

CHAPTER 691

AN ACT in relation to counties, constituting chapter eleven of
the consolidated laws

Became a law April 15, 1950, 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 OF THE CONSOLIDATED LAWS

COUNTY LAW

- Article 1. Short title; application; definitions (§§ 1-3).
2. General provisions (§§ 50-55).
3. Referendum (§§ 100-105).
4. Board of supervisors (§§ 150-154).
5. General powers of board of supervisors (§§ 200-237).
- 5-A. County water, sewer, drainage and refuse districts
(§§ 250--279-d).
- 5-B. County hurricane protection, flood and shoreline erosion
control districts (§§ 280--280-aa).
- 5-D. County small watershed protection districts
(§§ 299-l--299-y).
6. Enhanced emergency telephone system surcharge
(§§ 300-308).
- 6-A. Local enhanced wireless 911 program (§§ 325-338).
7. Finance (§§ 350-381).
- 7-A. County tuberculosis hospitals (§§ 385-395).
- 7-B. County medical assistance clinics
(§§ 396-a--396-f).
- 7-C. Drug control authorities (§§ 396-g--396-j).
8. Officers; general provisions (§§ 400-411).
9. Chairman of the board of supervisors (§ 450).
10. Clerk of the board of supervisors (§ 475).
11. County attorney (§§ 500-502).
12. County clerk (§§ 525-534).
13. County treasurer (§§ 550-553).
14. County comptroller (§§ 575-577).
15. County auditor (§ 600).
16. County purchasing agent (§§ 625-626).

17. Sheriff (§§ 650-662).
- 17-A. Coroner, coroner's physician and medical examiner (§§ 670-679).
18. District attorney (§§ 700-707).
- 18-A. Public defender (§§ 716-721).
- 18-B. Representation of persons accused of crime or parties before the family court or surrogate's court (§§ 722--722-f).
19. County superintendent of highways (§ 725).
20. County commissioner of public welfare (§ 750).
21. County sealer (§ 775).
22. County service officer (§ 800).
23. Provisions applicable to certain counties (§§ 825-854).
24. Provisions applicable to New York city (§§ 900-943).
25. Interpretation of chapter; saving clause; laws repealed; time of taking effect (§§ 1000-1003).

ARTICLE 1

SHORT TITLE; APPLICATION; DEFINITIONS

Section 1. Short title.

2. Application of chapter.
3. Definition of a county.

Section 1. Short title. This chapter shall be known as the "County Law".

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

(a) It shall not apply to a county wholly contained within a city, unless specifically so provided;

(b) The provisions of this chapter in so far as they are in conflict with or in limitation of a provision of any alternative form of county government heretofore or hereafter adopted by a county pursuant to section two of article nine of the constitution, or any administrative

code, county government law or civil divisions act enacted by the legislature and applicable to such county as now in force or hereafter amended, or in conflict with any local law heretofore or hereafter adopted by a county under an optional or alternative form of county government, shall not be applicable to the county, unless a contrary intent is expressly stated in this chapter.

§ 3. Definition of a county. A county is a municipal corporation comprising the inhabitants within its boundaries and formed for the purpose of exercising such powers and discharging such duties of local government and administration of public affairs as may be imposed or conferred upon it by law.

ARTICLE 2

GENERAL PROVISIONS

Section 50. When county divided or boundaries altered.

51. Actions by or against a county.

52. Presentation of claims for torts; commencement of actions.

53. Liability of county for torts.

54. Personal liability of heads of agencies.

55. County websites.

§ 50. When county divided or boundaries altered. Whenever the legislature divides a county or alters its boundaries, the act shall provide the method and manner of the disposition of assets and apportionment of liabilities of such county or counties.

§ 51. Actions by or against a county. Actions or proceedings by or against a county shall be in the name of the county.

§ 52. Presentation of claims for torts; commencement of actions. 1. Any claim or notice of claim against a county for damage, injury or

death, or for invasion of personal or property rights, of every name and nature, and whether casual or continuing trespass or nuisance and any other claim for damages arising at law or in equity, alleged to have been caused or sustained in whole or in part by or because of any misfeasance, omission of duty, negligence or wrongful act on the part of the county, its officers, agents, servants or employees, must be made and served in compliance with section fifty-e of the general municipal law. Every action upon such claim shall be commenced pursuant to the provisions of section fifty-i of the general municipal law. The place of trial shall be in the county against which the action is brought.

2. This section shall not apply to claims for compensation for property taken for a public purpose, nor to claims under the workmen's compensation law.

§ 53. Liability of county for torts. 1. Upon compliance with section fifty-two each county shall be liable under the same rules of law applicable to the state, for damage or injury, or death, to person or property sustained by reason of the torts of its officers, agents, servants and employees.

2. Notwithstanding the provisions of any law defining real property owned by tax title or owned for purposes of reimbursement of assistance granted, as held and used for a public purpose, no county shall be liable by reason of such property being defective, out of repair, unsafe or dangerous, unless the county is in the actual physical possession, control and operation thereof as owner, or deriving a direct income therefrom; and with no greater liability than that imposed upon the individual owner of property.

3. Nothing herein shall repeal or modify the exclusive liability as imposed and provided in the workmen's compensation law.

§ 54. Personal liability of heads of agencies. No head of any agency, department, bureau, or office of a county shall be liable to respond in

damages to the county or to any other person for any act or omission of any employee of the county employed within the agency, department, bureau, or office of which he is such head. Any lawful claims which but for this section would be claims against such head of an agency, department, bureau, or office shall be lawful claims against the county and shall be deemed to be the liability of the county. Nothing contained herein, however, shall be deemed to relieve the head of any agency, department, bureau, or office of liability to the county or to any other person for his own act or omission to act, nor be deemed to impose any new liability upon the county for any act or omission of such head of any agency, department, bureau, or office to which the county was not lawfully subject prior to the taking effect of this act.

§ 55. County websites. Any county which maintains a website shall use a ".gov" domain name for such website.

ARTICLE 3 REFERENDUM

Section 100. Mandatory referendum.

101. Permissive referendum.

102. Procedure on mandatory and permissive referendum.

103. Repeal of resolution by board.

104. Submission of proposition or question.

105. Law applicable to conduct of elections at which ballot questions are submitted to all the voters of a county.

§ 100. Mandatory referendum. When a resolution of the board of supervisors is subject to a mandatory referendum, such board shall by resolution cause such resolution to be submitted to a vote of the qualified electors of the county for their approval or disapproval at a general or special election. Except as otherwise provided by law, the resolution shall fix a date not less than forty-five days after its adoption on which the proposition is to be submitted at such general or special election.

§ 101. Permissive referendum. 1. A resolution of the board of supervisors which is subject to a permissive referendum shall be subject to referendum on petition. Within ten days after the adoption by the board of supervisors of any resolution which is subject to a permissive referendum, the clerk of the board of supervisors, in the same manner as provided for notice of a special election, shall cause a notice to be published at least once in the official newspapers and in such other newspapers as the board may designate. Such notice shall contain the number, date of adoption, a true copy of the resolution and a statement that such resolution is subject to a permissive referendum.

2. A resolution of the board of supervisors which is subject to a permissive referendum shall not take effect until forty-five days after its adoption; nor unless it is approved by the affirmative vote of a majority of the qualified electors of the county voting on a proposition therefor, if within forty-five days after its adoption there be filed with the clerk of the board of supervisors a petition signed by qualified electors of the county in number of not less than ten per centum of the total vote cast for governor in said county at the last general election held for the election of state officers. Such petition shall state that a referendum vote is requested on such resolution, describing the same by its number and date of adoption, and shall contain an abstract of the text. The petition may consist of separate sheets and the signatures to each sheet shall be authenticated in the manner provided by the election law for the authentication of a designating petition. The several sheets so signed and authenticated when fastened together and offered for filing shall be deemed to constitute one petition. The clerk of the county legislature shall examine each such petition so filed with him and shall not later than thirty days after the date of its filing transmit to the board of supervisors a certificate that he has examined it and has found that it complies or does not comply, as the case may be, with all the requirements of law.

3. Proceedings may be instituted and maintained to contest the

sufficiency and validity of any petition provided for in this article, in the manner provided by the election law, as though such petition were a designating petition. If the petition be sufficient and valid, a proposition for the approval of such resolution shall be submitted at an election pursuant to subdivision four of this section.

4. Within thirty days after the adoption of a resolution which is subject to a permissive referendum, the board of supervisors may of its own motion by resolution provide that such resolution be submitted to a vote of the qualified electors of the county to be held at a general or special election held not less than sixty days after the adoption of the resolution providing for such special or general election. A resolution adopted pursuant to the preceding sentence may not thereafter be rescinded. Any proposition required to be submitted pursuant to subdivision three of this section shall be submitted at the next general election of state or county government officers held in such county not less than sixty days after the filing of the petition requesting the referendum, unless the petition requests and the board of supervisors adopts a resolution submitting such proposition at a special election held not less than sixty days after the adoption of the resolution providing for such special election.

§ 102. Procedure on mandatory and permissive referendum. 1. The resolution shall recite the form of the proposition, which shall contain a brief statement of the text of the resolution together with its number. The clerk of the board of supervisors shall transmit such proposition forthwith to the board of elections of the county. A sufficient number of copies of such proposition and abstract shall be printed and made available to the electors at the time of registration or otherwise in advance of the election, and in addition, a sufficient number of copies shall be delivered with the other election supplies, and distributed to the electors at the election. If there be more than one such proposition to be voted upon at such election, each proposition shall be separately and consecutively numbered.

2. The board of elections shall cause any such proposition to be

submitted to the qualified electors of the county in the manner provided in the election law. The method and manner of submission, preparation and provision of ballots and ballot labels, use of voting machines, qualification of voters, correcting registers, and conducting the election, canvassing the result and making and filing the returns, and all other procedure with reference to the submission of any such proposition, shall be the same as in the case of any other proposition to be submitted to the electors of a county at a general or special election as provided by law. If a majority of the votes cast on any such proposition shall be in the affirmative, the resolution shall be approved.

§ 103. Repeal of resolution by board. Not less than twenty days prior to the election at which a resolution is to be voted upon by the electors of the county for approval or disapproval, the board of supervisors may, except as otherwise expressly provided in subdivision four of section one hundred one, reconsider its action thereon and repeal such resolution, whereupon the proposition for its approval shall not be submitted at such election, or, if submitted, the vote of the electors thereon shall be without effect.

§ 104. Submission of proposition or question. Except as provided by the municipal home rule law, a proposition or question required by or pursuant to law to be approved by the qualified electors of the county shall be submitted in the manner provided by section one hundred two of this article.

§ 105. Law applicable to conduct of elections at which ballot questions are submitted to all the voters of a county. The provisions of the election law or any other law relating to the submission of questions at general elections, so far as the same are applicable and not inconsistent with this article, shall apply to the conduct of all elections at which questions are submitted to all the voters of a county. Where a specific provision of law exists in any other law which

is inconsistent with the provisions of the election law, such provision shall apply unless a provision of the election law specifies that such provision of the election law shall apply notwithstanding any other provision of law.

ARTICLE 4

BOARD OF SUPERVISORS

Section 150. Board of supervisors constituted.

150-a. County legislative body, other than board of supervisors.

151. Organization of board.

152. Meetings of the board.

153. Rules of procedure.

154. Committees.

§ 150. Board of supervisors constituted. The supervisors of the several cities and towns in each county, when lawfully convened, shall constitute the board of supervisors of the county.

§ 150-a. County legislative body, other than board of supervisors. 1. All the functions, powers, obligations and duties which by law are possessed by or vested in the board of supervisors of a county may be exercised by an elected county legislative body, by whatsoever name designated, which shall, pursuant to law, or order or judgement of a court of competent jurisdiction, be established in place of the board of supervisors of such county. All acts heretofore performed by such elected county legislative body shall be valid if and to the extent that they would have been valid if performed by the board of supervisors of such county.

2. Whenever the board of supervisors of a county is referred to or designated in any law, contract or document pertaining to any of the functions, powers, obligations and duties of such board, such reference or designation shall be deemed to include the elected county legislative body, by whatsoever name designated which, pursuant to law, or order or

judgement of a court of competent jurisdiction, shall have been established in place of the board of supervisors.

§ 151. Organization of board. 1. The members of the board of supervisors shall organize the board and select a chairman on or before the eighth day of January in each year. The board shall annually, by resolution duly adopted during the month of December, fix the date, time and place of the meeting to organize the board. The board may provide by local law that the members of the board shall meet to organize and select a chairman on or before the eighth day of January in each even-numbered year. The clerk of the board of supervisors shall serve upon each member a notice stating the date, time and place of each meeting to organize the board and that a chairman will then be selected. The notice shall be in writing and shall be served by mail addressed to each member at his last known post-office address at least forty-eight hours before the date of the meeting.

2. In the event of the death, inability or failure of the clerk of the board of supervisors to call any such meeting or to serve such notices, the county clerk of the county shall call the meeting to organize the board and select a chairman on or before the fifteenth day of January following. Notice of such meeting shall be served by the county clerk in like manner and time as provided for service of notice by the clerk of the board in subdivision one.

3. At such organization meeting, or at an adjourned meeting not later than February first, the board shall select a chairman and may select a vice-chairman.

4. The term of office of the chairman shall expire at the end of the calendar year in which he is selected, unless the board shall provide by local law for the selection of the chairman in January of each even numbered year, in which event the term of office of the chairman shall be for a term expiring with that of his term of office as supervisor.

5. In the event of a failure of the board of supervisors to select a

chairman on or before February first, the county clerk of the county shall appoint a member of the board as chairman, who shall serve until the end of the calendar year in which he is appointed.

6. In the absence of the chairman and the vice chairman, if one has been selected, at any meeting of the board of supervisors, the members present and voting, by majority vote, shall select a member of the board to serve as acting chairman at such meeting. The acting chairman shall have and exercise all the powers and duties of the chairman at the meeting over which he is called to preside.

6-a. In the absence of the chairman, the vice-chairman, if one has been selected:

a. shall preside over each duly constituted meeting of the board;

b. shall have and exercise all the powers and duties of the chairman at any meeting over which he is called to preside;

c. shall have and exercise those additional powers and duties authorized by resolution of the board, provided such resolution shall specify:

(i) the dates during which the vice-chairman may exercise those powers and duties; and

(ii) that the powers and duties authorized to the vice-chairman shall not be exercised by the chairman during that designated time period.

7. In case of a vacancy in the office of chairman, the clerk of the board of supervisors shall call a meeting of the members of the board upon like notice as provided in subdivision one, at which a successor shall be selected chairman who shall be a member of the board. The person so selected shall serve as chairman of the board for the unexpired term of the previous chairman. In the event of the failure of the board to select such chairman within thirty days after the vacancy shall have occurred, the county clerk shall appoint a member of the board as chairman, who shall serve until the end of the calendar year in which he is appointed.

§ 152. Meetings of the board. 1. The board of supervisors shall, in addition to the meeting to organize the board, hold regular meetings at stated intervals.

2. Special meetings shall be held at the call of the clerk of the board upon direction of the chairman, or at the call of the clerk of the board upon direction of the vice-chairman provided that upon convening, a majority of the members of the board pass a resolution ratifying such call or upon written request signed by a majority of the members of the board. Notice in writing stating the time, place and purpose of the special meeting shall be served personally or by mail upon each member by the clerk of the board at least forty-eight hours before the date fixed for holding the meeting or a member may waive the service of the notice for such meeting by a writing signed by him. Only business specified in the notice thereof may be transacted at a special meeting.

3. Any meeting of the board of supervisors may be adjourned from time to time. All meetings of the board shall be public.

4. No action of such board changing the place of meeting where such board has regularly met to any other city, town or village in the county shall be valid unless approved by the affirmative vote of at least three-quarters of the total membership of such board.

§ 153. Rules of procedure. 1. A power of the county, whether in terms vested in the county or in the board of supervisors shall, except as otherwise expressly provided, be exercised through a local law or resolution duly adopted by the board.

2. A majority of the whole number of the members of the board of supervisors shall constitute a quorum for the transaction of business, but a less number may adjourn.

3. Each local law or resolution shall have a title prefixed concisely

stating the contents.

4. Whenever in this chapter or other general, special or local law, the board of supervisors is authorized or required to act, and no proportion of the voting strength for such action is otherwise prescribed, such action shall be taken by the affirmative vote of a majority of the total membership of the board. A roll call shall be taken and entered by the clerk in the minutes of its proceedings when required by law or upon request of any member of the board.

5. All resolutions shall become effective upon their adoption, or as otherwise provided by this chapter or other law or as specified in the resolution.

6. Subject to the restrictions provided in this chapter or other law, the board of supervisors shall have power to amend, repeal or supersede any local law or resolution theretofore adopted.

7. The board of supervisors shall have power to compel the attendance of members at regular and special meetings of the board and at committee meetings. In all cases of absence during any regular or special meeting of the board, or any committee meeting called pursuant to written notice, the board of supervisors may impose a penalty not exceeding fifty dollars for each non-attendance without sufficient excuse as the rules shall provide. Absence by reason of performance of official duty for the county, or absence occasioned by attendance at a meeting of the town board of a town, or absence occasioned by the performance of any other official duty, shall at all times be deemed a sufficient excuse.

8. Except as otherwise expressly provided, the board of supervisors of each county shall determine the rules of its own proceedings. Unless the rules of the board otherwise provide, no rule may be suspended except by the unanimous vote of the members present and voting at any regular or special meeting of the board.

9. The terms "whole number of the members of the board" and "whole number of its membership, " as used in this chapter, shall be construed

to mean the total number which the board of supervisors would have were there no vacancies and were none of the supervisors disqualified from acting.

§ 154. Committees. 1. The board of supervisors may create standing committees for the purpose of aiding and assisting the board in the transaction of its business. Any local law or resolution creating any such committee shall specify the powers, duties and number of its members. A member of any standing committee shall serve until the end of the calendar year in which he shall have been selected, unless the board shall have fixed a different period, but in any event not longer than the term for which he shall have been elected as a supervisor.

2. The board may from time to time create special committees. Any resolution creating a special committee shall specify the powers and duties of the committee and the number of its members. Each member of any special committee shall serve for the period specified in such resolution but in any event not longer than the term for which he shall have been elected as a supervisor.

3. Members of all standing and special committees shall be appointed by the chairman of the board from its membership.

4. Vacancies in standing and special committees shall be filled by the chairman of the board from its membership.

5. The board may authorize committees to accept advice and counsel of citizens not members of the board.

6. Nothing herein shall be deemed to authorize the delegation of any of the powers, duties or responsibilities of the board of supervisors or of any officer except as otherwise expressly authorized by law.

