advertise for such bids or that a public emergency exists requiring immediate action; (b) when the heating, ventilating, lighting, plumbing, air conditioning, water, gas, sewerage or other operation functions, or the machinery, apparatus or equipment of any of the public buildings of the county shall become disabled, or any of the said buildings or parts thereof shall be rendered unusable by reason of the sudden action of the elements or any other unusual cause, and the county executive shall certify in writing to the county purchasing agent such emergency and the necessity of immediate repair of such defects, or (c) whenever the machinery, apparatus or equipment of any kind for the upkeep of highways

becomes disabled or worn and the county executive shall certify in writing to the necessity of purchases of new parts for repairs to the same.

6. Shall not furnish any supplies, materials, equipment or other articles to any county-using agency, except upon receipt of a requisition approved by the head of such county-using agency, and unless there be an unencumbered balance of appropriation available for payment of the same.

7. Shall advertise for such bids when so required for at least three consecutive days in an official newspaper of the county and let the contract to the lowest responsible bidder who in the opinion of the county purchasing agent is able to supply the items to be purchased to the best interest of the county.

8. Shall, upon dates to be fixed by the board of supervisors and covering periods to be specified by it, furnish to the director of finance and to the clerk of the board of supervisors verified statements of all purchases together with the quantity and price and shall furnish to the board of supervisors such additional statement as the board of supervisors shall direct.

9. Shall perform such additional and related duties as may be delegated to him by county act.

ARTICLE 10

DEPARTMENT OF PUBLIC WELFARE

Section 450. Department of public welfare.

451. Powers and duties.

§ 450. Department of public welfare. 1. The head of the department of public welfare shall be the county commissioner of public welfare. Any inconsistent provision of this chapter notwithstanding, the county commissioner of public welfare shall be appointed by the county

executive in accordance with the provisions of the social welfare law for a term of five years. A vacancy in the office of the county welfare commissioner whether occurring by expiration of term or otherwise shall be filled by appointment by the county executive.

2. Any inconsistent provision of this chapter notwithstanding, the deputy commissioners of public welfare, if any, shall be appointed and serve in accordance with the provisions of the social welfare law.

§ 451. Powers and duties. The county commissioner of public welfare shall:

1. Have all the powers and perform all the duties conferred on or required of a county commissioner of public welfare under the social welfare law.

2. Have charge of the county home, county hospital, and any other public welfare institution maintained by the county.

3. Perform such additional and related duties as may be delegated to him by county act.

ARTICLE 11

PARKS, PLAYGROUNDS AND RECREATION CENTERS

Section 500. County park and recreation commission.

501. Parks, playgrounds and recreation centers.

502. Powers of commission.

§ 500. County park and recreation commission. The board of supervisors of any county adopting an alternative form of county government under this chapter may create a county park and recreation commission. The commission shall consist of five members to be appointed by the county executive with the approval of the board of supervisors. One of the members shall be designated as chairman by the county executive with the

approval of the board of supervisors. The term of office of the members of the commission shall be five years, except that of those first appointed, one member shall be appointed for five years, one for four years, one for three years, one for two years and one member shall be appointed for one year. Successors shall be appointed in the same manner as those originally appointed for terms of five years each. A vacancy occurring otherwise than by expiration of term shall be filled by appointment for the unexpired portion of the term. The members of the commission shall receive for the services such compensation as may be fixed by the board of supervisors, together with their actual expenses incurred in the performance of their duties. The commission, with the approval of the county executive, may appoint and at pleasure remove an executive secretary and employ and contract for such engineers, architects, experts and employees as may be necessary to perform the duties of the commission. The secretary and each such engineer, architect, expert or other employee shall receive a compensation to be fixed by the commission within the scale and line item schedule of funds appropriated by the board of supervisors. In any county having a department of public works, county engineers and county architects, when available, shall be assigned temporarily to the work of the commission but without additional compensation. Nothing in this section contained shall affect the civil service or retirement rights of any person assigned to the work of the commission.

§ 501. Parks, playgrounds and recreation centers. 1. The county is hereby authorized to accept by gift and to acquire by purchase, condemnation, lease or permit, and to own, construct, operate, maintain and repair anywhere within the county outside of cities, parks, playgrounds, athletic fields and recreation centers, together with necessary buildings, structures, equipment and appurtenances, including, but without limitation, public baths, swimming pools and auditoriums, and to make the cost thereof a county charge. The county may contract with any town or village for the operation by the county or by such town or village of any park, playground, athletic field or recreation center located within such town or village, whether owned by the county or by such town or village, and make the cost thereof a county charge.

2. The board of supervisors shall have power by county act to regulate the use of and to establish a schedule of charges for the use of such parks, playgrounds, athletic fields, recreation centers and facilities therein and may prescribe reasonable penalties for violations of its rules and regulations. The board of supervisors may authorize the operation, granting and sale of concessions by the commission or others in or in connection with any such park, playground, athletic field or recreation center. All moneys received by the commission shall belong to the county and shall be paid into the county treasury monthly on or before the tenth day of the month. The board of supervisors, upon determination by county act that any playground, athletic field or recreation center, or part thereof, or facility therein, is no longer required for public use, may authorize the commission to sell or lease the same under rules and regulations to be prescribed by local law.

§ 502. Powers of commission. The county park and recreation commission shall, subject to such rules and regulations as the board of supervisors shall prescribe, have supervision, direction and control over the operation, maintenance and repair of all parks, playgrounds, athletic fields and recreation centers, including buildings, structures, equipment and appurtenances constructed or otherwise acquired by the commission within the county outside cities.

ARTICLE 12

OPTIONAL TRANSFER OF POWERS

Section 550. County assessment of real property.

551. County collection of taxes.

552. County planning commission.

553. Transfer of functions from units of local government.

§ 550. County assessment of real property. 1. If the alternative form of county government, or the modification or change of any such form, shall provide for the transfer to the county of the function of

assessment of real property from the towns, villages or cities, the director of finance, or county treasurer, as the case may be, shall have all the powers and perform all the duties of the assessment officers of the unit of local government from which the functions of assessment have been transferred to the county. All provisions of law which apply to the assessment officers of such units of local government shall apply to such officer, except that the board of supervisors may, by local law, enact such provisions relating to the assessment of property in such units of local government as shall not be inconsistent with the general plan for the assessment of property contained in the tax law and subject to the general supervision and authority of the state tax commission, but which may include, without limitation of the power thus conferred, a rearrangement of dates for the performance of acts, or the method of giving notices, or the place of filing the assessment-roll so as to coordinate the assessment work; provided, however, that the county board of assessment review of such county, if there be one, shall review such assessments in the manner provided in this article. It shall be the duty of the director of finance to adopt scientific methods of assessment, including tax and land value maps in the form approved by the state tax commission.

2. If the function of assessment of real property is transferred from the towns or the cities to the county, the school districts or parts thereof within such towns or cities shall use the county assessment.

3. If the alternative form of county government provides for the transfer to the county of the function of assessment of real property from any units of government within the county, such form may provide for a board of assessors, either three or five in number as provided in the petition or resolution by which the form or the question of adopting such board is initiated to be appointed by the board of supervisors upon recommendation of the county executive. At least one of such assessors shall be a resident of a city in the county if there be any such city, and at least one shall be a resident of the county outside of any city. In case of the appointment of a board of assessors, the director of finance shall have general supervisory power only over such board, and shall not have charge of the administration of the function of

assessment of real property for taxation, which function shall be performed solely by the board of assessors.

§ 551. County collection of taxes. 1. If the alternative form of county government, or the modification or change of any such form, shall provide for the transfer to the county of the function of collection of taxes and special assessments from the school districts, towns, villages or cities to the county, the director of finance shall have all the powers and perform all the duties of the tax-collecting officers of the units of local government from which the function of collecting taxes and special assessments has been transferred to the county and also, if the function has been transferred from the towns to the county, shall collect all taxes and special assessments for other tax and assessment districts within such towns.

2. All provisions of law which would govern the collection of taxes and special assessments, if that function had been retained by the respective units of local government, shall apply to the collection of taxes and assessments by the director of finance, except that the board of supervisors may provide for the collection of taxes and special assessments by local law, and such law, so long as it shall remain in effect, shall supersede inconsistent provisions of any general or special law. Such a local law shall not become effective until approved by the state tax commission. Any such local law may provide for payment of taxes in installments.

3. The county tax collection official shall mail to each property owner, on or before the day when taxes or installments thereof become due, a bill containing a brief description of the property assessed, the assessed valuation and the amount of taxes then due, together with a statement as to when and where payable, and the penalties for non-payment with the dates when such penalties become effective. Whenever it shall appear from the records of the county tax collection official that arrears of taxes or special assessments, or both, are outstanding against any parcel for which a tax bill is prepared, the amount of such arrears shall be entered upon the bill with a statement

that the same are in arrears. On the reverse side of each such bill shall be printed the assessed valuations and tax rates for the county and for each unit of local government a tax for which is included in the bill. Whenever any taxes shall have remained due and unpaid for the period of six months, the county tax collection official shall mail a second bill therefor to each property owner, and may in his discretion, and shall upon direction of the county executive, send bills at other periods. The provisions of this section with respect to the mailing of tax bills and statements of arrears are for the benefit of taxpayers, provided that failure to mail any such bill or statement, or failure of the addressee to receive the same, shall not in any manner affect the validity of the taxes or the penalties imposed by law with respect thereto.