ARTICLE 5

GENERAL POWERS OF BOARD OF SUPERVISORS

- Section 200. Compensation of supervisors.
201. Compensation of officers.
202. Publication of compensation and expenses of supervisors
in certain counties.
203. Expenses incurred in the performance of official duty.
204. Positions of employment.
205. Compensation of employees.
- 205-a. Certain pilot projects.
206. Hours of work and office hours.
- 206-a. Business in county offices on holidays and Saturdays.
207. Vacations; sick leaves; leaves of absence.
208. Books and records.
209. Investigations.
210. Examination and post audit.
211. Printed and electronically recorded proceedings of the
board.
212. Designation of depositaries.
214. Designation of newspapers; official publications.
215. County property; general provisions.
216. Location of county offices.
217. County jail.
- 217-a. Qualification for employment as a county correction
officer.
218. Courthouses and judicial expenditures.
- 218-a. County detention facilities for juvenile delinquents
and persons in need of supervision.
- 218-b. Prisoner furlough program in county jails and
penitentiaries.
219. Reforested lands.
220. County planning board.
- 220-a. Water quality management agency.
221. County park commission.
222. Cemeteries.
223. Flood control and soil conservation.
- 223-a. (Enacted without section heading).
- 223-b. EMS training and mutual aid programs.
224. Optional appropriations and contracts for public

- benefit services.
- 224-a. Elimination of noxious weeds.
- 224-b. Cooperative extension area and statewide program specialist.
- 225. Optional appropriations for public benefit services administered by the board.
- 225-a. Fire training and mutual aid programs.
- 225-b. Contracts for visiting nursing services.
- 226. Monuments and memorials.
- 226-a. Patriotic observances.
- 226-b. Solid waste management; resource recovery.
- 226-c. Waiver of fees for veterans' organizations.
- 226-c*2. Waiver of fees for veterans organizations.
- 226-c*3. Waiver of fees for veterans' organizations.
- 226-d. Waiver of fees for veterans' organizations.
- 226-e. Waiver of fees for veterans' organizations.
- 227. Legalizing acts.
- 228. Disputed town boundaries.
- 229. Erection and dissolution of towns.
- 231. Expenses of police officer or peace officer injured in line of duty.
- 232. County officers' and county executives' associations.
- 233. Procedure on tax limit increase.
- 233-a. Amounts to be included or excluded in computing constitutional taxing power.
- 233-b. Payment in lieu of taxes for property acquired for park or recreational purposes.
- 234. Additional powers granted under other laws.
- 234-a. Service of notice in relation to constitutionality of local law, ordinance, rule or regulation of a county.
- 235. (Enacted without section heading).
- 236. County plumbing licensing.
- 236-a. County master electrician licensing.
- 236-b. County electrical inspector licensing.
- 237. Alcoholic beverage control.

§ 200. Compensation of supervisors. 1. Notwithstanding the election of a supervisor for a fixed term, the board of supervisors of each county shall have power from time to time to fix the compensation of its members for services rendered to the county. Except as hereinafter provided, such compensation shall be an annual salary and shall be in lieu of all fees, charges or compensation for all services rendered to the county. Each supervisor shall be entitled to receive an equal amount, except the chairman and the majority and minority leaders of the board, who may be paid an additional amount. Until otherwise provided, the compensation to be paid by a county to each member of the board of supervisors shall be the amount authorized to be paid therein for the year nineteen hundred fifty.

2. Upon the adoption of a proposition therefor submitted as provided in this chapter, the members of the board of supervisors of a county, in lieu of an annual salary, may be paid a salary for board meetings and per diem compensation for committee work, or per diem compensation for both board meetings and committee work. The proposition may be initiated by a resolution of the board of supervisors or by a petition duly subscribed by electors of the county qualified to vote at a general election of county officers, in number equal at least to five per centum of the total vote cast for governor in said county at the last general election held for the election of governor. Such petition shall be acknowledged or authenticated in the same manner as provided by the election law for a designating petition. The proposition may be submitted at either a general or a special election as provided by a resolution of the board of supervisors, and shall become effective at the commencement of the fiscal year next following its adoption. Moneys appropriated to pay salaries of members of the board of supervisors for such next succeeding fiscal year, shall continue to be available to pay the compensation of the members of such board earned during such fiscal year in accordance with the proposition as adopted. If such proposition be adopted, no further vote shall be submitted before the fifth year thereafter.

3. The salary, or the rate of per diem compensation, or both, as the case may be, fixed and paid during a fiscal year shall not exceed the

salary or rate as specified in the notice of the public hearing on the tentative budget prepared for such fiscal year, published pursuant to section three hundred fifty-nine of this chapter.

§ 201. Compensation of officers. Notwithstanding the provisions of any general law other than this chapter or of any special law to the contrary, each board of supervisors shall fix the salary of all officers paid from county funds, except the members of the judiciary. Such salary shall be in lieu of all fees, percentages, emoluments or other forms of compensation payable for services rendered in the performance of the powers and duties of the office; provided however, that any such officer (1) required by law to reside at a county institution or (2) authorized by resolution of the board of supervisors, may be furnished maintenance or any part thereof at a county institution. Such maintenance furnished on or after the first day of January, nineteen hundred fifty-five shall be defined and the fair value thereof determined by resolution of the board and the amount so determined shall constitute part of the salary fixed for any such officer.

All fees, percentages, emoluments or other compensation received by any such officer by virtue of his office from whatever source shall belong to the county and be paid into the county treasury monthly on or before the tenth day of the month. Each such deposit shall be accompanied by a statement in summary form of the sums so paid. The salary of any such officer elected or appointed for a fixed term shall not be increased or diminished during the term of his office, except as the same may be increased as provided in paragraph h of subdivision two of section twenty-four of the municipal home rule law, and except as the same may be increased in accordance with a schedule providing higher rates of compensation through additional increments of salary based on time service. No new or amended schedule applicable to any such officer shall be enacted during the term of his office, except as provided in paragraph h of subdivision two of section twenty-four of the municipal home rule law. This chapter shall not authorize any increase or decrease in compensation prohibited by section twelve of article thirteen of the state constitution. The compensation of a county officer appointed for

an indefinite term may be increased or diminished at any time. The compensation of a coroner, coroner's physician or medical examiner may be fixed at an annual salary or upon a per diem basis. Where coroners are compensated upon an annual salary basis, the salary of each shall be in the same amount except that the board of supervisors may determine by majority vote to pay annual salaries in different amounts and in such cases the salaries may be fixed accordingly.

This section shall not apply to the compensation of the members or of the chairman of the board of supervisors.

§ 202. Publication of compensation and expenses of supervisors in certain counties. In those counties wherein the compensation of supervisors is fixed on a per diem basis, the clerk of the board of supervisors in the month of February of each year shall cause to be published in the official newspapers and in such other newspapers as may be directed by the board, and for such number of insertions as the board may determine, a statement of the number of days the board was in session, and the compensation and expenses paid to each member for board sessions and committee work during the preceding fiscal year.

§ 203. Expenses incurred in the performance of official duty. 1. The actual and necessary expenses of all officers and employees, other than supervisors, paid from county funds incurred in the performance of their official duties, and the actual and necessary expenses of all supervisors incurred in the performance of powers and duties of the county, shall be a county charge.

2. The board of supervisors may authorize the payment of a reasonable mileage allowance for:

(a) the miles actually and necessarily traveled on official business by any such officer or employee, other than a supervisor, by the use of his own automobile; and

(b) the miles actually and necessarily traveled on official business of the county by any supervisor by the use of his own automobile,

including travel on official business of the county in going from and returning to his residence.

3. Whenever the board of supervisors is directed or empowered by law to appoint a commission or board, by whatever title known, to render a service for the county, such board of supervisors may provide for the audit and payment of actual and necessary expenses incurred in the performance of duties including the mileage allowance.

4. No supervisor, officer or employee shall be allowed or paid any lump sum in lieu of actual and necessary disbursements incurred by him.

§ 204. Positions of employment. In addition to those positions of employment specifically provided by law, the board of supervisors shall have power to establish positions of employment and may abolish the same. The establishment and abolition of such positions may be by local law, by resolution or by the adoption of the budget. Rules may be adopted providing for the temporary transfer of employees from one office or department to another as authorized by the civil service law.

Except as otherwise provided by law, all officers paid from county funds and all boards or commissions, by whatever title known, shall appoint or employ all subordinates and employees in their respective offices and departments.

§ 205. Compensation of employees. Subject to the constitution and the civil service law but notwithstanding the provisions of any other general law or of any special law to the contrary, the compensation of all employees paid from county funds shall be fixed by the board of supervisors. The board of supervisors may adopt schedules of compensation and grades with minimum and maximum salaries. Per diem or per hour schedules of compensation may be adopted for those employees not paid on a salary basis and under such rules as the board may determine. Officers may be authorized to fix per diem or per hour rates of compensation for temporary employment.

Subject to the civil service law and rules relating to promotions, the compensation of employees may be increased or diminished at any time. The compensation paid to any employee shall be in lieu of all fees, percentages, emoluments or other form of compensation payable for services rendered to the county by virtue of his employment; provided however, that any employee (1) required by law to reside at a county institution or (2) authorized by resolution of the board of supervisors, may be furnished maintenance or any part thereof at a county institution. Such maintenance furnished on or after the first day of January nineteen hundred fifty-five shall be defined and the fair value thereof determined by resolution of the board and the amount so determined shall constitute part of the compensation fixed for any such employee.

All fees, percentages, emoluments or other compensation received shall be the property of the county and be paid into the county treasury monthly on or before the tenth day of the month. Each court stenographer shall be entitled to retain to his own use, in addition to the amount fixed by the board of supervisors for regular services, the fees and other compensation prescribed by law or certified by a presiding judge pursuant to law, for transcribing and furnishing a copy of the minutes, testimony or exhibits taken or produced in any civil or criminal action or proceeding.

Any physician or dentist employed by the E. J. Meyer Memorial Hospital, by the Westchester county medical center, or by the Nassau county medical center shall be entitled to receive fees, in addition to the amount fixed by the respective county legislature for regular services, for private professional services rendered in accordance with the provisions of section one hundred thirty of the general municipal law.

§ 205-a. Certain pilot projects. Any county operating a county hospital employing physicians and dentists pursuant to a pilot project approved by the public health and health planning council, whereby such

physicians and dentists may receive fees for private professional services rendered in accordance with section one hundred thirty of the general municipal law in addition to the amount of remuneration fixed by the respective county legislative bodies for regular services, shall be required to adopt rules and regulations to govern such fees. Such rules and regulations shall be subject to the approval of the public health and health planning council.

§ 206. Hours of work and office hours. 1. Subject to the constitution and general laws of this state and to the rules and regulations made pursuant thereto, the board of supervisors may fix the number of hours constituting a legal day's work for all classes of employees of the county and grant to the employing officer or board the power to stagger working hours. Time lost in any week because of inclement weather may be made up during that week and the succeeding three weeks. Nothing herein shall impair the effect of any official proclamation during an emergency.

2. The board of supervisors may fix the hours that the offices of the county clerk, county treasurer, clerk of the board of supervisors and civil office of the sheriff shall be kept open for the transaction of business. If the board of supervisors does not fix the hours that the offices described in this subdivision shall be kept open for the transaction of business, then those offices shall be kept open for the transaction of business every day from at least nine o'clock in the forenoon to five o'clock in the afternoon, except Saturdays, Sundays and holidays. During the months of July and August, such offices shall be kept open from at least nine o'clock in the forenoon to four o'clock in the afternoon of each day, except Saturdays, Sundays and holidays.

3. If a holiday falls on a Saturday, the offices described in subdivision two hereof may close on the day before.

4. The board of supervisors may fix office hours not inconsistent with this chapter or other law.

§ 206-a. Business in county offices on holidays and Saturdays. 1.

Notwithstanding the provisions of any general or special law, holidays and Saturdays shall be considered as Sunday for all purposes relating to the transaction of business in county offices in every county of the state, except in a county wholly contained within a city. On all other days, except Sundays, such offices shall be kept open for the transaction of business. For the purposes of this section, the term "county offices" shall mean all offices, the officers or employees of which are paid in whole or in part from county funds.

2. Whenever the last day on which any paper shall be filed or act done or performed in any such office expires on Saturday, Sunday, public holiday or a day when such office is closed for the transaction of business, the time therefor is hereby extended to and including the next business day such office is open for the transaction of business.

3. Notwithstanding the foregoing provisions of this section, the motor vehicle section of a county clerk's office may, by resolution of the board of supervisors, be kept open on Saturdays during the month of January.

§ 207. Vacations; sick leaves; leaves of absence. 1. Notwithstanding the provisions of any general law other than this chapter or of any special law to the contrary, the board of supervisors shall have power to fix and regulate the granting with or without pay of vacations, sick leaves and leaves of absence, to employees paid from county funds. The employing officer in any department, board or commission may grant to such employees vacations, sick leaves and leaves of absence under rules fixed by the board of supervisors.

2. Vacations with pay shall not be for less than two weeks in each year for all employees who shall have been in the employ of the county at least one year. Leaves of absence shall not be in excess of one year.

3. Nothing herein shall be deemed to affect, impair or supersede the

provisions of section sixty-three of the public officers' law, or sections one hundred seventy, two hundred forty-five or two hundred forty-six of the military law.

§ 208. Books and records. 1. Whenever any public record, book, map or paper has become obliterated or unfit for further public inspection and use, the board of supervisors, upon a certificate of the county judge or a supreme court justice of the judicial district to the effect that transcripts or copies should be made and certified for future public inspection and use, shall direct and provide for such transcripts or copies to be made by the officer having custody thereof. Upon certification by such county judge or supreme court justice that the same have been examined, and the manner, contents and form thereof are approved, such certified transcripts or copies shall be deemed to take the place of the originals for all purposes of public inspection, use and evidence.

2. Except as otherwise provided by law and subject to reasonable rules and regulations of the officer having custody thereof, all records, books, maps or other papers recorded or filed in any county office, shall be open to public inspection, and upon request, copies shall be prepared and certified; and, except where another fee is prescribed by law, such officer upon the payment of a fee of twenty cents for each folio, shall furnish such certified copy. Upon request and after diligent search, if no record be found, such officer shall be entitled to receive a fee of one dollar for certification thereof.

3. In addition to the provisions of the real property law, each board of supervisors, by resolution, may authorize the purchase and installation of equipment to photograph or microphotograph, or otherwise reproduce upon film such records, maps or other papers as may be deemed advisable; and may provide for the purchase of supplies and necessary files for the preservation of the same. When duly certified, such reproduction shall be deemed an original record for all purposes of public inspection, use and evidence; and a transcript, exemplified or certified copy shall for all purposes be deemed such a transcript,

exemplified or certified copy of the original. When inconsistent with the use of entry in record books, such record books may be dispensed with. The fee shall be twenty cents for each folio, together with the fee for certification or exemplification thereof.

4. Each officer, so far as practicable, shall complete all incomplete books and records of which he shall have custody and control by signing and certifying such completion in his own name and giving the date thereof. The county clerk shall complete only such records and minutes in actions or proceedings as are ordered completed by the respective county or supreme court having jurisdiction over such action or proceeding.

5. Each officer shall execute and deliver all necessary deeds, releases, discharges, ratifications or other documents and papers to fulfill any duty imposed by law upon his predecessor in office. Any liability of a sheriff resulting from the execution and delivery of a document required by law on behalf of a predecessor in office shall be determined to be the liability of the sheriff during whose term of office the error, mistake or cause of damage arose.

§ 209. Investigations. The board of supervisors is empowered to conduct an investigation into any subject matter within its jurisdiction, including the conduct and performance of official duties of any officer or employee paid from county funds and the accounting for all money or property owned by or under the control of the county. The power to conduct investigations may be delegated to a committee of the board. The chairman of the board and any member of such committee may issue a subpoena requiring a person to attend before the board or such committee and be examined in reference to any matter within the scope of the investigation, and in a proper case to produce all books, records, papers and documents material or relevant to the investigation. A subpoena issued under this section shall be regulated by the civil practice law and rules. The chairman of the board and any member of such committee may administer the oath to any witness and adjournments may be taken from time to time.

§ 210. Examination and post audit. The board of supervisors may at any time cause an examination and post audit to be made of the books, records and papers pertaining to the money, funds or other property belonging to the county, or over which the county shall have control. Such examination and post audit may be made by a standing or special committee or by auditors employed for the purpose.

§ 211. Printed and electronically recorded proceedings of the board.

1. The board of supervisors of each county, as soon after the close of each calendar year as practicable, shall cause to be printed in bound volume or recorded by electronic means, or both, copies of its proceedings, certified by the clerk of the board as a true copy. Such printed volume or electronic record shall contain all local laws consecutively numbered and all resolutions adopted by the board during the year. The printed volume or electronic record of proceedings may include reports of committees, officers and state departments. The board of supervisors may direct the printing or electronic recording in summarized or tabular form of county audits, town budgets, reports of bonded indebtedness, tax statements, official canvass and such proceedings as it shall determine to be in the public interest. At least one copy of such volume or electronic record shall be filed with or electronically transmitted to the county clerk and each city and town clerk within the county. At least one copy shall be filed with or electronically transmitted to the state librarian. Additional copies may be printed or electronically recorded and distributed in the discretion of the board.

Such annual volume or electronic record when certified by the clerk as a true copy, shall constitute and become the book of records and proceedings of such board.

2. The board of supervisors may cause to be printed or electronically recorded after each session, copies of its proceedings for distribution among its members, county officers or for exchange with other counties.

The board may also cause copies of such proceedings to be published after each session in such newspaper or newspapers, and for such period of time, as may be designated.

3. The board of supervisors of each county shall ensure that a printed copy is available upon request.

4. For purposes of this section, the terms "electronic means", "electronic record or recording" and "electronically transmitted" shall generally refer to the recording, copying and transfer of data by means of a computer, computer disk or directly over the internet.

§ 212. Designation of depositaries. All moneys received by the county treasurer shall be deposited and secured in the manner provided by section ten of the general municipal law. Nothing herein shall be deemed to limit the power of a court of competent jurisdiction or of the state comptroller to make directions concerning deposits of court and trust funds.

§ 214. Designation of newspapers; official publications. 1. Concurrent resolutions, election notices and official canvass. The members of the county legislative body, whether such body be denominated board of supervisors, county legislature or otherwise, or, in the city of New York, of the council of such city representing respectively each of the two principal political parties into which the people of the state are divided, shall designate annually the newspaper published within the county to publish the concurrent resolutions of the legislature. Such designation shall be in writing and signed by a majority of the members representing each of said political parties. In making such designation, consideration shall be given to the newspapers advocating the principles of such political party, the support of its nominees and the extent of the circulation in the county. However the fact that a newspaper is an independent newspaper not advocating the principles of any political party shall not disqualify it from consideration. If there be but one newspaper published in the county,

such newspaper shall be designated. The designation shall be filed with the clerk of the county legislative body or, in the city of New York, with the clerk of the council of such city, who shall not later than January tenth cause notice of the name and address of such newspaper or newspapers to be forwarded to the secretary of state. In like manner the members of the county legislative body or, in the city of New York, of the council of such city representing each of the two principal political parties into which the people of the state are divided, shall designate the newspaper published within the county to publish the election notices issued by the secretary of state and the newspaper to publish the official canvass. In the event of a failure so to designate in any year, or if either of such political parties has no representatives among the body or, in the city of New York, council membership, the last newspaper designated by the members of such party shall be deemed duly designated.

2. Local laws and notices. The board of supervisors shall annually designate at least two newspapers published within the county as official newspapers for the publication of all local laws, notices and other matters required by law to be published. In such designations consideration shall be given to those newspapers advocating the principles of the two major political parties into which the people of the state are divided and their general circulation throughout the county. However the fact that a newspaper is an independent newspaper and not advocating the principles of any political party shall not disqualify it from consideration. If there be but one newspaper having circulation in the county, that newspaper shall be designated. Except as otherwise provided by law, the clerk of the board shall cause a true copy of each local law to be published in such official newspapers at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law has become effective; provided, however, that any local law which is subject to a permissive referendum shall be published in such official newspapers at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law is adopted. Legalizing acts shall be published as provided in section two hundred twenty-seven. Nothing herein shall be deemed to prevent the designation

of additional newspapers for any publication and such designation shall be deemed an official newspaper for the particular publication.