4. All of the provisions of law which would be applicable if taxes were collected by units of local government shall apply to county tax collections, unless modified by local law, but no local law shall be enacted which shall effect a change in the disposition required to be made of taxes by the collecting officer.

§ 552. County planning commission. 1. If the alternative form of county government, or the modification or change of any such form, shall so provide, there shall be a county planning commission in such county. Such commission shall consist of seven members who shall be appointed by the board of supervisors and either one or two ex-officio members as hereinafter provided. Of the appointive members of the commission, three shall be appointed for terms of one year, three for terms of two years and one member shall be appointed for a term of three years. Successors shall be appointed for terms of three years each. A vacancy occurring otherwise than by expiration of term shall be filled by appointment by the board for the unexpired term. The county executive and director of public works in a county having such a director, shall be ex-officio members of the commission. The appointive members of the commission shall receive a compensation to be fixed by the board of supervisors at not exceeding ten dollars for each meeting actually attended, together with their necessary traveling and other expenses

incurred in the performance of their duties. Such commission shall have power, within the limits of the appropriation made by the board of supervisors, to employ a secretary and other necessary clerical assistants and employ or contract with such technical assistants as may be necessary from time to time to give full effect to the provisions of this section. The department of public works, in counties having such a department, shall furnish such engineering service as may be required by the commission.

2. The county planning commission shall have control of land subdivisions in towns outside cities and villages, and no map subdividing land into lots for residential or business purposes in any such town shall be accepted for filing by the county clerk unless it shall have been first approved by the county planning commission and shall have such approval endorsed thereon.

3. It shall be the duty of the county planning commission to make and recommend to the board of supervisors a master plan for the physical development of the county, which plan, with the accompanying maps, plats, charts and descriptive matter, shall set forth recommendations of the commission for the development of the county, including, without excluding any other thing: (a) the general location, character and extent of streets, highways, viaducts, subways, bridges, waterways, water fronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, public and private parking spaces, and other public ways, grounds and open spaces; (b) the general location of public buildings and other public property; (c) the general location and extent of public utilities and terminals whether publicly or privately operated, for water, light, sanitation, transportation and communication, power and other purposes; and (d) the removal, relocation, alteration, vacating, abandonment, change of use or extension of any of the foregoing features of the plan. As the work of carrying the master plan into effect progresses, such commission may, from time to time, recommend to the board of supervisors that action be taken with respect to a part or parts thereof covering one or more major sections or divisions of the county or one or more of the functional matters included in the plan. Before recommending the master plan or any

part thereof, or any amendment, extension or addition thereto, to the board of supervisors, such commission shall hold at least one public hearing, of which it shall give at least seven days' notice by publication in the newspapers designated to publish the concurrent resolutions of the legislature. In addition, at least seven days' notice of the hearing shall be given in writing to the supervisor and town clerk of each town and to the mayor and clerk of each city or village, any portion of which falls within the part of the master plan under consideration. Any recommendation made by such commission must be by resolution carried by the affirmative vote of not less than five members, failing which, the resolution shall be deemed to have been lost.

4. The board of supervisors shall have power by local law to adopt the master plan recommended by the county planning commission, or any portion, amendment or extension thereof or addition thereto, in so far as the same relates to any portion of the county other than the territory within the boundaries of any city, or village which have adopted a plan of development and also any portion which relates to state highways and county or town roads, county buildings and navigable waterways, irrespective of whether they may be located within the boundaries of any city or village or elsewhere within the county. Upon the adoption of any such local law, the board of supervisors shall file with the county clerk forthwith a certified copy thereof, including copies of all relevant maps and plans.

5. Whenever a master plan, or one or more parts thereof, shall have been adopted as hereinbefore provided, no street, square, park or other public way, ground, open space or other public place, public building, structure or public utility (whether publicly or privately owned) shall be constructed or authorized in any portion of the county in respect to which said plan or part thereof has been adopted, until the location, character and extent thereof shall have been submitted to and approved by the county planning commission as conforming to the general intent and purpose of the master plan. The county planning commission shall make rules relating to such matters, which shall provide for notice to all parties interested, including units of local government which may be

affected thereby, and including the office of parks and recreation if the matter submitted relates to any portion of the county within two hundred feet of any state park or parkway. If the matter submitted relates to the territory of any unit of local government which has adopted a plan of development prior to the adoption of the master plan, such plan shall not be superseded except by a two-thirds vote of the whole number of members of the county planning commission.

6. The laws conferring authority upon units of local government and the officers, boards and commissions thereof, to adopt ordinances regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes shall continue in full force and effect and such ordinances shall continue in full force and effect in such units of local government, provided, however, that if such master plan and the provisions of any such zoning ordinance conflict, such master plan shall supersede such zoning ordinance, if, in such respect it shall be reaffirmed by a two-thirds vote of the whole number of the members of the county planning commission, after a hearing thereon in the manner provided for the adoption of such master plan.

§ 553. Transfer of functions from units of local government. 1. A petition or resolution for the adoption of an alternative form of county government, for the modification of an alternative form previously adopted or for a change from one such form to another may provide for the transfer of any of the following functions, powers and duties of units of local government within the county to the county or from one kind of unit of local government within the county to another:

(a) From the towns to the county:

- (1) Assessment of property.
- (2) Collection of taxes and special assessments.
- (3) Maintenance and construction of town highways and bridges.

(b) From the villages to the county:

- (1) Assessment of property.

(2) Collection of taxes and special assessments.

(3) Maintenance and construction of village highways and bridges, provided that the similar function has been, or is simultaneously being proposed to be, transferred from the towns to the county. If such a transfer from the towns, simultaneously submitted, is not approved, any approval of such a transfer from the villages shall be of no effect.

(c) From the cities to the county:

(1) Assessment of property.

(2) Collection of taxes and special assessments.

(3) Maintenance and construction of city highways and bridges, provided that the similar function has been, or is simultaneously being proposed to be, transferred from the towns and villages, if any, to the county. If such a transfer from the towns or villages, simultaneously submitted, is not approved, any approval of such a transfer from the cities shall be of no effect.

(d) From the school district to the county:

(1) Collection of school taxes.

(e) From the villages to the towns:

(1) Assessment of property.

(2) Collection of taxes and special assessments.

(3) Maintenance and construction of village highways and bridges.

(f) From school districts to the towns and cities, if any:

(1) Collection of school taxes.

Nothing in this section shall be construed to prevent the transfer of functions by other methods when authorized by other provisions of law.

2. If the petition or resolution for the adoption of an alternative form of county government or for the modification or change of an alternative form previously adopted, shall provide for the transfer from any or all of the units of local government to the county, of:

(a) The functions thereof in relation to the assessment of property, such functions shall be exercised in the manner provided in section five hundred fifty.

(b) The functions thereof in relation to the collection of taxes and special assessments, such functions shall be exercised in the manner provided in section five hundred fifty-one.

(c) The functions thereof in relation to the maintenance and construction of highways and bridges, such functions shall be exercised in the manner provided in section three hundred fifty-one, except that in a county having the county administrative form of county government such functions shall be exercised by the county superintendent of public works.

3. If the petition or resolution for the adoption of an alternative form of county government or for the modification or change of an alternative form previously adopted, shall provide for the transfer from the villages to the towns, of:

(a) The functions thereof in relation to the assessment of property, the assessors of each town shall annually, but not later than the first day of October, certify and file in the office of the village clerk of each village wholly or partly contained in such town, one copy of the assessment-roll of the town filed in the office of the town clerk, pursuant to section twenty-nine of the tax law, in so far as the same shall relate to property contained within the corporate limits of such village. The assessment-roll so filed in the office of the village clerk shall constitute the assessment-roll of the village or part thereof within the town, and the office of assessor in such village shall be abolished, unless the village is partly within another county in which the function of assessment of property has not been transferred to the towns, in which case the village assessor shall continue to perform his duties for the part of the village within the other county.

(b) The functions thereof in relation to the collection of taxes and special assessments, the board of trustees of each village wholly or partly within the county shall annually issue to the receiver of taxes and assessments, the tax collector or the town clerk, as the case may be, of each town within the county which contains any part of such village, a warrant for the collection of the village taxes and assessments for property within such town, and such officer shall have all the powers and be subject to all the duties of a village treasurer or other village officer charged with the duty of collecting taxes and special assessments for such village or part thereof within such town.

4. If the petition or resolution for the adoption of an alternative

form of county government or for the modification or change of an alternative form previously adopted, shall provide for the transfer from the school districts to the towns and cities, if any, of the functions thereof in relation to the collection of school taxes, the collector of each town or the town clerk of a town in which the office of collector has been abolished pursuant to section thirty-six of the town law, and the tax collecting official of each city within the county, shall have and possess and exercise in the manner and within the time prescribed by law all the rights, powers and authority possessed and exercised by the school district collectors in such town or city and it shall be his duty to receive and collect all school taxes and all other moneys provided by law to be paid to the school district collector. If the school district shall include territory in two or more towns or in one or more towns and a city, the board of education or trustee or trustees of such district shall divide the tax roll of such school district so as to set forth separately that portion of the district contained in each town or city and shall deliver to the collector or town clerk or city collecting official, as the case may be, the portion of the tax roll which includes the property of the district contained in the town or city for which he collects taxes and a warrant for the collection of the taxes levied thereon. All school district moneys collected shall be deposited to the credit of the school district in such bank or banks as may be designated from time to time by the board of education or trustee or trustees of the school district. Whenever the function of collecting school taxes shall be transferred to a town or city, the undertaking of the town collector or town clerk or city collecting official, as the case may be, shall be further conditioned that he will well and truly keep, pay over and account for all school district taxes and such undertaking shall be in lieu of any other bond or undertaking otherwise required by law in the collection of such school district taxes and the proper accounting therefor, and the trustees of every school district for which such town collector or town clerk or city collecting official shall act as collector shall have and may exercise the same powers and remedies with respect to such undertaking as is given them with respect to the official bond of the collector by the provisions of article forty-three of the education law or by the provisions of any other general or special law.