3. Erie county. The provisions herein requiring the designation of official newspapers for the publication of election notices and official canvass shall not apply to the county of Erie.

§ 215. County property; general provisions. 1. The board of supervisors shall have the general care and control of the corporate real and personal property of the county.

2. All contracts and conveyances made by or to the county, or on its behalf, shall be made in the name of the county.

3. The board may acquire by purchase or condemnation and accept by gift real and personal property for lawful county purposes. The board may also lease for county purposes real property for terms not exceeding five years with the privilege of renewal, except that in the county of Cattaraugus the board may, subject to referendum provided in section twenty-four of the municipal home rule law, lease for county purposes real property for terms not exceeding ten years with the privilege of renewal. Parking areas may be regulated and a reasonable charge imposed. Necessary buildings may be erected, altered, remodelled and otherwise improved. Such buildings may be named, maintained and kept in repair, furnished and equipped for such public purposes. Adequate insurance of all types may be provided. When not otherwise provided by law, the board of supervisors may employ a custodian of any building or buildings and the grounds in connection therewith, or such custody may be made the duty of any county officer.

4. Upon the determination by the board of supervisors that county real property is not required for public use, such property may be leased for a term not exceeding five years upon such terms and conditions as may be prescribed by the board in the same manner and with the same rights and privileges as if owned by an individual.

5. When the board of supervisors shall determine that any county real property is no longer necessary for public use such board by resolution adopted by the affirmative vote of two-thirds of the total membership of the board taken by roll call and entered in the minutes, may sell and convey all the right, title and interest of the county therein.

6. Such property may be sold or leased only to the highest responsible bidder after public advertisement.

7. The income and proceeds of lease and sale of any county real property may be applied toward the payment of the cost of new sites and buildings or expended for other lawful county purposes.

8. The provisions of subdivisions four, five, six and seven of this section shall not apply to the disposition of real property acquired pursuant to section eight hundred fifty of this chapter, acquired by tax title or accepted for welfare assistance, or to lands purchased or acquired for highways or canals.

9. The sale or other disposition of personal property no longer necessary for public use, together with the application of the proceeds thereof, shall be in accordance with rules and regulations adopted by the board of supervisors, except as otherwise provided by law.

10. Nothing herein shall be construed to authorize the sale or lease of any county property where such disposition is prohibited or restricted by law.

11. The board of supervisors shall have the power, by resolution or local law, to adopt and enforce rules, regulations or ordinances covering the use of, parking on, and traffic in and through, any county-owned or county-leased property, except as to any roads or other property under the jurisdiction and control of the state of New York or any of its agencies. The board shall have the power to provide that the violation of any one or more of such rules, regulations, or ordinances (a) shall constitute an offense and that a person guilty of such offense may be punished by a fine of not exceeding one hundred dollars, or by

imprisonment not exceeding thirty days, or by both such fine and imprisonment, or, in the alternative, (b) shall be enforced by prescribing a penalty not exceeding one hundred dollars in any one case, to be recovered in a civil action in any court having jurisdiction thereof, which action shall be brought in the name of the county.

§ 216. Location of county offices. The board of supervisors shall have power to select and change the site of any county office or building within the county except as hereinafter provided. No site or location for any county jail shall be selected or acquired by such board of supervisors which shall not have been approved by the state commission of correction. No courthouse, civil office of the sheriff, office of the county clerk, county treasurer, clerk of the board of supervisors or board of elections, now or hereafter located in a city or village, shall be removed beyond the limits of such city or village without the approval of a proposition therefor by the affirmative vote of a majority of the qualified electors of the county voting thereon at a general or special election. The clerk of the board of supervisors shall cause a notice of such election to be published in the official newspapers once a week for six weeks previous to such election; and shall on or before the first day of publication cause such notice to be posted upon the bulletin board at the office of each city and town clerk in the county. The notice shall state the time of the election, the name of the office or building and the proposed site thereof by a description in general terms sufficient for readily identifying the proposed site. The clerk shall cause a certificate to be filed with the board of elections stating the proposition to be submitted on or before the first publication. Nothing herein shall be deemed to dispense with any required approval of a site or building by any state officer or department. In the event the board of supervisors proposes changing the present site or sites, as the case may be, of two or more of the above specified offices or buildings from their present site or sites, as the case may be, to one site, such proposal may be contained in one proposition without the necessity of allowing a separate vote on each of the offices or buildings concerned, and in such case, the proposition and the notice of such election shall state, as to each office or

building affected, the name of the office or building, the present location thereof by reference to the city or village, as the case may be, and the proposed site thereof by a description in general terms sufficient for readily identifying the proposed site.

§ 217. County jail. Each county shall continue to maintain a county jail as prescribed by law.

§ 217-a. Qualification for employment as a county correction officer. A county may adopt the provisions contained in section twenty-two-a of the correction law relating to qualifications of its officials who may thereafter be appointed in a law enforcement capacity in any of its penal correctional institutions. Any determination that would otherwise be made by the commissioner or his or her designee of the department of corrections and community supervision under the provisions of section twenty-two-a of the correction law, shall, if such provisions are so adopted, be made by the appointing authority for such officials.

§ 218. Courthouses and judicial expenditures. 1. Except as otherwise provided by law, each board of supervisors shall provide suitable rooms for courts of record within the county including rooms for holding court, grand and trial jurors, witnesses and attorneys during such terms of court. Chambers shall be provided for any resident judge of the court of appeals or justice of the supreme court and may be provided for the county judge, surrogate, and family court judge. The board of supervisors shall provide necessary and suitable furnishings together with light, heat, telephone, law books, periodicals and such other furniture, supplies or equipment as may be necessary for such courts to properly function. If such board after a written request by any resident judge of the court of appeals or justice of the supreme court presiding therein fails after a reasonable time to furnish such provisions, such judge or justice may require the sheriff to furnish the same and the expense shall be a county charge. When such rooms are not being used for court purposes, the same may be used for any other public purposes; and

additional rooms may be provided for hearings, examinations, clinics and other lawful public purposes. When so ordered by the court, the sheriff shall provide food and lodging for jurors kept together pending a trial and their deliberation thereon, and for grand jurors kept together pending an indictment or presentment and their deliberation thereon, and the cost shall be paid by the county treasurer upon order of the presiding judge or justice. The board shall provide for the expense of printing and publishing proclamations, notices of terms and court calendars as required by law. The compensation and lawful expenses of court attendants, court criers, jurors, grand jurors, witnesses, interpreters and stenographers, except as otherwise provided by law, shall be a county charge and paid in the manner prescribed by law.

2. The board of supervisors shall audit and pay the fees allowable for services rendered by justices of the peace, police justices, city judges, police officers and peace officers of the cities, towns and villages within the county in criminal proceedings, for or on account of an offense which a court of special sessions has not jurisdiction to try. A county shall pay any amount due to a town or village for the services of a justice of the peace or police justice which is a county charge upon presentation to it of a claim by the state comptroller for such charges each quarter.

§ 218-a. County detention facilities for juvenile delinquents and persons in need of supervision. A. To assure that suitable and conveniently accessible accommodations and proper and adequate detention in secure and non-secure detention facilities, as defined in section five hundred two of the executive law and the regulations of the division for youth, will be available when required for the temporary care, maintenance and security of alleged and convicted juvenile offenders, alleged and adjudicated juvenile delinquents and alleged and adjudicated persons in need of supervision. Such regulations shall not require any county to provide temporary care in a secure detention facility for residents of any other county except upon a space available basis. The county executive, if there be one, otherwise the board of supervisors shall designate the agency of county government responsible

for the administration of the county juvenile detention program and shall so advise the New York state division for youth, and may make provisions therefor as follows:

1. Provide for the continued operation of the county's established detention facility, so long as it complies with regulations of the division for youth, and is certified by that division.

2. Authorize a contract between its county and one or more other counties, which is or are operating a conveniently accessible detention facility certified by the division for youth and in compliance with regulations of the division for youth, providing for the reception, temporary accommodation and care in such facility of alleged or adjudicated juvenile delinquents and persons in need of supervision held for or at the direction of its family court, for and in consideration of the payments to be made therefor, on a per capita basis, pursuant to the terms of such contract.

3. Authorize a contract between its county and one or more other counties providing for the joint operation and maintenance by them of an already established county detention facility certified by the state division for youth and operated and maintained in compliance with the regulations of the division for youth, which is conveniently accessible to the counties concerned. Such authorization and contract may include provisions for remodeling or enlarging the building of such facility.

4. Authorize a contract between its county and one or more other counties providing for the joint establishment, operation and maintenance by such counties of a new joint county detention facility which shall be located on a site conveniently accessible to the counties concerned and which shall be certified by the state division for youth and which shall be established, operated and maintained in compliance with the regulations of the division for youth.

5. The resolution providing for joint action under three or four above shall be adopted by the board of supervisors of each of the several counties affected, and a committee composed of at least one member of

each of such boards shall be created to acquire the necessary real property in the name of the counties affected, and as the joint agent of such counties such committee shall have charge of the construction, equipment, maintenance and operation of such joint county detention facility and, with the advice of an advisory committee consisting of the judge of the family court and the commissioner of social services of each of said counties, shall supervise and control the maintenance and operation of such joint county detention facility. The said resolution may specify the matters as to which the action of such committee shall require the joint approval of the boards of supervisors of all the counties affected and shall prescribe the proportions to be borne by each of the several counties affected of the costs of acquisition of the site and of construction of a new joint county detention facility and the proportions to be borne by each of the several counties affected of the costs of operation of such joint county detention facility, whether established by new joint acquisition and construction or by utilization of an existing county detention facility. The moneys to pay the share to be borne by each county affected shall be provided by appropriation in such amounts and at such times as may be agreed upon.

6. Notwithstanding any other provision of law, commencing October first, two thousand eighteen, a county must provide for adequate detention of alleged or convicted adolescent offenders in a specialized secure detention facility for older youth who are alleged or convicted of committing an offense when they were sixteen years of age and commencing October first, two thousand nineteen, a county must provide for adequate detention of alleged or convicted adolescent offenders in a specialized secure detention facility for older youth who are alleged or convicted of committing an offense when they were sixteen or seventeen years of age. Such facility shall be certified and regulated by the office of children and family services in conjunction with the state commission of correction. Such facility shall: (i) have enhanced security features and specially trained staff; and (ii) be jointly administered by the agency of county government designated in accordance with subdivision A of this section and the applicable county sheriff, which both shall have the power to perform all acts necessary to carry out their duties. The county sheriff shall be subject to the same laws

that apply to the designated county agency regarding the protection and confidentiality of the information about the youth in such facility and shall prevent access thereto by, or the distribution thereof to, persons not authorized by law.

B. Notwithstanding any other provision of law, each board of supervisors shall provide or assure the availability of conveniently accessible and adequate non-secure detention facilities, certified by the state division for youth, as resources for the family court in the county pursuant to articles seven and three of the family court act, to be operated in compliance with the regulations of the division for youth for the temporary care and maintenance of alleged and adjudicated juvenile delinquents and persons in need of supervision held for or at the direction of a family court.

C. Each county shall offer diversion services to children who are at risk of being the subject of a petition under article seven of the family court act. Such services shall be designed to provide an immediate response to families in crisis and to identify and utilize appropriate alternatives to juvenile detention.

§ 218-b. Prisoner furlough program in county jails and penitentiaries. The county legislative body shall have power to elect to have the provisions of article twenty-two-A of the correction law concerning prisoner furloughs apply to jails and penitentiaries under its jurisdiction and to appropriate and expend such sums as it may deem proper to provide for a prisoner furlough program in accordance therewith.

§ 219. Reforested lands. 1. The board of supervisors shall have power to purchase, acquire, or accept by gift lands for purposes of reforestation and/or lease for the purpose of aiding in discovering and removing oil and/or gas from such reforested land and adequately plant, fence and otherwise maintain said lands for purposes of watershed protection, development of oil and gas retrieval, the production of

timber and forest products and for recreation and kindred purposes. The title of the lands so acquired shall be vested in the county and such lands shall be forever devoted for the purposes aforesaid and none other; provided, however, the board of supervisors of any county in its discretion may convey to the state of New York without charge any lands or rights or interests therein at any time or in any manner acquired by the county for the purposes of this subdivision and which the environmental conservation commissioner shall deem proper to acquire under the provisions of section 3-301 of the environmental conservation law and such lands when so conveyed shall be forever devoted to the purposes herein stated. Trees, timber and other forest products, gas and/or oil may be sold or otherwise disposed of in such manner as the board of supervisors may direct, not inconsistent with any rules and regulations prescribed by the environmental conservation commissioner; and the same may be conveyed to the state of New York.

2. (a) Such lands shall be exempt from state and county taxes, but for the purposes of all other taxes and assessments shall be assessed at a valuation not exceeding the purchase price thereof, or if acquired by gift, at the value thereof for purposes of reforestation not exceeding the average valuation computed by taking the assessed valuations of such lands for two years previous to such gift. Reforested lands of a county acquired by tax title shall not be assessed at a greater valuation than that appearing on the last assessment roll before the sale which was the basis of such tax title.

(b) The assessment of such lands may be increased or decreased without regard to the provisions of this subdivision to reflect any change in the level of assessment of all other property on the assessment roll of the city, town or village as provided in title two of article twelve of the real property tax law. The commissioner of taxation and finance shall certify a change in level of assessment factor subject to the provisions of title two of article twelve of the real property tax law.

(c) Adequate appropriations shall be made for the payment of such taxes by the county treasurer to the collectors of the several tax districts in which said lands are located.

3. The board of supervisors may appropriate sums for carrying out the

provisions of this section and may be reimbursed by the state up to fifty per centum of the amount by it appropriated, such reimbursement, however, not to exceed in any year for any county the sum of five thousand dollars. In order to obtain state assistance, the board of supervisors shall cause to be filed in the office of the conservation department not later than January twentieth following the end of the calendar year in which such appropriation was made, a certificate executed by the chairman and clerk of the board of supervisors setting forth the amount of such appropriation and the previous expenditures made by the county for like purposes under this section and particularly the funds supplied therefor by the state, with a plan indicating the purposes for which such sum is to be expended and the manner in which such plan is to be executed. If the proposed plan and the expenditures theretofore made by the county for reforestation purposes shall be approved by the conservation commissioner, he shall recommend to the governor, the legislature and the department of audit and control the amount which in his opinion should be contributed by the state to the county for carrying out such plan and thereupon there shall be appropriated from any money in the treasury of the state not otherwise appropriated, an amount equal to the sum so recommended.

4. In addition to such appropriations the state shall without charge to the county supply it for planting upon the lands owned and acquired by it for reforestation purposes such trees as shall be deemed by the conservation commissioner as best suited for the lands to be reforested and the trees so supplied shall be used by the county for such purpose and no other in accordance with instructions from the conservation department.

5. The powers granted to boards of supervisors by this section shall not be deemed to defeat or impair the provisions of section sixty of the conservation law or of any other law enacted for the promotion of forestry but are intended to be supplemental thereto.

§ 220. County planning board. The board of supervisors is empowered to establish a county planning board pursuant to article twelve-b of the

general municipal law and to make the necessary appropriations therefor.

§ 220-a. Water quality management agency. The board of supervisors or county legislature, shall have the power to designate a water quality management agency for the purposes of water quality management program oversight. Such agency may, in the discretion of the board of supervisors or county legislature, be an existing county official, county agency, a group of agencies or officials or other county entity, or may be a newly created agency. Such a water quality management agency shall be responsible for providing oversight of all water quality programs and related activities in the county. This includes a continuing assessment of the impact of point and nonpoint sources of pollution on the waters of the county, and the appropriateness of the monitoring and administrative activities related thereto. The water quality management agency shall have the responsibility to review and coordinate all activities of county officers, agencies, departments or other entities of county government which have a substantial impact on or interest in water quality management. The agency shall prepare an annual report, which shall be submitted to the county executive, the board of supervisors or county legislature, the New York state department of environmental conservation, and where appropriate to a regional planning agency. This report shall identify needs of the county and document progress in improving water quality management performance. This report shall include but not be limited to the following:

1. recommended changes in surface and groundwater classification.
2. status and results of water quality monitoring activities.
3. status of facilities construction.
4. onsite sewage facilities programs.
5. hazardous and toxic materials disposal.
6. status of point sources control and operation.

7. nonpoint source management.
8. economic and demographic changes.
9. an assessment of water quality condition in the county.
10. quantification of needs to improve water quality management.
11. findings and recommendations for future programming.

§ 221. County park commission. The board of supervisors shall have power to create a county park commission to consist of not less than five or more than seven members who shall be residents of the county. The members of such commission shall be appointed by the board of supervisors and hold office during the pleasure of the board or for such terms as the board may determine. Not more than a majority of the members of any such commission shall belong to the same political party. The members of any such commission shall serve without compensation but shall be allowed their necessary expenses incurred in the performance of their duties. Within the amount provided by appropriation and subject to such rules and regulations as the board of supervisors may prescribe, any such county park commission shall have the supervision and management of all county parks within the county. All county parks shall be kept and maintained for the free use of the public, subject to such regulations as the board of supervisors may impose.

§ 222. Cemeteries. 1. The board of supervisors may acquire by condemnation, purchase, gift or devise burial plots outside a city or village within the county, for the burial of indigent persons. Such burial plots shall be under the general care and supervision of the county commissioner of public welfare.

2. a. The board of supervisors or county legislature may, by the affirmative vote of two-thirds of the total membership of the board,

acquire by condemnation, purchase, gift or devise lands outside a city or village within the county and establish and maintain a county cemetery for the burial of members of the armed forces of the United States. Remains of the members of the armed forces of the United States, heretofore or hereafter dying may be interred in such county cemetery or may be removed from other cemeteries or burial plots and be interred in such county cemetery as authorized by law. The county cemetery shall be under the general care and supervision of such officer or employee of the county or other person as the board of supervisors may direct.

b. Any member of the armed forces of the United States, who was a resident of Rockland county at the time of his induction into the armed forces of the United States, killed in action may be buried in such county cemetery, entirely at county expense, at the option of the next of kin. The board of supervisors or county legislature may adopt rules or regulations governing the cost, procedure for interment and rights of the next of kin.

3. Any such county cemetery or burial plot may be designated by name and adequate maintenance, perpetual care, ornamentation and markers provided. The board of supervisors may adopt rules governing interments and the rights of distributees, not inconsistent with law.

4. A portion or block of lots may be purchased in an existing incorporated cemetery association within the county for such purposes and title shall be taken in the name of the county. Subject to such conditions and restrictions as may be imposed by the incorporated cemetery association, adequate maintenance, perpetual care, ornamentation and markers may be provided.

5. Burial plots for the indigent shall be kept separate and apart from plots for the burial of members of the armed forces of the United States; and no member of the armed forces shall be interred in the same part of the cemetery as indigents.

5-a. The board of supervisors of any county may, by the affirmative vote of two-thirds of the total membership of the board, provide for the

perpetual care, upkeep and maintenance of any cemetery located within the county if such cemetery is abandoned or not controlled by an existing board or body and for the care of which there exists no special fund or endowment and the expense thereof may be appropriated from funds in the county treasury not otherwise appropriated. The board of supervisors may also provide that any such cemetery shall be under the general care and supervision of such officer or employee of the county as the board of supervisors may direct.

6. Nothing herein shall be deemed to affect, impair or supersede any other general or special law authorizing a county to establish and maintain cemeteries.

7. (a) No county shall, directly or indirectly:

(i) sell, or have, enter into or perform a lease of any of its real property dedicated to cemetery purposes or adjacent thereto to a funeral entity, or use any of its property for location of a funeral entity;

(ii) commingle funds used for cemetery purposes with a funeral entity;

(iii) direct or carry on its cemetery related business or affairs with a funeral entity;

(iv) authorize control of its cemetery related business or affairs by a funeral entity;

(v) engage in any sale or cross-marketing of goods or services with a funeral entity;

(vi) have, enter into or perform a management or service contract for cemetery operations with a funeral entity; or

(vii) have, enter into or perform a management contract with any entity other than a not-for-profit or religious corporation, or governmental entity.

(b) Only the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subdivision shall apply to counties with thirty acres or less of real property dedicated to cemetery purposes, and only to the extent the sale or lease is of real property dedicated to cemetery purposes, and such cemeteries shall not engage in the sale of funeral home goods or services, except if such goods and services are otherwise permitted to be sold by cemeteries.

(c) For the purposes of this subdivision, "funeral entity" means a

person, partnership, corporation, limited liability company or other form of business organization providing funeral home services, or owning, controlling, conducting or affiliated with a funeral home, any subsidiary thereof or any officer, director or stockholder having a ten per centum or greater proprietary, beneficial, equitable or credit interest in a funeral home.

§ 223. Flood control and soil conservation. 1. The board of supervisors shall have power to, and may, appropriate and pay out for the general improvement of agriculture and the soil such sums as it may deem proper for the expense of creating and maintaining soil conservation districts, and assisting districts in carrying out the provisions of the soil conservation districts law. The board of supervisors may by resolution, duly passed, direct the county treasurer to pay out of moneys from such appropriation upon the order of the chairman of the district directors, upon his giving a proper receipt therefor. On or before the first day of January in each year and at any other time when requested by the board of supervisors, the directors shall report in writing to the board a detailed statement of its work and transactions for the preceding year ending December thirty-first, and for any other period which the board may request and in such form as said board may direct.

2. In addition to the powers granted under the provisions of the soil conservation districts law and chapter eight hundred sixty-two of the laws of nineteen hundred thirty-six as amended, and after a public hearing held pursuant to public notice as hereinafter provided, each board of supervisors shall have power to appropriate and expend county funds to protect public and private property within the county from floods, to conserve the soil from erosion and for any function or purpose which otherwise may be undertaken or performed by a small watershed protection district established pursuant to article five-D of this chapter.

After a public hearing shall have been held as provided herein, a board of supervisors may appropriate each year for such purpose without

a further public hearing a sum not to exceed the sum specified in the original notice of public hearing. If a sum in excess of the sum specified in the original notice of such hearing is proposed to be expended, a new public hearing shall be held and public notice given as hereinafter provided.

3. The resolution shall recite: (a) the area of said county in which the project and work is to be performed, and that it is believed of sufficient importance and general public benefit to warrant the expenditure of county money thereon; (b) the name, if any, of any lake, pond, stream, drain or ditch to be improved; (c) the nature of the improvement such as construction of dikes, drains, check-dams, pipes, new or altered channels, reforestation or the planting of shrubs and plants, or otherwise by the creation of a soil erosion control or watershed protection project; (d) whether the necessary easements, permits, or other necessary rights have been obtained, and any compensation agreed to be paid owners damaged thereby; (e) whether it is necessary to acquire any easements or rights-of-way, and the estimated cost thereof; (f) the estimated cost of such improvement, and the amount to be paid by the owners of the land benefited thereby; (g) whether any part of the expenditure is to be financed under the provisions of the local finance law, and the manner of such payment; (h) whether the work shall be done by county employees and equipment or let to the lowest responsible bidder; (i) what portions of the improvements are to be maintained by the county and by the private owners of the land upon which such improvements are situate, or group of property owners in the area; (j) reference to a survey, or plans and estimate of such improvement, which shall be made a part thereof; (k) such other information as may be deemed necessary.

4. Within ten days after the adoption of said resolution, the clerk of the board of supervisors shall cause notice of a public hearing thereon to be published in the official newspapers once a week for two publications, and at least twenty days shall elapse from the first publication to the date of the hearing. The notice shall contain an abstract statement of the proposed project and that the survey, plans and estimate may be seen at the office of said clerk. A copy of such

notice shall be mailed to each owner from whom any easement or right-of-way is necessary. The public hearing may be held before the board or any committee of the membership designated for that purpose.

5. After the public hearing, the board of supervisors may adopt a final resolution and provide therein for: (a) the necessary appropriation and determination as to the manner of payment of orders or audited claims thereon; (b) authorization, upon consent of the county superintendent of highways, for the use of county highway machinery, tools and equipment at a rental charge fixed by the state commissioner of transportation, which rental shall be paid into the county machinery fund; (c) authorization of contracts with town superintendents of highways with approval of the respective town boards, for the rental of town highway machinery, tools and equipment at a rental charge fixed by the state commissioner of transportation, which rental shall be paid into the town machinery fund; (d) acceptance of the services and financial aid of federal and state agencies; (e) authorization to contract in the manner prescribed in section two hundred twenty-four of this chapter with any organization formed for the purpose of flood control and soil conservation; (f) directions on the manner of performance of the work; (g) authorization for acquiring necessary rights of way pursuant to the provisions of the eminent domain procedure law.

6. When a resolution adopted pursuant to subdivision eleven-a of section sixty-four of the town law shall have become effective, and further improvements to that already planned by such town are determined to be of sufficient importance and benefit to the public to warrant the expenditure of county funds thereon, the board of supervisors, after a public hearing held in the manner prescribed by the foregoing provisions, shall have power to agree with the town board and the property owners, upon the extent of such additional improvements and amount of the county appropriation. The improvement shall be performed and completed as the board of supervisors shall direct, and the town shall pay its share thereof into the county treasury, when so directed.

7. Prior to undertaking a watershed protection project for which

application is to be made to the secretary of agriculture of the United States for federal assistance pursuant to a federal act approved the fourth day of August, nineteen hundred fifty-four as public law five hundred sixty-six and known as the "Watershed Protection and Flood Prevention Act," and all acts amendatory thereof and supplemental thereto, the board of supervisors, or the official, department, bureau, or agency of the county designated for that purpose, shall follow the procedures and be subject to the provisions of subdivisions two, three, four, five and six of section two hundred ninety-nine-n of this chapter.

8. A county which undertakes a watershed protection project pursuant to this section for which it would be eligible to receive financial reimbursement from the state pursuant to section two hundred ninety-nine-w of this chapter if the project was undertaken by a small watershed protection district, shall be eligible for such financial reimbursement in the manner and to the extent therein provided.

9. A county which has commenced proceedings to undertake a watershed protection project or projects pursuant to the provisions of article five-D of this chapter, may elect, prior to the creation or extension of a small watershed protection district or districts therefor, to proceed with the proposed watershed protection project or projects pursuant to the provisions of this section and discontinue the article five-D proceedings. In the event of such election by a county, any proceedings or other action taken or approval obtained pursuant to section two hundred ninety-nine-n of this chapter relating to such proposed project or projects shall be deemed to have been taken or obtained pursuant to the provisions of this section two hundred twenty-three and shall not be required to be repeated for such proposed project or projects solely because of such election. Within ten days after the adoption of a resolution by the board of supervisors electing to discontinue proceedings pursuant to article five-D of the chapter and to proceed with the proposed project or projects pursuant to this section, the clerk of such board shall file a copy of such resolution with the water resources commission.

§ 223-a. The board of supervisors of any county may appropriate such sums as it may deem proper, not exceeding three thousand dollars in any one year, to carry out the provisions of the forest practice act as defined in section sixty-d of the conservation law, within such county. The county treasurer shall pay the moneys so appropriated to the chairman of the district forest practice board upon his order and upon his giving a proper receipt therefore. The chairman of the district forest practice board shall furnish the board of supervisors a detailed statement of its work and transactions, financed in whole or in part from such moneys, for the year ending November thirty and for any other period which the board of supervisors may request and in such form as said board may direct. Any county making such an appropriation shall be reimbursed annually by the district forest practice board within six months following the close of the fiscal year of the county by which moneys were made available to the extent that such board has moneys made available to it for such purpose by the state of New York or any of its agencies or the United States of America or any of its agencies.

NOTE: Subdivision 28-f of section 12 of Old County law, being added by chapter 204 of 1950 missed being recodified as a section of County law as other subdivisions of section 12 were in such year. It was saved by Sec. 1001 of present county law.

§ 223-b. EMS training and mutual aid programs. 1. In order to develop and maintain programs for EMS training, EMS-related activities and mutual aid emergencies in which the services of EMS providers would be used and to cooperate with appropriate state agencies in furthering such programs, any county may create a county EMS advisory board and may establish the office of county EMS coordinator.

2. A county EMS advisory board shall consist of not less than five nor more than twenty-one members, each of whom shall be appointed by the legislative body for a term of not to exceed one year, two years or three years. Such terms of office need not be the same for all members. It shall be the duty of such board to cooperate with appropriate state agencies in relation to such programs for EMS training, EMS-related

activities and mutual aid; to act as an advisory body to the county government and to the county EMS coordinator, if any, in connection with the county participation in such programs for EMS training, EMS-related activities and mutual aid and mutual aid programs in cases of emergencies in which the services of EMS providers would be used; to perform such other duties as may be prescribed in relation to EMS training, EMS-related activities and mutual aid in cases of emergencies in which the services of EMS providers would be used. The members of such board shall be county officers, and shall serve without compensation.

3. If the office of county EMS coordinator is created in any county, a county EMS coordinator shall be appointed. It shall be his or her duty to administer the county programs for EMS training and mutual aid in cases of emergencies in which the services of EMS providers would be used; to act as a liaison officer between the county government and the county EMS advisory board and the EMS providers in the county and the officers and governing boards or bodies thereof; and to perform such other duties as prescribed. The county EMS coordinator shall be a county officer and the amount of his or her compensation, if any, shall be fixed by the county.

4. A member of the legislative body, the county EMS coordinator, or a deputy county EMS coordinator, may be appointed as a member of the county EMS advisory board, but shall receive no additional compensation for services performed as a member of such advisory board.

§ 224. Optional appropriations and contracts for public benefit services. The board of supervisors shall have power to contract with non-profit organizations and other corporations, associations and agencies within the county formed for the purposes hereinafter enumerated; and the board of supervisors shall also have power to contract with non-profit organizations and other corporations, associations and agencies formed for such purposes within an adjoining county provided the services which are the subject of the contract are to be rendered within the county of such board. The resolution of such

board shall name the organization, the amount and manner of payment for the service to be rendered, nature of such service, the rendering of a verified account of the disbursements with verified or certified vouchers therefor attached, a refund of any unused amount, and such other conditions upon the use thereof as the board may deem proper, including the power to require a bond of the disbursing officer thereof. Except as hereinafter mentioned, no county money shall be paid to such organization until a memorandum receipt, signed by the principal officer and disbursing officer of such organization, agreeing to comply with the terms of the resolution, is delivered to the county treasurer. Such appropriations and payments may be made for the following objects and purposes:

(1) Armistice, memorial, or other recognized national patriotic observance;

(2) Commemoration programs of historical events of county-wide interest and concern;

(3) Propagation of game, game birds, and fish;

(4) Prevention of cruelty to children and animals;

(5) Grounds and buildings for the improvement of agricultural conditions in the county, when owned and operated by a county agricultural society;

(6) Administration expense of organizations rendering a service, training, or aid to indigent blind;

(7) Elimination of noxious weeds, rodents and wild animals;

(8) (a) The board of supervisors of any county in which a county extension service association has been organized may from time to time appropriate and pay out for the support and maintenance of county extension service associations and the work thereof, and for the employment by the county association of professional staff, and for any other purposes which the board of supervisors shall deem proper and may raise money for such purpose by a tax on real and personal property in the county. The board of supervisors may direct the county treasurer to pay out moneys from such appropriation upon the order of the treasurer of the county association, upon his giving a proper receipt therefore, and the chairman of the board of supervisors may be authorized to enter into an agreement to pay such funds in regular installments in advance, and such agreement shall be sufficient authority in the hands of said

county treasurer to pay out such moneys, provided that this money shall be expended under an agreement to be entered into between the county association and Cornell university, as agent for the state, for the cooperative management of said work of the county extension service association and the proper supervision of the professional staff employed therefor. The agreement shall identify by his or their titles the professional staff to be employed by the associations and shall state the salary or salaries to be paid and the sources from which payment is to be made. If services of professional staff employed by Cornell university are to be furnished, or if programs of extension work are to be furnished or conducted by Cornell university, the agreement shall identify such services or programs and state the terms on which they are to be furnished, including the sources from which payments are to be made. The co-operative relations therein established shall continue until either party to the agreement shall notify the other party that it wishes to terminate the agreement. Such a notification shall be in writing and shall be served at least six months preceding any action taken to annul the agreement. After receiving such notice co-operative relationships between said parties shall cease at the expiration of the six months' period of notice providing reconsideration or request for continuance is not made by the party issuing notification of desire to discontinue work under the provisions of this agreement. On or before the first day of December in each year and at any other time when requested by the board of supervisors, the officers of such county association shall report in writing to the board of supervisors a detailed statement of its work and transactions for the year ending November thirtieth, and for any other period which the board of supervisors may request and in such form as said board may direct.

(b) County or regional extension service association and its work. In each county or region of two or more counties of the state which shall qualify under this subdivision to co-operate with Cornell university for extending to the people of the state of New York, not enrolled in said colleges, the educational programs of the New York State College of Agriculture and Life Sciences and the New York State College of Human Ecology at Cornell university and subjects relating thereto, in cooperation with the state, there shall be recognized and may be created a subordinate governmental agency consisting of an unincorporated

organization of citizens of the respective counties interested in agriculture, community and economic vitality, environment and energy, nutrition and healthy families, and youth development under a form of organization and administration approved by Cornell university as agent for the state. It shall be known as a county or regional extension service association. Cooperative extension work in a county may consist of programs in the fields of agriculture, community and economic vitality, environment and energy, nutrition, healthy families and youth development. References herein to the county or regional association shall mean such an organization. Only one such association shall be recognized or formed in each county or, by formal agreement, two or more counties may join to form one regional association to serve the several counties. The instrument providing its form of organization and administration shall be deemed its constitution. It shall have a board of directors and the offices of president and treasurer, to be constituted and filled as provided in such constitution, which also shall regulate admission to and tenure of enrollment in the organization. The board of directors of any such association heretofore or hereafter created may adopt such regulations and by-laws governing its procedure in the work assigned to it as are not inconsistent with the provisions of this subdivision. Subject to such rules and regulations and the constitution so approved, the president of the association shall act for, as and in the name of the association in all matters except those as to which the treasurer is given powers and duties. Civil actions or proceedings may be brought by or against the president or treasurer, as such, of the association. A judgment against them or either of them shall be enforceable only against funds or property of the association. Such an association is hereby declared to be a subordinate governmental agency and neither the county nor Cornell university nor any member, officer or director of the association shall be liable in damages for any injury to person or property in connection with the activities of the association the proximate cause of which was not directly their or his fault or negligence.

(c) When authorized by the board of directors of a county association, the treasurer of the association may acquire in his name as such treasurer, and he and his successors in office may hold, in trust, for carrying on the work and effectuating the purposes or a purpose of the

association, personal property and real property or any interest therein, or the possession thereof under a lease. The instrument whereby such property, interest or use is acquired by purchase shall designate the grantee or lessee, as the case may be, by name and official title of treasurer as trustee. Such treasurer, as such, and as such trustee, may take and hold personal and real property by gift, grant or devise, when the instrument of gift or the will gives or devises property, personal or real, directly to the association as such and in its name, or to any person or persons for it, or in trust for its use and benefit. Such treasurer, as treasurer and trustee, may mortgage, lease, assign, convey or transfer any property held by him for the association, either personal or real, when authorized so to do by the directors of the association, by a deed or other instrument executed by and in the name of the then treasurer as such and as trustee. No such mortgage, lease, assignment, conveyance or transfer shall be made contrary to the conditions, if any, of the instrument under which the property, interest therein or use thereof, was acquired. The use and application of the acquired property, income therefrom and proceeds realized from a conveyance or transfer thereof, if any, shall be in accordance with rules and directions of such board.

(d) For the support of cooperative extension programs and subject to annual appropriation by the legislature, there shall be annually apportioned to each county cooperative extension association out of any moneys in the state treasury appropriated therefor, fifty cents for each dollar up to the first one hundred thousand dollars appropriated by such county for cooperative extension activities during the state fiscal year most recently ended and five cents for each dollar appropriated by such county for cooperative extension activities in excess of one hundred thousand dollars during the state fiscal year most recently ended. In the case of a regional extension service association authorized by this section, the maximum amount to be apportioned to any such association shall be the sum of the maximum apportionments which would have accrued to a separate association in each county included in the region. No county cooperative extension association shall receive an apportionment of funds under this section in an amount less than had been received in the nineteen hundred ninety-five--ninety-six state fiscal year, provided that the annual state appropriation is not less than the state moneys

appropriated in the nineteen hundred ninety-five--ninety-six state fiscal year. Additional state allocations shall be distributed to the county associations in a percentage proportionate to their most recent county appropriation, such appropriation not to include any amount attributed to in-kind contributions, service agreements, or contracts.

1. The entitlement of each association to state moneys annually appropriated under this chapter is subject to the furnishing of equivalent sums from county appropriations. Annual county appropriations may include in-kind contributions, service agreements, and contracts with cooperative extension associations subject to review by Cornell university.

2. The apportionments provided pursuant to provisions of this paragraph shall be rounded to the nearest whole dollar.

3. The state apportionments provided for in this subdivision shall be paid upon vouchers certified by Cornell university as follows:

- (i) For salaries of professional staff employed by the association;
- (ii) For salaries of staff employed by Cornell university when administering, furnishing or conducting extension programs benefiting the county under agreement with the association.

4. All such payments shall be made in accordance with the annual agreement between the association and Cornell university, which shall:

- (i) Specify the amount in dollars to be expended for each of such purposes and the amount in dollars to be provided from apportionments pursuant to this subdivision;
- (ii) Identify by titles the positions for which the salary is paid;
- (iii) In the case of salaries of agents jointly employed by two or more county associations, and in the case of salaries of agents or other personnel employed by Cornell university, in furnishing or conducting programs which are furnished or conducted in or for the benefit of two or more counties, identify each of the county extension service associations against whose account payments pursuant to this subdivision are to be charged and the amount to be charged.

(e) The general supervision of the co-operative extension work in a

county herein provided for shall be under the direction of Cornell university as agent for the state and Cornell university is hereby authorized to set standards for professional staff and to make rules and regulations for the organization and conduct of such work. The moneys appropriated pursuant to this subdivision shall be paid from the state treasury on the warrant of the comptroller on vouchers approved by the treasurer of Cornell university.

For the purpose of carrying out the co-operative extension work of the county association, a county association may:

(1) Employ professional staff to organize, carry out, and co-ordinate the work;

(2) Exchange services of professional staff employed by it for services of professional, staff employed by another county association or employed by Cornell university, upon such terms as shall be agreed;

(3) Contract with another county association or with other county associations for the joint employment of one or more professional staff members, upon such terms with respect to salary, payment of expenses, duties and allocations of services as shall be agreed;

(4) Contract with Cornell university for the furnishing of services of professional staff employed by the university to conduct educational work throughout the state or in areas thereof, upon such terms as shall be agreed;

(5) Contract with Cornell university for the furnishing and conduct of programs of extension work or services, within the county or benefiting the county, upon such terms as shall be agreed;

(6) Contract with one or more other county associations for the purpose of assuring concurrent action by the several associations in contracting with Cornell university for services of professional staff at Cornell university or for programs of work furnished by Cornell university, as provided in paragraph (d) or (e), where the use of such services or participation in such programs by the several associations is required for their arrangement or financing.