5. If any alternative form of government or the modification or change of such form shall be adopted which provides for the transfer of all of the functions of any officer, office, department or agency of any unit of local government to the county or to another unit of local government, such officer, office, department or agency shall be abolished, except that no such transfer shall have the effect of shortening the term of office of the incumbent of any elective office, but any such incumbent, at the time such new form of government becomes effective, shall turn over all books, records and other papers pertaining to the conduct of his office to the department, office or agency which succeeds to such powers and duties. Any such incumbent, until the end of his term, shall serve in an advisory capacity to the department, office or agency to which the powers and duties of his office have been transferred, except that the county executive, if the functions have been transferred to the county, or the board of trustees, common council or other elective governing body of the town, village or city, if the functions have been transferred to such town, village or city, may require any such incumbent to continue the active performance of his powers and duties for any period within the term for which he was elected and until such county executive or elective governing body shall direct the transfer of the records of the office. Any officer whose powers and duties are transferred as in this section provided shall be compensated in an amount to be fixed by the county executive with the approval of the board of supervisors, or the elective governing body of the town, village or city, as the case may be, during the remainder of his term.

6. In the event of the transfer of a function from a unit of local government to the county, or from one unit of local government to another, the cost of the performance of such function by the transferee shall be paid in the first instance by the transferee from current funds but be a charge against the transferor, to be audited and paid in the same manner as other charges against the transferor, except that if any function performed by a transferee shall be of general benefit throughout the entire territory of such transferee the costs thereof may be provided by a tax upon all of the property within the boundaries of

the transferee.

7. If the petition or resolution pursuant to which an alternative form of government or modification or change is adopted shall so provide, the cost to the transferor of the performance of any function in any cases where functions are transferred pursuant to such petition or resolution, shall be determined on the basis of a contract to be entered into between the transferor and the transferee. The amount agreed upon under any such contract shall be raised by taxation upon the property of the transferor in the same manner as taxes were raised for the cost of such function prior to the transfer.

8. In any case where there shall have been a transfer of a function pursuant to this section, any outstanding indebtedness against the transferor existing at the time of the transfer shall not be affected by the transfer but shall continue to be raised by tax and paid in the same manner as if the transfer had not been effected.

ARTICLE 13

GENERAL PROVISIONS

Section 600. Fiscal year; county budget; tax levy.

601. County finance.

602. County taxes and assessments.

603. County board of elections.

604. Administration of education.

605. Advisory and planning boards.

606. Citizenship and residence requirements for department heads and deputies.

607. Retirement system.

608. Civil service.

609. Continuity of authority.

610. Completion of unfinished business.

611. Oath of office; official undertaking.

612. Application.

§ 600. Fiscal year; county budget; tax levy. The fiscal year of the county shall begin on the first day of January and end with the thirty-first day of December in each year. Except as otherwise expressly provided in the alternative form adopted by the county, or the modification or change of any such form, all provisions of article seven of the county law, as now in force or hereafter amended, shall continue to apply to the county. When the county budget shall have been finally adopted, the board of supervisors shall levy the annual tax in the manner provided by law.

§ 601. County finance. The provisions of the local finance law shall continue to apply to a county which has adopted an alternative form of county government under this chapter.

§ 602. County taxes and assessments. The provisions of the tax law or other applicable general or special statute shall continue to apply to a county which has adopted an alternative form of county government.

§ 603. County board of elections. There shall be a county board of elections to be appointed by the board of supervisors in the manner and for such term as provided by the election law. The county board of elections shall continue to have and exercise all functions, powers and duties vested in or imposed on boards of elections by any law applicable to the county.

§ 604. Administration of education. Nothing in this chapter shall be construed to affect or impair the administration of education within the county.

§ 605. Advisory and planning boards. The county executive, upon authorization by the board of supervisors, may appoint a board of electors of the county to act in an advisory capacity to himself or to

the head of any administrative unit under his jurisdiction. The members of the advisory board shall serve without compensation but shall be allowed and paid actual and necessary expenses incurred by them in the performance of their duties. It shall be the duty of members of any such advisory and planning board to consult and advise upon county problems but not to direct the conduct or administration of county affairs.