(7) In support of its operations, research and educational programming needs, an association may contract with one or more entities, including but not limited to federal, state, or local government, not for profits or for profit organizations to provide services, compensated or

uncompensated, consistent with this section. Such contracts are subject to review by Cornell university.

If services of professional staff employed by Cornell university are to be furnished, or if programs of extension work are to be furnished or conducted by Cornell university, the agreement shall identify such services or programs and state the terms on which they are to be furnished, including the source from which payments are to be made. Where payments are to be made out of funds appropriated by the state as provided in paragraph (d) of subdivision one, the agreement must contain the information required by that subdivision. If services of professional staff or programs are to be furnished to the county association under contractual arrangements as provided in paragraph (e) such contract or contracts shall be subject to approval by the legislative bodies of the counties concerned and executed as any other county contracts.

(f) A county may on recommendation of the county superintendent of highways, permit the use of any street or highway machinery, tools or equipment owned by the county, by a county association, provided for by paragraph (b) of this subdivision, upon such terms and conditions as may be agreed upon by the parties involved. Monies received by a county pursuant to the provisions of this section shall be paid into the county road machinery fund.

(g) A town superintendent of highways, with the approval of the town board and of the county superintendent, may permit the use of any highway machinery, tools or equipment owned by the town, by a county association provided for by paragraph (b) of this subdivision upon such terms and conditions as may be agreed upon by the parties involved. Monies received by a town pursuant to the provisions of this section shall be applicable for the purposes for which amounts may be raised as provided in subdivision three of section two hundred seventy-one of the highway law.

(h) No such machinery, tools and equipment shall be so leased to such a county association unless (1) adequate insurance shall be secured thereon which will protect the county or town, as the case may be, in the event of the loss of or damage to such leased machinery, tools and equipment by reason of fire and theft, and also in the case of machinery

and equipment operated, or propelled, by motors, adequate collision insurance and (2) adequate liability and property damage insurance shall be secured for the protection of the county or town, as the case may be, upon all machinery and equipment operated or propelled, by motors. The determination of what shall be "adequate" insurance shall be made by resolution of the board of supervisors of the county, or the town board of a town, as the case may be, and no officer or official of any such county or town shall be held personally responsible to such county or town or to third persons should such insurance in any event prove to be inadequate in amount. The cost of any such insurance shall be paid for by the county association in addition to the payments hereinabove provided.

(i) If any such agreement between a county, or a town, and a county association shall provide that the equipment, tools or machinery leased shall be operated by an employee of the county, or town, any such employees, regardless of the terms of such contract, shall continue to be paid by and to be an employee of the county, or town, and shall be considered as such for any and all purposes, and the agreement between the county, or town, and the association shall provide for the payment by the association to the county, or town, of amounts at least equal to the compensation which any such employee shall receive from the county or town. The monies received by a county, or town, for reimbursement of the compensation of such employees shall be credited to the fund from which such compensation was paid while such equipment, tools or machinery were leased.

(j) The organizations provided for in paragraph (b) of this subdivision as it existed prior to this amendment and known as county farm and home bureau and 4-H club associations, county farm and home bureau associations, county farm bureau and 4-H club associations, county farm bureau associations or county home bureau associations existing when this act takes effect shall thereafter be known as county extension service associations, the name of the county in which organized being part of their names; said associations shall continue to have the same rights, privileges, exemptions, powers and duties under the new name, prescribed herein, as they have or had under their prior names.

(9) Fire training schools for training firefighters, including the

power to pay to a city within or without the county for services in the training of firefighters of such county.

(10) The board of supervisors of any county and the governing body of a city in which any county is wholly contained may appropriate such sums of money as it may deem proper toward the maintenance of a private legal aid bureau or society organized and operating to give legal assistance and representation in civil or criminal matters to needy persons residing or charged with a crime within such county or city.

(11) The county legislature of Erie county may appropriate such sums of money as it may deem proper, subject to the provisions of this article, toward the maintenance of any duly incorporated society or organization, the corporate purposes of which include the aid and relief of poor persons, permanently or temporarily within the county, and may raise money therefor by tax upon the real and personal property in the said county in the same manner as other county taxes are levied and collected; provided, however, that no such appropriation shall be made except upon presentation to the county legislature with the application of such society or organization therefor of a certificate from the state department of social services certifying that such society or organization has complied with all of its rules and regulations applicable to such society, and approving of such application. Such sums appropriated shall be paid in accordance with contracts made between the local commissioner of social services or other officer of the county designated by the county legislature and such society or organization under which contracts said society or organization shall agree to render the services for which said sums of money have been appropriated, and shall provide for the payment of the aforesaid sums upon a monthly or quarterly basis, and upon verified vouchers showing the number of persons to whom such services were rendered and the nature of the services rendered during the period of time covered by such vouchers. Nothing herein contained shall be deemed to be an abridgement or limitation of the power of the county legislature to appropriate money under or pursuant to the provisions of any other law.

(12) Maintenance and operation of a public museum.

(13.) Maintenance and operation of a professional symphony or philharmonic orchestra, musical festival, or vocal, dance, drama, or performing arts troupe, group or activity of any kind or nature.

* (14) Maintenance and operation of an educational television station, organized pursuant to section two hundred thirty-six of the education law.

* NB There are 2 sub (14)'s

* (14) Publicizing the advantages of the county or region.

* NB There are 2 sub (14)'s

15. The board of supervisors of the county of Nassau may appropriate such sums of money as it may deem proper toward the operation and maintenance of educational television stations, in addition to those authorized by subdivision fourteen of this section, and for the production of educational television programs for the educational and cultural benefit of both children and adults in the county. Such sums appropriated shall be paid in pursuance of a contract authorized by the board of supervisors on behalf of the county, upon such terms and conditions as the board of supervisors may prescribe, and no such contract shall become effective until it is approved by the commissioner of education of the state of New York.

15-a. Legislative intent and declaration of policy. 1. The county of Nassau has, by several acquisitions from the United States government, become the owner of land within the county commonly known as Mitchel Field for the purpose of providing educational, cultural, recreational and civic facilities for the benefit of all the people of the county. The United States government has, by land exchange with the county, assembled a large parcel of land in Mitchel Field to be used for the development of a federal office building complex. Several educational institutions have also erected facilities within the immediate area. In addition to facilities for the aforesaid purposes, some of the land will be used for compatible commercial purposes designed to generate tax revenues and further serve the public. All of the Mitchel Field complex is within the Uniondale fire district, which is capably protecting the property and residents but which has found and will find it increasingly difficult to extend the protection to Mitchel Field as it becomes more fully developed. Accordingly, the Uniondale fire district requires additional facilities to accommodate the fire protection needs of the Mitchel Field complex. These needs include coverage of the Nassau

community college complex, certain facilities and dormitories of Hofstra university, the Hebrew academy of Nassau county and the Nassau County Veterans Memorial Coliseum. In addition, the county of Nassau plans to construct a new college campus for Nassau and a number of buildings for public use, including a performing arts center and a central reference library. All of these facilities are being used and will be used for the benefit of the people of the county and for the improvement of their health, welfare, education, culture, recreation, prosperity and for the improvement of trade and commerce. In order to insure the necessary fire protection for the foregoing facilities and for such other facilities located within the Uniondale fire district, it is deemed essential, and in the best interests of the county of Nassau, to insure that adequate fire protection will be provided to the Mitchel Field complex.

2. Power to provide for fire protection for the Mitchel Field complex and the other structures and buildings located within the Uniondale fire district.

In order to provide more adequate fire protection for the above mentioned facilities at Mitchel Field within the Uniondale fire district, the board of supervisors of the county of Nassau may, upon the recommendation of the county executive, expend county moneys and construct on county-owned property located within the said fire district, such buildings and facilities as may be required for the preservation, protection and storage of fire apparatus and equipment and such other purposes for which such buildings and facilities are customarily utilized.

The board of supervisors of the county of Nassau, upon the recommendation of the county executive, may, with or without consideration, lease such land and the buildings and structures thereon to the Uniondale fire district on such terms and conditions as the board of supervisors of the county of Nassau may determine. The aforesaid expenditure, construction and lease are hereby deemed to effectuate a county purpose and a public purpose of the county of Nassau.

* 16. The board of supervisors of any county may appropriate such sums of money as it deems proper toward the maintenance of a planned

parenthood association organized and operating to give family planning services to persons residing in the county.

* NB There are 2 sub 16's

* 16. The board of supervisors of any county and the governing body of a city in which any county is wholly contained may appropriate such sums of money as it may deem proper toward the maintenance of a private non-profit comprehensive area wide health planning corporation organized pursuant to United States Public Law 89-749, as amended.

* NB There are 2 sub 16's

17. The county of Erie may make application to the Foreign-Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Erie county of the privilege to have established, operated and maintained, a foreign-trade zone or zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone in accordance with law including a sub-zone to be located in Monroe county which has the authority to create said sub-zone pursuant to chapter five hundred seventy-four of the laws of nineteen hundred seventy-six, and a sub-zone to be located in Cattaraugus county which has the authority to create said sub-zone pursuant to subdivision seventeen-a of this section and a sub-zone to be located in Chautauqua county which has the authority to create said sub-zone pursuant to subdivision twenty-five of this section and a sub-zone to be located in Wyoming county which has the authority to create said sub-zone pursuant to subdivision twenty-nine of this section. Said sub-zones may only be created with the approval of the governing body of the appropriate host county. The county of Erie may enter into such contracts and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

17-a. The county of Cattaraugus may make application to the Foreign Trade Zones Board established by the act of Congress, approved June

eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Cattaraugus county of the privilege to have established, operated and maintained a foreign trade zone or zones and foreign trade sub-zone or sub-zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone or sub-zone in accordance with law. The county of Cattaraugus may enter into such contracts and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

18. The county of Suffolk may make application to the Foreign Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Suffolk county of the privilege to have established, operated and maintained, a foreign trade zone or zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone in accordance with law, including a sub-zone to be located in the county of Nassau, which has the authority to create such zones pursuant to subdivision twenty of this section. Such sub-zone shall only be created upon the approval of the governing body of the county of Nassau. The county of Suffolk may enter into such contracts and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

19. The county of Niagara may make application to the Foreign-Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Niagara county

of the privilege to have established, operated and maintained, a foreign trade zone or zones within such county, pursuant to the provisions of such act and if such application be granted, to have established, operated and maintained such zone in accordance with law. The county of Niagara may enter into such contracts and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

20. The county of Nassau may make application to the Foreign Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Nassau county of the privilege to have established, operated and maintained, a foreign trade zone or zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone in accordance with law. The county of Nassau may contract with a non-profit agency and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

21. The county of Genesee may make application to the Foreign Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expediate and encourage foreign commerce, and for other purposes," for a grant to Genesee county of the privilege to have established, operated and maintained, a foreign trade zone or zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone in accordance with law. The county of Genesee may contract with a non-profit agency and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

21-a. The county of Clinton may make application to the Foreign Trade

Zones Board established by the act of congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Clinton county of the privilege to have established, operated and maintained a foreign trade zone or zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone in accordance with law. The county of Clinton may enter into such contracts and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

21-b. The county of Montgomery may make application to the Foreign Trade Zones Board established by the act of congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Montgomery county of the privilege to have established, operated and maintained a foreign trade zone or zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone in accordance with law. The county of Montgomery may enter into such contracts and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

22. The board of supervisors or county legislative body of any county may appropriate such sums of money as it may deem proper toward the maintenance and operation of day care coordinating councils or their equivalent, such councils to develop policies and procedures encouraging more efficient, effective and economical operations of child care services.

23. The county of Onondaga may make application to the Foreign Trade Zones Board established by the act of Congress, approved June

eighteenth, nineteen hundred thirty-four, entitled "An act to provide the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Onondaga county of the privilege to have established, operated and maintained, a foreign trade zone or zones within such county and its designated service area, including the adjacent counties of Cayuga, Oswego and Madison, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone in accordance with law including sites in Onondaga county and the counties of Cayuga, Oswego, and Madison, which are counties located adjacent to the Syracuse Hancock International Airport; for purposes of this section, the term "adjacent" means those areas located within sixty miles or ninety minutes driving time of a United States customs and border protection port of entry. The county of Onondaga may enter into such contracts and may appropriate such sums of money and may take such further actions as it may deem appropriate, subject to the provisions of this article, towards the promotion, establishment and maintenance of such zone or zones.

23-a. The county of Cortland may make application to the Foreign Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Cortland county of the privilege to have established, operated and maintained, a foreign trade zone or zones or foreign trade sub-zone or sub-zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone in accordance with law. The county of Cortland may enter into such contracts and may appropriate such sums of money and may take such further actions as it may deem appropriate, subject to the provisions of this article, towards the promotion, establishment and maintenance of such zone or zones.

24. The county of Jefferson, acting through the chairman of the board

of supervisors, may make application to the Foreign Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Jefferson county of the privilege to have established, operated and maintained, a foreign trade zone or zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone in accordance with law. The county of Jefferson may enter into such contracts and may appropriate such sums of money and may take such further actions as it may deem appropriate, subject to the provisions of this article, towards the promotion, establishment and maintenance of such zone or zones. Such chairman may delegate the responsibility to operate and maintain such trade zone or zones to the Jefferson county industrial development agency established pursuant to section eight hundred ninety-two-e of the general municipal law.

25. The county of Chautauqua may make application to the Foreign Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Chautauqua county of the privilege to have established, operated and maintained a foreign trade zone or zones and foreign trade sub-zone or sub-zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone or sub-zone in accordance with law. The county of Chautauqua may enter into such contracts and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

26. The county of Oneida may make application to the Foreign Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones

in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Oneida county of the privilege to have established, operated and maintained a foreign trade zone or zones and foreign trade sub-zone or sub-zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone or sub-zone in accordance with law. The county of Oneida may enter into such contracts and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

27. The county of Chenango may make application to the Foreign Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Chenango county of the privilege to have established, operated and maintained a foreign trade zone or zones and foreign trade sub-zone or sub-zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone or sub-zone in accordance with law. The county of Chenango may enter into such contracts and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

28. The county of Ontario may make application to the Foreign Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Ontario county of the privilege to have established, operated and maintained a foreign trade zone or zones and foreign trade sub-zone or sub-zones within such county, and adjacent counties of Livingston, Wayne, Seneca, Yates and Steuben pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone or

sub-zone in accordance with law. The county of Ontario may enter into such contracts and may appropriate such sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

29. The county of Wyoming may make application to the Foreign-Trade Zones Board established by the act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to Wyoming county of the privilege to have established, operated and maintained a foreign-trade zone or zones and foreign trade sub-zone or sub-zones within such county, pursuant to the provisions of such act, and if such application be granted, to have established, operated and maintained such zone or sub-zone in accordance with law. The county of Wyoming may enter into such contracts and may appropriate sums of money as it may deem proper, subject to the provisions of this article, towards the promotion and establishment of such zones.

§ 224-a. Elimination of noxious weeds. The board of supervisors of any county may appropriate and expend such sums as it may deem proper for the elimination of noxious weeds within the county.

The moneys hereby authorized to be appropriated and spent may be expended in such manner as the board of supervisors may determine, including personal service, maintenance and operation, or by contract or contracts for the purposes herein enumerated.

§ 224-b. Cooperative extension area and statewide program specialist.

1. Agreements to employ and manage area program specialists.

Notwithstanding the provisions of subdivision eight of section two hundred twenty-four of this article, two or more county cooperative extension associations may enter into a separate agreement with Cornell university to employ area program specialists. Examples of program areas

which could be funded and delivered through the Cornell cooperative extension system could include but not be limited to water quality, solid waste management, commercial and alternative agricultural technologies integrated pest management, nutrition, diet and health, adult and childhood obesity, asthma and chronic respiratory illness prevention, community and rural development, housing availability and affordability, family and economic well being, and the complex problems of youth at risk. Such annual agreements shall identify the titles of the positions to be supported and the program areas for which they will provide leadership. Standards for the employment of area program specialists, including salaries, shall be established by Cornell university, through the director of extension in consultation with county cooperative extension associations, apart from standards for the employment of professional staff under section two hundred twenty-four of this article. Area program specialists shall, for administrative purposes, receive salary payments through the Cornell university payroll and for such purposes shall be deemed employees of Cornell university; provided, however, that their program activities shall be directed and managed jointly by the participating associations and Cornell university under the terms of the annual memorandum of agreement. Area program specialists shall be eligible to receive the same state or federal fringe benefits as professional staff employed by the cooperative extension associations under the terms of section two hundred twenty-four of this article.

2. Funding for area program specialists. The salaries and program expenses of area program specialists shall be supported jointly by state appropriations and/or other sources and by contributions from participating cooperative extension associations. The state may appropriate from funds available in the aid to localities account of the general fund monies to support the programs and work of area specialists under agreements with two or more cooperative extension associations. Such funds shall be appropriated separately from funds appropriated under section two hundred twenty-four of this article and administered by the director of extension. State appropriations expended to support area program specialists must be matched by funds provided from non-state sources under the annual agreement by the participating

cooperative extension associations.

3. A cooperative extension association participating in an area program specialist agreement shall continue to be a subordinate governmental agency and neither the county nor Cornell university nor any member, officer or director of the association shall be liable in damages for any injury to person or property in connection with the activities of the association the proximate cause of which was not directly their or his fault or negligence.

4. Funding for statewide program specialists. The state may appropriate monies from the aid to localities account in the general fund for programs of statewide extension specialists, those funds are to be administered by the director of extension. Such specialists shall be employees of Cornell university, which shall establish standards for their employment. Statewide specialists shall work under the direction and supervision of Cornell university.

§ 225. Optional appropriations for public benefit services administered by the board. 1. The board of supervisors shall have power to appropriate county funds and to permit the use of county property of all kinds for the following public benefit, objects and purposes:

(a) Propagation of game, game birds and fish. The amount appropriated under this paragraph for any fiscal year may equal but not exceed in any county one-half of one per centum of the total amount of the last preceding annual budget for county purposes, but in no event an amount in excess of ten thousand dollars;

(b) Eradication or prevention of bovine tuberculosis or other infectious or communicable diseases affecting domestic animals and fowls;

(c) Publicizing the advantages of the county or region, or for commemoration programs of historical events;

(d) Care of burial lots of deceased members of the armed forces of the United States located in a cemetery within the county and owned and maintained by an incorporated cemetery association;

(e) Suppression or control of white pine blister rust and other forest

tree diseases and forest insects under the direction and supervision of the state conservation department. Employees engaged in such work upon public or private lands shall not be liable for trespass and no action shall lie therefor;

(f) Suppression or control of the Japanese beetle infestation under the direction and supervision of the state department of agriculture and markets. Employees engaged in such work upon public or private lands shall not be liable for trespass and no action shall lie therefor; and

(g) Establishment and maintenance of fire training schools for training firefighters.

(h) Establishment and maintenance of a central fire alarm system.

(i) In the county of Washington for the destruction of bobcats, porcupines, wolves, coyotes, coydogs and rattlesnakes, and in the county of Hamilton for the destruction of bobcats, porcupines, wolves, and coyotes, the funds appropriated therefor to be expended in payment of bounties to be established by the board of supervisors.

(j) In the counties of Essex, Saratoga, St. Lawrence and Warren for the destruction of bobcats, wolves, coyotes, coydogs, foxes, porcupines and rattlesnakes, the funds appropriated therefor to be expended in payment of bounties to be established by the board of supervisors.