§ 606. Citizenship and residence requirements for department heads and deputies. The head of each department or office and each deputy appointed under or pursuant to the provisions of this chapter shall, at the time of his appointment and throughout the incumbency of his office be a citizen of the United States and a resident of the county.

§ 607. Retirement system. Persons who are members of an existing pension or retirement system, or beneficiaries or prospective beneficiaries thereof, shall continue to have the rights, privileges, obligations and status with respect to such system which are now or hereafter may be provided by law and the benefits of such system shall not be diminished or impaired by reason of the enactment of this chapter.

§ 608. Civil service. Appointments and promotions in the county government shall continue to be made in accordance with the provisions of the civil service law and rules of civil service.

§ 609. Continuity of authority. The performance of functions by a department, office or agency to which they are assigned pursuant to the provisions of this chapter shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions at the time of such assignment.

§ 610. Completion of unfinished business. Any proceeding or other business undertaken or commenced by a department, office or agency, the functions, powers and duties whereof are assigned, may be conducted and completed by the head of the department, office or agency to which the assignment is made, in the same manner and under the same terms and conditions and with the same effect as if undertaken or commenced and conducted and completed by the department, office or agency, the functions, powers and duties whereof are so assigned.

§ 611. Oath of office; official undertaking. 1. The county executive and each other officer whose compensation is paid from county funds shall take and file an official oath in the manner prescribed in section ten of the public officers law and the provisions of section four hundred two of the county law shall apply to all such officers.

2. The county executive, the head of each administrative unit and each other officer whose compensation is paid from county funds shall, before entering upon the duties of his office, execute an official undertaking as provided in section eleven of the public officers law, except as otherwise provided by law. The amount of such undertaking shall be fixed by the board of supervisors and approved by such board if in session and if not in session by the county clerk, except that the undertaking of the county clerk shall be approved by the county judge. When in the opinion of the board of supervisors the sureties are deemed insufficient and the money and property of the county may be unsafe, such board may direct a further undertaking upon ten days' notification thereof in writing and such officer shall not perform any duties nor be entitled to compensation until such further undertaking is furnished. All elective and appointive county officers shall give such other undertakings as may be required by law. The board of supervisors or any county officer shall have the power to demand the giving of an undertaking by subordinates or employees, as may be deemed necessary. Any default or misfeasance in office on the part of any such subordinate or employee shall be deemed a breach of the undertaking of the county officer appointing him as well as a breach of the undertaking furnished by such subordinate or employee. The neglect to furnish and file any such undertaking within

the time prescribed by law, except in the cases of the sheriff, county clerk and district attorney, shall be deemed a refusal to serve and the office may be filled as in the case of a vacancy. Until the sheriff, county clerk or district attorney shall execute and file the required undertaking, he shall not perform any duties of the office, nor be entitled to any compensation. The board of supervisors shall cause an action to be brought upon any breach of the conditions of any such undertaking.

§ 612. Application. The provisions of this article shall apply to any county adopting one of the alternative forms of county government provided by this chapter.

ARTICLE 14

SUBMISSION AND ADOPTION

Section 650. Initiation of proceeding.

651. Petition.

652. Resolution.

653. Form of petition or resolution.

654. Advance notice of petition; effect.

655. Question.

656. Submission of question; adoption; effect.

§ 650. Initiation of proceeding. A proceeding for adoption of an alternative form of county government may be initiated by petition, or by resolution of the board of supervisors of the county; provided, however, that no such resolution shall be adopted by the board of supervisors after the initiation of such a proceeding by the filing of a petition therefor, or subsequent to ten days following the filing of an advance notice of filing such a petition, so long as the proceeding initiated by the petition or thereafter initiated pursuant to such advance notice is pending.

§ 651. Petition. Upon the filing with the clerk of the board of supervisors of a petition signed by electors of the county equal in number to at least ten per centum of the whole number of votes cast in the county for governor at the last gubernatorial election asking that a referendum be held on the question of adopting one of the alternative forms of county government authorized by this chapter, with or without variations, the board of supervisors shall cause the question to be submitted to the electors of the county in the manner hereinafter provided. Proceedings may be instituted and maintained to contest the sufficiency and validity of any petition in the manner provided in the election law, as though such petition were a designating petition. If the petition be sufficient and valid, the board of supervisors shall by resolution cause the question to be submitted to the electors of the county for approval or disapproval at the next general election occurring in an odd-numbered year and not less than sixty days after the date on which the petition is filed.