(k) Conservation education, including the promotion of better public understanding of problems and desirable practices in conservation of natural resources.

(l) Establishment and maintenance of a county zoo, or the expenditure of county funds for the support, in whole or in part, of an existing zoo in the county, owned by a municipal corporation.

(m) eradication or control of the golden nematode infestation under the direction and supervision of the state department of agriculture and markets. Employees engaged in such work upon public or private lands shall not be liable for trespass and no action shall lie therefor.

(n) Without limitation of the foregoing for any of the public benefits, objects and purposes which are set forth in section two hundred twenty-four of this county law as amended.

2. The board shall provide for the expenditure for wages, equipment and supplies, under the direction of a committee from its membership. Authority may be granted to the chairman of such committee to issue

orders upon the county treasurer for such expenditures. The board shall require a report of such expenditures with verified or certified vouchers attached. The board of supervisors may adopt such rules as it may deem necessary governing the expenditure of such moneys and may require a bond in such amount as it shall determine.

3. The board may authorize the expenditure of county funds for any or all of such public benefit objects and purposes jointly with another county or counties. The board of each participating county shall appoint a committee to act for it in connection with such project. Such committees in joint sessions shall select one of their members to be chairman and shall designate the county treasurer of one of the participating counties to be custodian of the project fund. Each county treasurer shall pay to the designated county treasurer whatever portion of the total estimated cost of the project its board of supervisors has determined to contribute. Such joint fund shall be deemed the fund of all participating counties in proportion to the contribution made by each. Orders upon the fund shall be signed by the chairman. Reports of expenditures with verified or certified vouchers attached shall be made annually to the board of supervisors of each participating county.

§ 225-a. Fire training and mutual aid programs. 1. In order to develop and maintain programs for fire training, fire service-related activities and mutual aid in cases of fire and other emergencies in which the services of firefighters would be used and to cooperate with the office of fire prevention and control in furthering such programs, the board of supervisors of any county may create a county fire advisory board and may establish the office of county fire coordinator.

2. A county fire advisory board shall consist of not less than five nor more than twenty-one members, each of whom shall be appointed by the board of supervisors for a term of not to exceed one year, two years or three years. Such terms of office need not be the same for all members. It shall be the duty of such board to cooperate with the office of fire prevention and control in relation to such programs for fire training, fire service-related activities and mutual aid; to act as an advisory

body to the board of supervisors and to the county fire coordinator, if any, in connection with the county participation in such programs for fire training, fire service-related activities and mutual aid and in connection with the county establishment and maintenance of a county fire training school and mutual aid programs in cases of fire and other emergencies in which the services of firefighters would be used; to perform such other duties as the board of supervisors may prescribe in relation to fire training, fire service-related activities and mutual aid in cases of fire and other emergencies in which the services of firefighters would be used. The members of such board shall be county officers, and shall serve without compensation.

3. If the office of county fire coordinator is created in any county, the board of supervisors thereof shall appoint a county fire coordinator. It shall be his or her duty to administer the county programs for fire training and mutual aid in cases of fire and other emergencies in which the services of firefighters would be used; to act as a liaison officer between the board of supervisors and the county fire advisory board and the fire fighting forces in the county and the officers and governing boards or bodies thereof; and to perform such other duties as the board of supervisors shall prescribe. The county fire coordinator shall be a county officer and the amount of his or her compensation, if any, shall be fixed by the board of supervisors.

4. A member of the board of supervisors, the county fire coordinator, or a deputy county fire coordinator appointed pursuant to the provisions of section four hundred one of this chapter, may be appointed as a member of the county fire advisory board, but shall receive no additional compensation for services performed as a member of such advisory board.

5. Where, pursuant to section one hundred eighty-four of the town law, a town has contracted with an incorporated fire company to furnish fire protection within a fire protection district, the respective county may acquire by gift or purchase suitable apparatus and appliances for use in such district and in conjunction with the county mutual aid program and may contract with said incorporated fire company for operation,

maintenance, and repair of same and for the furnishing of fire protection in such district.

§ 225-b. Contracts for visiting nursing services. The board of supervisors of any county may, upon recommendation of the county board of health, contract with any nonprofit institution or agency, wholly or partly under private control, organized to furnish visiting nursing and public health services and agree to pay fees specified in the said contract for such services furnished to inhabitants of the county. Any fees for services collected by the institution or agency for services rendered under such contract shall be credited against the amount payable by the county under the terms of the contract. Such contracts shall be effective only upon approval of the state commissioner of health and the state comptroller. Such contracts shall provide that the contracting institution or agency will comply with all rules promulgated by the county health commissioner. Such boards of supervisors are authorized and empowered to appropriate the sums required to be paid to such institutions and agencies under the terms of such contracts and to raise the amount thereof by taxation.

§ 226. Monuments and memorials. 1. The board of supervisors of any county may, by the affirmative vote of two-thirds of its total membership erect in the county, monuments and memorials in commemoration of the members of the armed forces of the United States in any of its wars or of any person or event. Adequate funds may be appropriated and expended for the site and structure and thereafter funds may be appropriated for its maintenance and repair. Trustees may be designated by the board who shall serve without compensation. If there already exists within the county a monument or memorial commemorating the same historical site, person or event which was erected and is maintained by a city, town or village, no tax shall be levied upon the property within such city, town or village without the approval of the governing board of such city, town or village.

2. Any county may, before acting under subdivision one of this

section, by resolution of its board of supervisors, cause to be submitted to the qualified electors of said county, in the manner provided for the submission of a question to electors by the election law and article three of this chapter, a proposition or question as to whether a monument or memorial as provided for in such subdivision should be erected.

3. Expenditures for county monuments and memorials erected pursuant to section seventy-seven-a of the general municipal law shall be levied upon all taxable real property within the county without approval of local authorities, even though there exists honor rolls or other monuments or memorials in commemoration of the members of the armed forces of the United States from such cities, towns and villages.

§ 226-a. Patriotic observances. The county legislature and/or board of supervisors, as the case may be, of any county or borough outside the city of New York, is hereby authorized to appropriate and set aside each year such sums it may deem proper for the purpose of providing for the due and proper observance of any legal holiday, including Columbus day.

§ 226-b. Solid waste management; resource recovery. 1. The legislative body of any county may appropriate and expend such sums as it may deem proper to provide for the separation, collection and management of solid waste in such county and for that purpose may acquire, construct, operate and maintain solid waste management facilities, acquire the necessary lands therefor, and purchase, operate and maintain all necessary appliances appurtenant thereto, including collection facilities and such vehicles as may be required for such purposes. In selecting a location for any solid waste management facility, the county legislative body shall take into consideration the present and any proposed land use character of the area of any proposed location and the zoning regulations, if any, applicable to such area.

2. The legislative body of any county may, by resolution, establish schedules of rates or fees to be charged for any solid waste collection

or management facilities or services provided pursuant to subdivision one of this section, which rates or fees may be collected and unpaid rates and fees enforced and collected in the same manner as provided in section two hundred sixty-six of this chapter.

3. The term "solid waste" shall mean all materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form, and "solid waste management facility" shall mean any facility employed beyond the initial solid waste collection process including, but not limited to, recycling centers, transfer stations, baling facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, plants and facilities for compacting, composting or pyrolyzation of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities.

4. A county acting within its boundaries pursuant to this section shall be deemed to be acting in its governmental capacity. Nothing herein contained shall prevent a county from entering into a municipal cooperation agreement pursuant to article five-G of the general municipal law.

5. The county of Westchester having been designated as a planning unit pursuant to section 27-0107 of the environmental conservation law, shall have power to adopt and amend local laws, ordinances and regulations that license and/or regulate collecting, receiving, transporting, delivering, storing, processing and disposing of solid waste and recyclable or reusable material that are originated or brought within the county, to the extent that such licensing and/or regulation is necessary to carry out or to further the goals of the county's solid

waste management plan and that said plan has been approved by the department of environmental conservation. The county of Westchester may also adopt a local law or ordinance pursuant to section one hundred twenty-aa of the general municipal law, governing the source-separation and segregation of recyclable or reusable materials from solid waste. Any law, ordinance, or regulation adopted by the county of Westchester pursuant to this subdivision shall take precedence over and shall supersede any inconsistent provisions of any such local law, ordinance or regulation enacted by any other municipality within the boundaries of the county of Westchester commencing September first, nineteen hundred ninety-two, except that no county source separation law may authorize enforcement proceedings and penalties against a municipality for that municipality's failure to meet specific recycling goals set by the county in accordance with the county's state-approved solid waste management plan until September first, nineteen hundred ninety-four, provided, that the municipality has adopted a local recycling plan reasonably designed to meet said recycling goals and has demonstrated good faith in implementing its recycling program. For purposes of this subdivision the term "solid waste" shall have the same meaning as provided in subdivision three of this section and shall include materials separated from the waste stream pursuant to section one hundred twenty-aa of the general municipal law. Such term, however, shall not include any scrap or other material of value separated from the waste stream and held for purposes of materials recycling.

*** § 226-c. Waiver of fees for veterans' organizations.** The Erie county legislature is hereby authorized to waive fees, including but not limited to building permit review fees and fees associated with capital improvements to any post or hall owned by a not-for-profit congressionally chartered veterans' organization located in such county.

* NB There are 3 § 226-c's

*** § 226-c. Waiver of fees for veterans organizations.** The county legislature of Nassau county or Suffolk county is hereby authorized to waive fees, including but not limited to building permit review fees and

fees associated with capital improvements to any post or hall owned by a not-for-profit congressionally chartered veterans' organization located in such county.

* NB There are 3 § 226-c's

*** § 226-c. Waiver of fees for veterans' organizations.** The board of supervisors of Washington county or Saratoga county is hereby authorized to waive fees, including but not limited to building permit review fees and fees associated with capital improvements to any post or hall owned by a not-for-profit congressionally chartered veterans' organization located in such county.

* NB There are 3 § 226-c's

§ 226-d. Waiver of fees for veterans' organizations. The Westchester county legislature is hereby authorized to waive fees by local law, including but not limited to building permit review fees and fees associated with capital improvements to any post or hall owned by a not-for-profit congressionally chartered veterans' organization located in such county.

§ 226-e. Waiver of fees for veterans' organizations. The Niagara county legislature is hereby authorized to waive fees by local law, including but not limited to building permit review fees and fees associated with capital improvements to any post or hall owned by a not-for-profit congressionally chartered veterans' organization located in such county.

§ 227. Legalizing acts. 1. Power to legalize. The board of supervisors of any county shall have power to legalize and validate any act had and taken in connection with a lawful municipal purpose or for a lawful municipal object or purpose, by the governing board or other local body, officer or agency of a municipality wholly within the county if, after a public hearing held in the affected municipality pursuant to notice and

upon the evidence given thereat, the board of supervisors shall find that the defect sought to be cured was: (a) failure to perform an act within the time prescribed by law; (b) that the form of any notice required by law was defective; (c) that the service, posting or publication of any notice was not performed within the time and in the manner required by law; (d) that through an intentional act performed in good faith to meet an emergency situation or through inadvertence, mistake or error in accounting methods or otherwise, a fund or appropriation account has been overdrawn, and the fund or account has been reimbursed by transfer thereto of unobligated moneys from another municipal fund or account; (e) that through inadvertence, mistake or error a mandatory appropriation was omitted from an adopted budget and the budget was later amended and appropriation made to cure the defect; (f) that an adopted budget was amended to include a discretionary appropriation after a public hearing pursuant to notice; (g) that through inadvertence, mistake or error an act was recorded at a later date than was prescribed by law, or otherwise that a defect existed in the manner or method of recording the same; (h) that through inadvertence, mistake or error, the governing board or other local body, officer or agency of a municipality charged by law with the duty failed or neglected to submit a referendum to the electors when required by law and either at least two years have elapsed since the completion of the project and payment of the cost thereof, or, in any other case, at least two years have elapsed since the date when the referendum should have been held; (i) that through an intentional act performed in good faith to meet an emergency situation or through inadvertence, mistake or error in accounting methods or otherwise, obligations have been incurred against a fund or account in excess of the total amount appropriated or lawfully transferred thereto; that the officer, body or agency, incurring such excess obligation, or his or its successor, has furnished a detailed sworn explanation in writing of the intentional act performed in good faith to meet an emergency situation or the inadvertence, mistake or error and has made application for additional funds to pay such obligation and that the governing board or other local body, after a public hearing on notice in the same manner as provided in subdivision two hereof, by at least a two-thirds vote of the whole number of the members thereof has approved the presentation of a petition to the board

of supervisors to validate and legalize such obligation and to obtain authorization for its payment.

2. Procedure to legalize. Any municipality or local officer or agency seeking relief under this section shall present to the board of supervisors of the county a petition duly verified setting forth the facts and praying for the relief authorized by this section. Attached to such petition shall be certified copies of all acts done and proceedings had in relation to the subject matter sought to be legalized. The board of supervisors may direct the governing board or officers to do that which should have been done in the first instance and the time prescribed by law for the performance of the act shall be deemed extended to allow compliance therewith, and such acts shall not be legalized until proof is submitted of such compliance. Notice stating the time, place and purpose of the public hearing shall be published at least once in a newspaper designated by the board with due regard for circulation in the municipality affected, and posted in at least three public conspicuous places in the municipality at least five days before the date set for the public hearing. One of such notices shall be posted upon the bulletin board of the respective city, village or town clerk's office. The power to conduct such public hearing may be delegated to a standing or special committee of the board which shall file with the board a transcript of the evidence produced together with its recommendations thereon. The board of supervisors or such committee shall have power to compel the production of, and shall consider, any documents or other evidence deemed pertinent to the inquiry and may adjourn from time to time. The legalizing act must be adopted by the affirmative vote of two-thirds of the whole number of the members of the board at a regular or special meeting, provided, however, that legalizing action taken pursuant to paragraph (i) of subdivision one of this section shall be by local law, and provided further where on request of the board the state comptroller submits to it his certified findings and approval of a petition presented pursuant to paragraph (i), such local law may be adopted by the affirmative vote of a majority of the whole number of the members of the board. The legalizing act shall recite the filing of the petition and all proceedings taken thereon and shall contain the text of the act sought to be legalized and the method

of, and the maximum maturity of the bonds or capital notes, if any, for financing the obligation or obligations so legalized and validated. It shall state the intentional act, mistake, error or omission cured by the legalizing act; that such intentional act, mistake, error or omission was not the result of fraud and that no substantial hardship will result therefrom and the determination thereon by the board of supervisors legalizing and validating the same. A copy of the legalizing act certified by the clerk of the board shall be published at least once a week for two consecutive weeks in a newspaper designated by the board with due regard for circulation in the municipality affected, the first publication of which shall be had within twenty days after the legalizing act is adopted. The petition and related papers, or certified copies thereof, shall be filed in the office of the county clerk. Subject to limitations or restrictions prescribed by the board of supervisors, the amount of any obligations legalized and validated hereunder may be paid from available funds or shall be deemed to be a settled claim within the meaning of subdivision thirty-three of paragraph a of section 11.00 of the local finance law which may be financed by the issuance of bonds or capital notes, provided, however, that the maximum maturity of any such bonds shall not exceed six years from the date of issuance of such bonds or from the date of issuance of the earliest bond anticipation note issued in anticipation thereof, whichever date is the earlier, and provided further, however, that the cost shall be charged against the area normally responsible for the payment of the obligation which had been legalized and validated. The cost of all publications under this section shall be a charge upon and be paid by the petitioner. A copy of the legalizing act duly certified by the clerk shall be filed with the state comptroller and with the petitioner. The term "municipality" as used in this section shall include a city, town or village or a fire district, special district, special improvement district or other local governmental agency or authority created by or pursuant to law.

3. Review by the court. Within thirty days after the first publication of the legalizing act of the board of supervisors, a proceeding may be brought under article seventy-eight of the civil practice act to review the same. The legalizing act may be contested only upon the grounds that

the act was not performed in the exercise of a lawful object or purpose, or that the finding that the act was performed in good faith and no substantial hardship of fraud resulted is against the weight of evidence, or that there existed a jurisdictional defect beyond the power of the board of supervisors to legalize, or that the board of supervisors did not comply with law in legalizing the same.

4. Application. The provisions of this section shall not apply to action had or taken by any such governing board or other local body, officer, or agency of a municipality when a remedy to legalize and validate the same already exists in law; nor shall it apply to any action had or taken in violation of the provisions of the state constitution; nor shall it authorize the board of supervisors to legalize or validate fraudulent acts of the governing board or other local body, office or agency of a municipality; nor shall it authorize the board of supervisors to legalize and validate any act resulting in unusual hardship to the qualified voters of the petitioner. It is hereby declared and determined that the powers conferred upon the boards of supervisors of counties under this section are powers of local legislation within the meaning and intent of article nine of the constitution and that the exercise of such powers shall be deemed to be the exercise of a lawful county function. Nothing in this section contained shall be construed to restrict the powers of the legislature in relation to cities, towns, villages or other local governmental agencies created or established by law.

§ 228. Disputed town boundaries. Jurisdiction is hereby conferred upon the supreme court and the county court to hear and determine disputed town boundaries in an action brought by any town affected thereby. A certified copy of the judgment containing the courses, distances and fixed monuments shown upon a map or survey shall be filed in the office of the town clerk of each town affected thereby and in the office of the secretary of state within thirty days after the judgment shall have become final. The secretary of state shall cause the same to be printed and published with the session laws.

§ 229. Erection and dissolution of towns. The board of supervisors shall perform the duties prescribed by the town law relating to the erection of new towns and the dissolution of towns.

§ 231. Expenses of police officer or peace officer injured in line of duty. The board of supervisors may, in its discretion, audit and pay the reasonable medical and hospital expenses of any police officer or peace officer of the county injured in the line of duty while executing a criminal process for which the county is liable for payment of the fees and for which he is not compensated under the provisions of the workers' compensation law. The claim shall be presented within one year from the date of the injury and shall be itemized and verified or certified.

§ 232. County officers' and county executives' associations. Power is granted each board of supervisors to appropriate and pay annually to the treasurer of the New York state association of counties, and/or to the treasurer of the county executives' association of the state of New York, and/or to the treasurer of the county legislators and supervisors association of New York State, and/or to the treasurer of the New York state association of directors of real property tax services, an amount not exceeding that apportioned and requested as its share of the actual and necessary expenses of maintaining each of said associations in their activities in the promotion of better county government.

§ 233. Procedure on tax limit increase. 1. In accordance with section ten of article eight of the constitution, the amount to be raised in any county by tax on real estate in any fiscal year for county purposes, in addition to providing for the interest on and the principal of all indebtedness, shall not exceed an amount equal to one and one-half per centum of the average full valuation of taxable real estate of such county, less the amount to be raised by tax on real estate in such year for the payment of the interest on and the redemption of certificates or other evidence of indebtedness described in paragraphs A and D of

section five of article eight of the constitution, or renewals thereof. If any joint indebtedness described in title one-A of article two of the local finance law is allocated and apportioned, or is excluded, under or pursuant to such title or any other provision of law for the purpose of determining the debt-contracting power of a county, city, town, village or school district, such allocation and apportionment, or exclusion, shall not limit the amount to be raised in any county outside the foregoing limitation, or outside such limitation as increased as hereinafter provided in this section, to provide for the interest on and the principal of any greater proportionate share of such debt service which the county has agreed or is required to provide. The total of the amounts which may be so raised by all participating public corporations outside any limitation imposed by or pursuant to section ten of article eight of the constitution to provide for their respective portions of any payment of principal or of interest on joint indebtedness shall not exceed the full amount required to be provided by all of such participants to make any such payment. The average full valuation of taxable real estate of a county shall be determined by taking the assessed valuations of taxable real estate on the last completed assessment rolls and the four preceding rolls of such county, and applying thereto the ratio which such assessed valuation on each of such rolls bears to the full valuation, as determined by the state officer or agency authorized to make such determinations.