§ 652. Resolution. The board of supervisors of a county may by resolution duly adopted provide for submission to the electors of the county of one of the alternative forms of county government authorized by this chapter, with or without variations, at the next general election occurring in an odd-numbered year and not less than forty-five days after the adoption of the resolution; provided, however, that no such resolution shall be adopted by the board of supervisors after the initiation of a proceeding for the adoption of an alternative form of county government, with or without variations, by the filing of a petition therefor, or subsequent to ten days following the filing of an advance notice of filing such a petition, so long as the proceeding initiated by the petition or thereafter initiated pursuant to such advance notice is pending.

§ 653. Form of petition or resolution. The petition or resolution, as the case may be, shall specify: (a) the alternative form of county government proposed, unless the form is a continuation of the existing form; and (b) the variation or variations proposed, if any, including

any proposed transfer of functions or other additional arrangement authorized by this chapter.

§ 654. Advance notice of petition; effect. Any elector of the county may file with the clerk of the board of supervisors advance notice of his intention to prepare, circulate and file a petition for the submission of any question authorized by this chapter. Any such notice shall specify the alternative form of county government proposed, together with any variations and shall be accompanied by a deposit of twenty-five dollars. If the board of supervisors shall have adopted a resolution initiating a proceeding for the adoption of an alternative form of county government, with or without variations, within ten days after the filing of such an advance notice, then and in that event such advance notice shall have no further force and effect and the twenty-five dollars deposited shall be refunded to the person making the deposit. In the event that no such resolution is adopted by the board of supervisors within such period of ten days after the filing of such an advance notice, then and in that event if one-third of the number of signatures required for the submission of the question are filed with such clerk within twenty days and the remaining two-thirds within forty days after the filing of the notice, the twenty-five dollars shall be refunded to the person making the deposit and no other petition or advance notice shall be filed or accepted for filing, or resolution of the board of supervisors adopted, for the submission of any question under this chapter, until the question proposed in the advance notice shall have been submitted to the electors of the county in accordance with the provisions of this chapter. The several parts of the petition filed with the clerk of the board of supervisors under this section, when complete, shall constitute one petition, which shall be deemed to be filed for the purposes of this chapter on the date the last portion is filed. If the required number of signatures is not filed within the twenty day period, or the forty day period aforesaid, the notice of intention to file a petition shall be deemed withdrawn and shall have no further force or effect and the deposit of twenty-five dollars shall be paid into the general fund of the county treasury.

§ 655. Question. 1. Unless the proposal is for a variation or variations of an existing form, the first question submitted shall indicate by name the alternative form of county government proposed and shall be substantially in the form indicated below. Each variation proposed shall be separately stated and submitted and the form of the questions shall be substantially according to the following examples:

"Shall the county of (name of county) adopt the (name of form) of government?"

"If the (name of form) is adopted, shall the members of the common councils of cities within the county constitute the city supervisors on the county board of supervisors?"

"If the (name of form) is adopted, shall the county have county assessment of property for the towns, villages, cities and school districts in the county?"

"If county assessment of property for towns, villages, cities and school districts is adopted, shall the county have a board of assessors of five members?"

"If the (name of form) is adopted, shall the county have county collection of all taxes and special assessments levied on real property in the county for city, town, village and school district purposes?"

2. The form of each question to be submitted shall be prepared by the clerk of the board of supervisors or under his direction. The clerk of the board of supervisors may also prepare or cause to be prepared a brief explanation of the effect of each proposal submitted. He shall transmit such questions and explanations, if any, forthwith to the board of elections of the county. Such board of elections, at least twenty days before the election, shall send two or more copies thereof to the clerk of every city, town or village in the county to be made a public record in his office and shall cause sufficient number of copies to be printed and made available to the electors at the time of registration or otherwise. In addition, such board of elections shall cause a sufficient number of copies to be delivered with the other election supplies and distributed to the electors at the election.

3. Expenses incurred in connection with the submission of any question

under this chapter shall be a charge against the county.

§ 656. Submission of question; adoption; effect. 1. The board of elections shall cause such question to be submitted to the electors of the county in the manner provided in the election law. The provisions of section one hundred two of the county law, so far as applicable, shall apply also to the manner of submission of questions under the provisions of this chapter.

2. No alternative form of county government or variation thereof shall become operative in a county unless adopted by receiving a majority (a) of the total votes cast thereon in the county at large, (b) of the total votes cast thereon within the area outside of cities, and (c) of the total votes cast thereon within the area of any cities in the county considered as one unit. The disapproval of any question proposing a variation shall not otherwise affect or invalidate an alternative form of county government approved at the same election. The approval of any question proposing a variation of a form of government not already in effect at the time of submission shall be of no effect unless the alternative form of government is also approved at the same election.

3. If any such form of government provides for the transfer of any functions of local government to or from the cities, the towns or the villages of the county, the alternative form of county government proposed shall not take effect with respect to such transfer unless the transfer or the form of government containing it shall also receive a majority of all the votes cast thereon in all the cities so affected considered as one unit, in all the towns so affected considered as one unit, and in all the villages so affected considered as one unit.

4. Any alternative form of county government adopted by a county under this chapter shall take effect on the first day of January next succeeding its adoption, except as provided in subdivision five and except that the county president form of county government shall take effect on the first day of January of the second year after its adoption and the first county president shall be elected at the next general

election following the adoption for a term beginning when the county president form takes effect. All provisions of the election law applicable to the nomination and election of other county officers shall apply also to the nomination and election of the county president.

5. Any modification of an existing form shall take effect on the first day of January next succeeding its adoption, except that a modification making an appointive officer elective shall take effect as to the election at the next general election after its adoption and the officer then elected shall take office on the first day of January thereafter. Any change to another form of government or abandonment of an existing form shall take effect on the first day of January of the second year after its adoption. Any new elective officers required by such change or abandonment shall be elected at the general election next preceding the taking effect of the new form of government.

6. Variations which are inconsistent shall not be submitted at the same election. Should two or more inconsistent variations be proposed, the variation first proposed shall have preference and shall be first submitted to the electors of the county for approval or disapproval. The other shall be submitted to the electors at subsequent general elections occurring in an odd-numbered year, in the order of their filing, but only if the inconsistent variation or variations previously submitted have been disapproved or if initiated by a new petition or resolution.

ARTICLE 15

CONSTRUCTION; SAVING CLAUSES; LAWS REPEALED; TIME OF TAKING EFFECT

Section 700. Construction.

701. Saving clauses.

702. Laws repealed.

703. Time of taking effect.

§ 700. Construction. 1. The provisions of this chapter shall be

liberally construed for the purpose of effectuating the intent of the people in adopting section two of article nine of the constitution. It is the intent of the legislature to set forth the structure of the alternative forms of county government enumerated in this chapter and the manner in which each is to function.

2. It is not the intention of the legislature hereby to abolish or curtail any existing powers or rights heretofore conferred upon or delegated to a county or counties or to any board, body or officer thereof, unless a contrary intention is clearly manifest from the express provisions of this chapter or by necessary intendment therefrom.

3. It is the intention of the legislature hereby to continue in force all special laws passed by the legislature, not inconsistent with the provisions of this chapter, until repealed, amended, modified or superseded by or pursuant to the provisions of this chapter or other law or pursuant to the form of government adopted by the county affected.

4. All general laws applicable to counties, not inconsistent with the provisions of this chapter shall continue to apply to a county after it has adopted one of the alternative forms of county government, until repealed, amended, modified or superseded by or pursuant to the provisions of this chapter or other law or by or pursuant to the form of government adopted by the county.

5. The enumeration of specific powers by this chapter shall not operate to detract from the meaning of any general grant of power or to exclude other powers comprehended in such general grant of power.

6. If any clause, sentence, paragraph, word, section or part of this chapter 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 clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 701. Saving clauses. 1. Nothing herein shall be deemed to affect, impair or supersede the provisions of any alternative or optional form of county government, administrative code, county government law, civil divisions act, or any local law heretofore or hereafter adopted pursuant to any such optional or alternative form of county government, unless a contrary intent is expressly provided in this chapter.

2. The optional county government law, in so far as the provisions of such law apply to and are in force in the county of Monroe or any other county at the time when the repeal of such law with respect to counties generally takes effect, shall continue in effect in such county unless and until repealed, amended, modified or superseded by or pursuant to the provisions of such law or this chapter or other general, special or local law.

3. Nothing herein shall be deemed to affect, impair or supersede any special or local act of the legislature relating to the preparation of assessment rolls, extension and collection of taxes, lien of tax and foreclosure, sale or other disposition thereof.

4. This chapter, or the adoption of a form of county government herein provided, shall not affect or impair:

(a) any pending action or proceeding, civil or criminal, but the same may be prosecuted or defended in the same manner and with the same effect as though this chapter had not been enacted;

(b) any contract, or act done, or offense committed, or right accruing, accrued or required, or liability, or penalty, or forfeiture, or punishment incurred prior thereto, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this chapter had not been enacted.

§ 702. Laws repealed. Chapter eight hundred sixty-two of the laws of nineteen hundred thirty-seven, entitled "An act in relation to providing alternative forms of county government, constituting chapter eleven-a of the consolidated laws," and all acts amendatory thereof or supplemental thereto, constituting the optional county government law, are hereby

repealed, except as otherwise provided herein. Such repeal shall take effect May fifteenth, nineteen hundred fifty-four.

§ 703. Time of taking effect. This chapter shall take effect immediately, except as otherwise provided in and with respect to section seven hundred two.