2. The limitation imposed by or pursuant to section ten of article eight of the constitution and subdivision one of this section on the amount that may be raised in a county by tax on real estate in any fiscal year for county purposes may be increased from time to time to not to exceed the two per centum maximum limitation imposed by such section of the constitution. Any such increase may be effectuated by a resolution of the board of supervisors:

a. Approved by the affirmative vote of two-thirds of the whole number of its membership, or

b. Approved by the affirmative vote of a majority of the whole number of its membership submitting a proposition for such increase to a

mandatory referendum to be held pursuant to article three of this chapter. Such proposition shall not become effective until the approval thereof at such referendum. The board of supervisors shall not have power to take action pursuant to paragraph a of this subdivision unless the proposed resolution shall have been presented at a meeting of the board held not less than two weeks and not more than three months before the meeting at which the vote thereon is taken and a public hearing, at a time and place fixed by the board, shall have been held on such proposed resolution after a notice of such hearing, including the time and place thereof, shall have been published not less than ten days prior thereto in the official newspapers and also in such other newspapers having general circulation in the county as shall be designated by the board for such purpose.

3. A resolution adopted pursuant to subdivision two of this section shall specify:

a. That the board of supervisors (1) approves the increase in the tax limitation pursuant to paragraph a of subdivision two of this section, or (2) that such board approves the submission of a proposition to increase the tax limitation at a mandatory referendum pursuant to article three. Where a proposition is so submitted to a mandatory referendum, the resolution also shall specify whether such proposition shall be voted upon at a general or special election and the date of such election, provided, however, that any such date shall be not less than sixty days after the adoption of such resolution.

b. The constitutional tax limitation then applicable to the county phrased in terms of percentage and the proposed increased tax limitation similarly phrased.

c. That such increase shall become effective (1) immediately, in the event the resolution is adopted pursuant to paragraph a of subdivision two, or (2) immediately upon the approval of the proposition at the election in the event a proposition is submitted pursuant to this section to a mandatory referendum.

d. That in the event a proposition is submitted pursuant to this section to a mandatory referendum, the form thereof shall be as follows:

"Shall the constitutional real estate tax limitation of the County of be increased, in accordance with the State Constitution, Article VIII, Section 10, from the present limit of % to a limit of %?"

4. Notice of any such election shall be published in the manner provided in section seventy-seven of the election law for notice of a general election.

5. Except as otherwise provided in this section, the provisions of the election law governing the conduct of a general election and the payment of the expenses thereof shall apply where such an election is held on the day of the general election in November and the provisions of the election law governing the conduct of a special election and the payment of the expenses thereof shall apply where such an election is held on a day other than that of the general election in November. A proposition to be voted on pursuant to this section shall be submitted in the manner provided in the election law and all provisions of such law, not inconsistent with this chapter, relating to the submission and to the taking, counting and returning the vote and canvassing the results upon a proposition or question submitted pursuant to law to the voters of the state shall apply to such proposition. It shall be the duty of the board of elections to prepare the ballots, voting machines and other matters so that such election may be properly had and conducted.

6. The supreme court shall have jurisdiction under article fourteen of the election law to determine questions of law and fact with respect to any election conducted pursuant to this section.

7. Upon the completion of its canvass of the votes cast on any proposition submitted pursuant to this section, the board of elections shall certify to the board of supervisors the total number of valid votes cast in favor of and the total number of valid votes cast against such proposition.

8. Where the constitutional tax limitation is increased by a resolution of the board of supervisors adopted pursuant to paragraph a of subdivision two of this section, or where a proposition to increase such limitation is approved by more than fifty per centum of the duly qualified voters of the county voting thereon at a mandatory referendum, the constitutional tax limitation of such county shall be increased in accordance therewith, and the clerk of the board of supervisors forthwith shall file with the secretary of state, state comptroller and county clerk a certified copy of the resolution adopted pursuant to this section together with his certificate as to the manner in which and the date on which such increase became effective.

9. It shall be the duty of the secretary of state to cause to be published separately under an appropriate heading, in the appendix of the session laws of each year and in the appendix of the local laws of each year, the names of the counties which have increased their constitutional tax limitations pursuant to this section, with a statement of the percentage to which such limitation was so increased and the date on which such increase became effective.

§ 233-a. Amounts to be included or excluded in computing constitutional taxing power. 1. For the purpose of computing the amount that may be raised in any county by tax on real estate in any fiscal year for county purposes in accordance with section ten of article eight of the constitution, county purposes shall include, but not be limited to, the following:

Agriculture and markets law

a. Weights and measures administration, as provided by article sixteen of the agriculture and markets law.

Conservation law

b. Extinguishing fires, as provided by section fifty-three of the conservation law.

County law

c. Making payments pursuant to contracts for the reception and custody of prisoners, as provided by subdivision eleven of section twelve of the county law.

d. Public health services, as provided by subdivision forty-four-a of section twelve of the county law.

e. Performance of public purposes by independent organizations, as provided by subdivisions forty-three, forty-four, forty-seven, forty-eight, and forty-nine-a of section twelve of the county law and similar laws.

f. Making refunds on account of the collection of taxes illegally or improperly assessed or levied, in the proportion that the county benefited by such collection, where such refunds are made pursuant to section sixteen of the county law.

g. Printing and distribution of proceedings of the board of supervisors, as provided by section nineteen or section nineteen-a of the county law.

h. Working on and making copies of assessment-rolls and tax-rolls pursuant to subdivisions eleven and twelve of section twenty-three of the county law.

i. Salary of the first assistant district attorney of Monroe county in accordance with the provisions of section two hundred three of the county law.

Education law

j. Library expenses pursuant to section two hundred fifty-seven or two hundred fifty-eight of the education law.

k. County vocational education and extension board expenses in accordance with article twenty-three of the education law.

m. Providing for community colleges pursuant to paragraph b of subdivision one of section sixty-three hundred five of the education law.

Election law

n. Election expenses apportioned to the county pursuant to sections 4-136 and 4-138 of the election law and section three hundred sixty-one-a of the county law.

Executive law

o. Expenses of county veterans' service agencies pursuant to section one hundred seventy-one of the executive law.

Highway law

p. Expenses apportioned to the county for the construction or improvement of bridges pursuant to section two hundred thirty-three of the highway law.

Judiciary law

q. Reimbursement to the state for sums paid by the state on behalf of the county and which reimbursement is raised by the county in the manner provided by section seventy-four of the judiciary law.

Public health law

u. Support of a county or part-county health district pursuant to article three of the public health law.

v. Support of a county laboratory pursuant to sections five hundred twenty-two and five hundred twenty-three of the public health law.

Social welfare law

w. Reimbursement to another public welfare district, pursuant to subdivision two of section sixty-two of the social welfare law or section two hundred thirty-three of the family court act for hospital or other institutional care rendered to a local charge of the county's public welfare district.

x. Expenses of adult institutional care, care for any child or minor under the age of eighteen years who is cared for away from his parents, and hospital care, where charge-backs for such expenses are made against a town or city in a county public welfare district pursuant to subdivision one of section seventy of the social welfare law or section two hundred thirty-three of the family court act.

y. Assistance and care in a county public welfare district, where such assistance and care is administered under the direction of a county commissioner of public welfare and where the county has assumed the responsibility therefor pursuant to sections seventy-two and seventy-three of the social welfare law.

z. Assistance and care in a city in a county public welfare district, where such assistance and care is administered by the county pursuant to subdivision two of section seventy-four-d of the social welfare law.

aa. Support of a public home maintained by a county public welfare district, or for the amount to be paid by such district to another public welfare district in accordance with a contract for care and maintenance of persons in need of institutional care, where such home is maintained or such contract is made pursuant to section one hundred ninety-three of the social welfare law.

Real property tax law

bb. Making refunds on account of the collection of taxes attributable to clerical errors, errors in essential fact, or unlawful entries as

those terms are defined in section five hundred fifty of the real property tax law, in the proportion that the county benefited by such collection, where such refunds are made pursuant to section five hundred fifty-six or five hundred fifty-six-a of the real property tax law.

cc. Amounts to be paid on account of taxes returned as unpaid pursuant to section nine hundred thirty-six of the real property tax law.

dd. Expense of preparing conveyances of lands sold for taxes, as provided by section one thousand eighteen of the real property tax law.

ee. Making refunds to tax sale purchasers required by reason of error or irregularity in the assessment or levying of a tax, in the proportion that the county benefited by the return of such tax, where such refunds are made pursuant to section one thousand thirty of the real property tax law.

ff. Expense of publishing notice of unredeemed lands, as provided by section one thousand fourteen of the real property tax law.

gg. Making refunds to taxpayers required by reason of amounts of taxes paid upon unlawful, excessive or unequal assessments, in the proportion that the county benefited by such payment, where such refunds are made pursuant to section seven hundred twenty-six of the real property tax law.

Special laws

hh. Reimbursement to the state for part of the cost of construction of erosion-arresting public works by the county where such reimbursement is made by the county from a general tax levied upon all taxable property located therein, as provided by section two of chapter five hundred thirty-five of the laws of nineteen hundred forty-five, as amended.

ii. Sanitary sewers and public works constructed at the expense of and as a general purpose of the county of Onondaga, as provided by chapter five hundred sixty-eight of the laws of nineteen hundred thirty-three,

as amended.

jj. Expenses of the police department of the county of Nassau which are charged to the county or to the area of the county within the county police district, as provided by section 8-15.0 of the Nassau county administrative code.

2. For the purpose of computing the amount that may be raised in any county by tax on real estate in any fiscal year for county purposes in accordance with section ten of article eight of the constitution, amounts assessed by a county as assessments for benefit shall be excluded from the computation of the amount that may be so raised. Assessments for benefit that shall be so excluded shall include, but not be limited to, assessments for the following purposes.

Conservation law

a. River improvements, river regulation or drainage pursuant to article six, seven or eight of the conservation law, as the case may be.

Special laws

b. Reimbursement to the state for part of the cost of construction of erosion-arresting public works by the county, where such reimbursement is made by the county from special assessments upon the real property benefited thereby, as provided by section two of chapter five hundred thirty-five of the laws of nineteen hundred forty-five, as amended.

c. Making payments to the county of Onondaga for sanitary sewer and public works purposes, where such amounts are assessed upon property specially benefited thereby in a town, village or city, as provided by chapter five hundred sixty-eight of the laws of nineteen hundred thirty-three, as amended.

3. For the purpose of computing the amount that may be raised in any county by tax on real estate in any fiscal year for county purposes in accordance with section ten of article eight of the constitution,

amounts raised for each of the following purposes shall be excluded from such computation and treated as indicated:

County law

a. Custody of prisoners by a town, village or city in Westchester county, as provided by subdivision fifty-seven of section twelve of the county law. A tax so levied shall be treated as a purpose of and a charge against such town, village or city, as the case may be.

b. Making refunds on account of the collection of taxes illegally or improperly assessed or levied in the proportion that a tax district or districts in the county benefited by such collection, where such refunds are made pursuant to section sixteen of the county law. A tax so levied upon such a tax district shall be treated as a purpose of and charge against such district.

Education law

c. Support of a school hygiene district pursuant to section nine hundred nine of the education law. A tax so levied upon a town, union free school district or city shall be treated as a purpose of and a charge against such town, school district or city, as the case may be.

d. Increase of salary of a district superintendent of schools pursuant to subdivision two of section twenty-two hundred nine of the education law. A tax so levied upon property in a town shall be treated as a purpose of and a charge against such town.

Election law

e. Election expenses apportioned to a city, town or village pursuant to sections ninety-three and ninety-four of the election law. A tax so levied shall be treated as a purpose of and charge against such city, town or village, as the case may be.

Highway law

f. Expenses apportioned to a town for the construction or improvement of bridges pursuant to section two hundred thirty-three of the highway law. A tax so levied upon a town shall be treated as a purpose of and a charge against such town.

Public health law

g. Expenses of a laboratory supply station or substation apportioned to a city, village, town or consolidated health district pursuant to section five hundred sixty-three of the public health law. A tax so levied shall be treated as a purpose of and charge against such city, village, town or consolidated health district, as the case may be.

h. Amount apportioned to a town, village or city for the support of a consolidated health district, in accordance with section three hundred ninety-nine of the public health law. A tax so levied shall be treated as a purpose of and charge against such town, village or city, as the case may be.

Social services law

i. Safety net assistance and medical care given at home for persons residing in or found in a town or city in a county social services district, as provided by subdivisions two and three of section sixty-nine of the social services law. A tax so levied shall be treated as a purpose of and a charge against such town or city, as the case may be.

j. Payment of the principal of and interest on bonds as provided by subdivision six of section ninety-three of the social services law. A tax so levied shall be treated as being imposed for debt service.

k. Burial of recipients of public assistance or care, where charge-backs for such expenses are made against a town or city in a county public welfare district pursuant to subdivision two of section one hundred forty-one of the social welfare law. A tax so levied shall

be treated as a purpose of and a charge against such town or city, as the case may be.

l. Veteran assistance given by a city or town in a county social services district to persons residing or found therein, as provided by subdivision two of section one hundred seventy-one of the social services law. A tax so levied shall be treated as a purpose of and a charge against such city or town, as the case may be.

Real property tax law

m. Supplying assessment rolls prepared in accordance with sections five hundred two and five hundred four of the real property tax law. A tax so levied shall be treated as a purpose of and charge against the city, town or village, as the case may be, for which the rolls are prepared.

n. Making refunds on account of the collection of taxes attributable to clerical errors, errors in essential fact, or unlawful entries as those terms are defined in section five hundred fifty of the real property tax law, in the proportion that a tax district or districts in the county benefited by such collection, where such refunds are made pursuant to section five hundred fifty-six or five hundred fifty-six-a of the real property tax law. A tax so levied upon such a tax district shall be treated as a purpose of and charge against such district.

o. Preparing and mailing statements of taxes pursuant to section nine hundred twenty-two of the real property tax law. A tax so levied shall be treated as a purpose of and a charge against the tax district preparing and mailing the same.

p. Preparing and mailing statements of taxes to non-residents pursuant to section nine hundred eighty-two of the real property tax law. A tax so levied shall be treated as a purpose of and charge against the town, village or school district preparing and mailing the same, as the case may be.

q. Making refunds to tax sale purchasers required by reason of error or irregularity in the assessment or levying of a tax, in the proportion that a tax district or districts in the county benefited by the return of such tax, where such refunds are made pursuant to section one thousand thirty of the real property tax law. A tax so levied upon such a tax district to pay such a refund shall be treated as a purpose of and charge against such district.

r. Making refunds to taxpayers required by reason of amounts of taxes paid upon unlawful, excessive or unequal assessments, in the proportion that a town, village, city or special district in the county benefited by such payment, where such refunds are made pursuant to section seven hundred twenty-six of the real property tax law. A tax so levied upon a town, village, city or special district for which the excess of tax was collected shall be treated as a purpose of and charge against such town, village, city or special district, as the case may be.

Town law

s. Amounts specified in annual budgets of towns, as provided by section one hundred fifteen of the town law. A tax or assessment so levied shall be treated as a purpose of and charge against the town or district for which they are levied.

Workmen's compensation law

t. Amounts included in a tax levy to pay the share of a participant, other than the county, in a county self-insurance plan in accordance with the provisions of article five of the workmen's compensation law. A tax so levied shall be treated as the purpose of and charge against such participant.

Special laws

u. Amounts charged against the county pursuant to subdivision three of section four of chapter six hundred seventy-eight of the laws of nineteen hundred twenty-eight, as amended, for the amortization of bonds

issued for grade crossing purposes pursuant to section fourteen of article seven of the constitution. A tax so levied shall be treated as being levied for debt service.

v. Amounts charged against the county or a town therein for the amortization of bonds issued for highway purposes pursuant to chapter four hundred sixty-nine of the laws of nineteen hundred six, as amended or supplemented, or chapter two hundred ninety-eight of the laws of nineteen hundred twelve, as amended or supplemented. A tax so levied shall be treated as being imposed for debt service.

w. Providing for town purposes, in accordance with sections one hundred three and one hundred four of the Dunkirk city charter. An amount so levied shall be treated as a purpose of and charge against the town of Dunkirk.

x. Construction and maintenance of highway bridges within the city of Port Jervis and the town of Deerpark and apportioned between such city and such town, as provided by section seventy of the charter of the city of Port Jervis. A tax so levied shall be treated as a purpose of and charge against such city or town, as the case may be.

y. Repayment to the city of Port Jervis of the amount paid by the city for the bond of the city clerk for the collection of taxes levied by the board of supervisors, as provided by section ninety-four of the charter of the city of Port Jervis. A tax so levied shall be treated as a purpose of and charge against such city.

z. Repayment to the city of Port Jervis of the amount of unpaid taxes paid to the county treasurer, as provided by section ninety-seven-a of the charter of the city of Port Jervis. A tax so levied shall be treated as a purpose of and charge against such city.

aa. Highway, bridge and fire fighting purposes and increases of salaries of district superintendents of schools, assessed upon property situated outside the corporation tax district of the city of Rome as provided by section ninety and subdivision two of section two hundred

eighty-three of the charter of the city of Rome. A tax so levied shall be treated as a purpose of and charge against such city.

bb. Providing for purposes of the town of Vernon and levied upon the city of Sherrill, as provided by section four of the charter of the city of Sherrill. A tax so levied shall be treated as purpose of and charge against such town.

cc. Sanitary sewer and public works purposes, which pursuant to agreement are made a general charge against a town, village or city in Onondaga county, as provided by chapter five hundred sixty-eight of the laws of nineteen hundred thirty-three, as amended. A tax so levied shall be treated as a purpose of and charge against such town, village or city, as the case may be.

dd. Amounts included in the city abstract of taxes levied against the city of Syracuse (a) for payments by such city of discounts on account of payments of certain taxes and (b) for the percentage received by such city from the treasurer of the county for collection of certain taxes, as provided by section one of chapter six hundred ninety of the laws of nineteen hundred thirty-seven, as amended. A tax so levied shall be treated as a purpose of and charge against such city.

ee. Police protection furnished to a city, village or police district by the police department of the county of Nassau pursuant to contract, as provided by section eight hundred four of chapter eight hundred seventy-nine of the laws of nineteen hundred thirty-six, as amended. A tax so levied shall be treated as a purpose of and charge against such city, village or district, as the case may be.

4. For the purpose of computing the amount that may be raised in any county by tax on real estate in any fiscal year for county purposes in accordance with section ten of article eight of the constitution, taxes levied or relevied by a county for each of the following purposes shall be treated as levies or relevies for the purpose of enforcement or adjustment and shall be excluded from such computation:

Education law

Real property tax law

b. Relevy of taxes rejected because imperfectly described or erroneously assessed, as provided by section five hundred fifty-seven of the real property tax law.

c. Levy of a deficiency in a previous levy, where such deficiency is occasioned by reason of adjustment of equalization rates, as provided by sections eight hundred twenty, eight hundred twenty-two and eight hundred twenty-six of the real property tax law.

Town law

d. Levy of unpaid sewer charges, fees, rates or rents and penalties thereon, transmitted to the board of supervisors as provided by paragraph (k) of subdivision one of section one hundred ninety-eight of the town law.

e. Levy of unpaid water charges or rates and penalties thereon, transmitted to the board of supervisors as provided by paragraph (d) of subdivision three of section one hundred ninety-eight of the town law.

f. Levy of unpaid refuse or garbage removal rates, charges or fees and penalties thereon, transmitted to the board of supervisors as provided by paragraph (c) of subdivision nine of section one hundred ninety-eight of the town law.

Special laws

g. Relevy of unpaid taxes returned to the county of Cattaraugus pursuant to section one hundred thirteen of chapter five hundred thirty-five of the laws of nineteen hundred fifteen, constituting the charter of the city of Olean.

5. For the purpose of computing the amount that may be raised in any

county by tax on real estate in any fiscal year for county purposes in accordance with section ten of article eight of the constitution, the following items shall be excluded from such computation and treated as indicated:

Real property tax law

a. Making levies of taxes upon land or property omitted from the tax levy of the preceding year, as provided by section five hundred fifty-one or five hundred fifty-three of the real property tax law. The amounts so levied shall be deducted from the aggregate of taxation to be levied for the current year on the city or town in which such land or property is located.

b. Charges against school districts on account of the making of refunds to taxpayers of amounts of relieved school taxes attributable to clerical errors, errors in essential fact, or unlawful entries as those terms are defined in section five hundred fifty of the real property tax law, where such refunds are made pursuant to section five hundred fifty-six or five hundred fifty-six-a of the real property tax law. A charge so made shall be deducted from any moneys which by reason of returned unpaid school taxes shall become payable by the county treasurer to the school district which returned the tax so assessed or levied.

Town law

c. Payments of surplus moneys by a town toward the reduction of taxes levied or to be levied upon the town, as provided by section one hundred twelve of the town law. Such a payment shall be treated as a special credit toward the reduction of such taxes.

Special laws

d. Amounts allocated to a city and to the area in the county outside the cities from moneys collected from special taxes imposed by the county pursuant to chapter two hundred seventy-eight of the laws of

nineteen hundred forty-seven, as amended, where such amounts are applied to reduce the county tax levied upon real property in such city or such area. An amount so applied shall be treated as a special credit toward the reduction of such county tax levied upon real property.

6. A provision of this section shall be controlling wherever it is inconsistent with any general, special or local law enacted prior to January first, nineteen hundred fifty.

*** § 233-b. Payment in lieu of taxes for property acquired for park or recreational purposes.** The county of Nassau having acquired certain property for park or recreational purposes in the Lido Beach-Point Lookout area shall have the power and authority with respect to such property, to pay or transfer out of any county funds available to it, annual sums in lieu of taxes to the affected taxing jurisdictions, in order that none of such taxing jurisdiction shall suffer an inequitable loss of revenue by virtue of such park or recreational program; provided further, that the amount so paid or transferred for any year shall not exceed the sum last levied for the benefit of such taxing jurisdiction as an annual tax on such property prior to the time of its acquisition for such purpose or purposes.

As used in this section, the term "taxing jurisdiction" means any municipal corporation or district corporation, including any school district or any special district, having the power to levy and collect taxes and benefit assessments upon real property in the Lido Beach-Point Lookout area, or in whose behalf such taxes or benefit assessments may be levied or collected.

* NB Expires July 1, 2030

§ 234. Additional powers granted under other laws. Nothing herein shall be deemed to affect or impair the provisions of any other act of the legislature granting additional powers to appropriate and expend county funds for county objects and purposes.

§ 234-a. Service of notice in relation to constitutionality of local law, ordinance, rule or regulation of a county. Whenever the constitutionality of any local law, ordinance, rule or regulation of a county is brought into issue upon a trial or hearing of any civil cause of action or proceeding in any court, and the county is not a party to such action or proceeding, notice shall be served upon the county in accordance with section one thousand twelve of the civil practice law and rules.

§ 235. The board of supervisors by resolution may appoint a committee of citizens of the county to act in an advisory capacity to any committee, department or office on any subject relating to county government. The members of such committee shall serve without compensation and it shall be the duty of such advisory committee to meet, consult and advise with the officers or department heads named in the resolution. Such advisory committee shall have no powers other than advisory. The board of supervisors may authorize the payment of the just and reasonable actual expenses of the members of such advisory committee.

§ 236. County plumbing licensing. 1. Notwithstanding the provisions of the general city law or any other law to the contrary, the county of Westchester is hereby authorized to establish a Westchester county board of plumbing examiners and to empower such board to assume all licensing duties within the county of Westchester with respect to the licensure of plumbers. The county of Westchester shall provide for plumbers' duties and responsibilities in accordance with the local law of such county.

2. Local laws enacted pursuant to this section shall supercede the provisions of any licensing requirements promulgated by a city pursuant to the general city law.

§ 236-a. County master electrician licensing. 1. Notwithstanding the

provisions of the general city law or any other law to the contrary, the counties of Dutchess, Suffolk and Westchester are each hereby authorized to establish a county board of examiners for master electricians and to empower such board to assume all licensing duties within each such county with respect to the licensure of master electricians. The counties of Dutchess, Suffolk and Westchester shall provide for master electrician's duties and responsibilities in accordance with the local law of each such county.

2. The local laws enacted pursuant to this section shall supercede the provisions of any licensing requirements promulgated by a city pursuant to the general city law.

§ 236-b. County electrical inspector licensing. 1. Notwithstanding any inconsistent general, special, or local law to the contrary, the county of Westchester is hereby authorized to establish a Westchester county board of examiners for electrical inspectors and to empower such board to assume all licensing duties within the county of Westchester with respect to the licensure of electrical inspectors. The county of Westchester shall provide for electrical inspectors' duties and responsibilities with respect to applications for a license or renewal in accordance with the local law of such county. A local law enacted pursuant to this section establishing county licensure of electrical inspectors shall provide standards for licensure which shall include, at a minimum, a provision that no person shall obtain a license unless such person shall have received training in the inspection of electrical components, equipment and systems used in buildings and structures which is at least equivalent to the training in the inspection of electrical components, equipment and systems used in buildings and structures required for code enforcement personnel under the rules and regulations promulgated by the secretary of state pursuant to section three hundred seventy-six-a of the executive law.

2. A local law enacted pursuant to this section establishing county licensure of electrical inspectors shall supersede any provision requiring electrical inspectors to also obtain a local license

promulgated by a city, town or village in the county pursuant to any general, special or local law. Nothing in this section shall be deemed to supersede any of the powers, functions and duties of the secretary of state pursuant to section three hundred seventy-six-a of the executive law.

3. In this section, the term "electrical inspector" shall mean any person who now or hereafter inspects electrical components, equipment and systems used in buildings and structures to determine the compliance of such electrical components, equipment and systems and the installation of such electrical components, equipment and systems with the applicable provisions of the state uniform fire prevention and building code promulgated pursuant to article eighteen of the executive law; provided, however, that the term electrical inspector shall not include any person who performs such inspections as an employee of the state of New York, any agency of the state of New York, or any county, city, town or village. In no event shall any person who now or hereafter performs such inspections as an employee of the state of New York, any agency of the state of New York, or any county, city, town or village be required to obtain a license issued pursuant to this section or pursuant to any local law enacted pursuant to this section.

4. In this section, the term "agency of the state of New York" shall include any department, bureau, commission, board, public authority or other agency of the state of New York; any public benefit corporation whose board of directors includes any member appointed by the governor; any subdivision of any department, bureau, commission, board, public authority or other agency of the state which is easily identifiable and which for most other purposes is treated as an independent state agency; and the office of information technology services.

§ 237. Alcoholic beverage control. Pursuant to section seventeen of the alcoholic beverage control law, the board of supervisors by resolution may request the state liquor authority to further restrict the hours during which alcoholic beverages may be sold at retail.

ARTICLE 5-A

COUNTY WATER, SEWER, DRAINAGE AND REFUSE DISTRICTS

- Section 250. Purpose.
251. County agency.
252. Powers of county agency.
253. Preparation of maps and plans.
- 253-a. Provision for excess sewer, drainage or water facilities.
- 253-b. Amendment or modification of plans.
254. Public hearing; cost to typical property.
255. Representation by municipalities and district.
256. Establishment of a county district.
- 256-a. Consolidation of Suffolk county sewer district number two - Holbrook and Suffolk county sewer district number four - Birchwood North Shore.
- 256-b. Suffolk county wastewater management district.
257. Permissive referendum.
258. Application to the department of audit and control.
259. Recording and filing of determination.
260. Review.
261. Administration of the county district.
262. Performance of the work.
263. Powers.
- 263-a. Powers with respect to lake protection and rehabilitation.
264. Rules and regulations.
265. Contracts.
266. Water rates, water quality treatment, sewage, wastewater disposal and refuse collection charges and revenues.
267. Expense of the improvement.
268. Increase and improvement of facilities.
269. Increase of maximum amount to be expended.
270. Assessment of the cost.
271. Alternative method of assessment.
272. Taxation of district property.
273. Contracts with public authorities for county water

- districts.
- 274. Extension of the district.
- 274-a. Consolidation of county districts by board of supervisors.
- 274-b. Consolidation of the district and its extensions.
- 275. Sale of water district facilities.
- 276. Jurisdiction of other state agencies.
- 277. Establishment of certain county sewer districts in Suffolk county.
- 277-a. Conveyance or lease to the county of Westchester by a city, town or village in the county's New Rochelle sanitary sewer district of sewer system property and the establishment of certain county sewer districts, extensions or special transitional zones of assessment in the county of Westchester.
- 278. Definitions.
- 279. Operation of certain collection and disposal facilities in Suffolk county.
- 279-a. Acquisition of real property for future districts in Suffolk county.
- 279-b. Agreements of county district; certain cases.
- 279-c. Certain agreements of a county sewer district in Orange county.
- 279-d. Water districts in the county of Westchester.

§ 250. Purpose. The board of supervisors of each county may establish, consolidate, or extend county water, water quality treatment, sewer, wastewater disposal, drainage or refuse districts (hereinafter referred to in this article as the "district") in the manner hereinafter provided:

1. For the purpose of developing or acquiring a supply of water for (a) wholesale distribution to other municipalities, districts or persons, corporate or otherwise, within the county water district, (b) retail distribution, except as hereinafter provided, or (c) both such wholesale and retail distribution;

1-a. For the purpose of (a) procuring by purchase, lease or other means and installing water quality treatment units or devices, if required; providing periodic testing and monitoring of raw and finished water from private wells in the district; monitoring, modifying, repairing, replacing, operation and maintenance, regenerating water quality treatment units and devices and the administering of the treatment and disposal of residuals generated in the operation of the district pursuant to rules and regulations adopted by the public health and health planning council under section two hundred twenty-five of the public health law; (b) assisting local, state and federal agencies and officials in efforts to establish causes of, and implement remedial measures to reduce water contamination and protect future water resources within the district; (c) conduct public meetings and issue an annual public report to members of the district on the operation, financial position and water quality condition of said district; provided, however, that with respect to any town in the county the board of supervisors shall first determine that such district or service will not be established or provided by such town.

2. For the purpose of (a) the conveyance from other municipalities and districts within the county of sewage, and treatment and disposal thereof, (b) collection, except as hereinafter provided, or (c) both such conveyance and such collection;

3. For the purpose of administration and planning (including educational programs), design, installation, construction, rehabilitation, replacement, operation and maintenance (including pumping and inspections), monitoring, residual treatment and disposal and regulation of private on-site wastewater disposal systems of such district;

4. For the purpose of drainage of storm water and other waters, either surface or subsurface, within the county;

4-a. For the purpose of effecting lake protection and rehabilitation, and any activities necessarily related thereto.

5. For the purpose of the collection and disposition of garbage, ashes, rubbish and other waste matter within the county.

6. A county district established hereunder may consist of two or more noncontiguous areas in which the water, sewer, wastewater disposal, drainage or refuse system (hereinafter referred to in this article as the "system") will be interrelated and interdependent, however, in Suffolk county the term "interrelated and interdependent" shall be deemed to mean that the noncontiguous areas must be within the county and have the same administrative head. However, a water quality treatment district established hereunder may consist of noncontiguous or contiguous benefited parcels of property and shall be created by a resolution of the county board of supervisors, upon petition after a public hearing.

7. Except in the county of Suffolk, no county district shall be established hereunder which shall consist wholly of territory within one city, within one village or within that portion of one town outside of a village.

8. Notwithstanding any other provision of law a sewer district may also exercise all the powers of a wastewater disposal district if the map and plan prepared pursuant to section two hundred fifty-three of this chapter, or amended pursuant to section two hundred fifty-three-b of this chapter, includes on-site wastewater disposal systems.

§ 251. County agency. The board of supervisors may appoint or establish an officer, board or body, or may designate an existing officer, board or body, or public authority which possesses the express power to act as such an agency, to act as a county water, water quality treatment, sewer, wastewater disposal, drainage, refuse or public inland lake protection and rehabilitation agency (hereinafter referred to in this article as the "agency") having the powers hereinafter prescribed in sections two hundred fifty-two, two hundred fifty-three and two hundred fifty-four, and such other powers and duties as the board of

supervisors may determine necessary to carry into effect the provisions of this article. Except in the case of a public authority, the agency may also be designated as the administrative head or body of any county district which may be established pursuant to the provisions of this article. All matters relating to the membership of such agency, including, but not limited to, numbers, method of selection, tenure, qualifications and compensation, shall be determined by the board of supervisors.

§ 252. Powers of county agency. 1. The agency, as empowered by the board of supervisors, may assemble data relating to (1) the water resources available to the county, both within and without, (2) the number and location of private wells within the county, the contaminants present in the water supply in the county's private wells, (for the purposes of this section, "contaminants" shall mean those substances found in amounts or concentrations which violate federal, state or local laws, guidelines or rules and regulations relating to drinking water or which may pose a risk to public health), the extent of contamination of the water supply in the county's private wells, and the availability of appropriate treatment technologies for the contaminants found to be present, or which are reasonably expected to be found, currently or in the future, in the water supply in the county's private wells, (3) the sewage collection, conveyance, treatment and disposal problems of the county, (4) the problems of collection, conveyance and disposal of storm water and other waters, (5) the problems of the collection and disposition of garbage, ashes, rubbish and other waste matter within the county, or (6) any measures reasonably related to lake protection and rehabilitation, including surveys of sources of degradation, treatment of aquatic nuisances, and the elimination or alleviation of such problems and the possibility of developing and utilizing existing facilities to make them available to the several municipalities and other political subdivisions within the county, and may employ such engineering, legal, professional and other assistance as from time to time may be needed, and may incur such other expenses as may be necessary within the amounts made available therefor by budget appropriations. When authorized by the board of supervisors, the agency

may also apply for and expend state aid for comprehensive studies and reports pursuant to section 17-1901 of the environmental conservation law and comprehensive water studies and reports pursuant to title thirteen of article fifteen of the environmental conservation law. Where the agency has sufficient engineering and technical staff available, the board of supervisors may authorize the agency to render engineering and related technical services to municipalities located within the county pursuant to contract on terms and conditions to be agreed upon by the agency and the municipality.

2. In the county of Suffolk, the county sewer agency may undertake such other duties, powers and responsibilities as may from time to time be approved by or delegated to it by the board of supervisors and when authorized by the board of supervisors, the county sewer agency, subject to the prior consent of the "local governing body" within whose jurisdiction there exists a "sewer system" constructed, operated and maintained by a sewerage disposal corporation organized pursuant to the transportation corporations law, may acquire by purchase, gift, dedication, condemnation or otherwise such "sewer system" from, or all of the stock of, such "sewerage disposal corporation", and when authorized by the county board of supervisors may expend county funds for the acquisition of such "sewer system", and thereafter may operate, manage and maintain said "sewer system". The terms "local governing body", "sewer system" and "sewerage disposal corporation" being defined in article ten of the transportation corporations law. The board of supervisors may finance in whole or in part, pursuant to the local finance law, any expenditures made pursuant to this section. Subject to confirmation by the board of supervisors, the county sewer agency may impose sewer rents as provided by the general municipal law, provided that before any such sewer rents are finally established, the county sewer agency shall hold at least one public hearing thereon. Appeals may be taken from any rate fixing determination of the county sewer agency to the board of supervisors. The board of supervisors shall prescribe the manner of holding such hearings and of taking appeals. The provisions of section two hundred sixty-six of this chapter shall apply to the imposition, collection and application of sewer rents by the county sewer agency hereunder.

§ 253. Preparation of maps and plans. 1. A petition may be presented to the board of supervisors requesting that a certain area or areas of the county be established as a county district. Such petition shall be executed and acknowledged on behalf of a municipality or district, any part of which is included within such area or areas, by the chief executive officer of such municipality, or of such district furnishing a similar service as the district to be established hereunder. In lieu of execution of the petition by the chief executive officer of such municipality or district, the petition may be executed and acknowledged by at least twenty-five owners of taxable real property of record situated within such municipality or district, or in Suffolk county, if all of the taxable real property of record situate within such municipality which is to be included within a certain area or areas of the county to be established as a county district is owned by one or more but less than twenty-five owners, then the petition may be executed and acknowledged by one or more of said owners within the area or areas to be established as a county district. Upon presentation of such a petition or on its own motion, the board of supervisors may direct the agency to cause maps and plans to be prepared for a project as requested in the petition or for the establishment of a certain area or areas of the county as a county district, provided, however, that if the petitioning municipality, district or owners of taxable property undertake to furnish or pay the cost of such maps and plans at its or their cost and expense, the board of supervisors shall direct the agency to accept or prepare the same. In the case of a petition to create or extend a water quality treatment district, the petition may be executed and acknowledged by one or more of the owners of taxable real property of record situated within such municipality whose private well water is contaminated. At the time the petition is executed and acknowledged, notice and copy of such petition shall be submitted to the state department of health. Such maps or plans shall show (1) the boundaries of the area or areas which the agency in its judgment considers will be benefited by the particular project, (2) a description of the area or areas sufficient to permit definite and conclusive identification of all parcels of property included therein, (3) the proposed location of all

facilities such as (a) reservoirs, stand pipes, wells, pumping stations, water purification or treatment works, mains and hydrants, the source of water supply, a description of the lands, streams, water or water rights to be acquired and the mode of constructing the proposed water works, (b) benefited parcels of properties with water quality treatment units or devices installed prior to the formation of the district and/or those properties requiring installation of water quality treatment units or devices and the mode and frequency of testing, monitoring, modifying if required, operation and maintenance, regenerating of such water quality treatment units or devices and the administering of the treatment and disposal of residuals and any other requirements pursuant to rules and regulations adopted by the public health and health planning council under section two hundred twenty-five of the public health law. Any water quality treatment unit or device which has been installed prior to the formation of the district must be approved pursuant to rules and regulations adopted by the public health and health planning council under section two hundred twenty-five of the public health law, prior to acceptance of such unit or device and its benefited property within the district, (c) trunk, interceptor and outfall sewers, pumping stations, sewage treatment and disposal works, (d) properties requiring construction or replacement of private on-site wastewater disposal systems and the mode and frequency of conveying, treating and disposing of wastewater and residual wastewater, (e) drains, ditches, channels, pumping stations, dams, dikes, bulkheads and retaining walls, or (f) refuse disposal and incinerator plants and all necessary appliances appurtenant thereto, (4) estimates of the cost of construction, or procurement and installation of the facilities, and/or in the case of water quality treatment districts, estimates of the costs of monitoring, testing, modifying, if required, operation and maintenance, regenerating of such water quality treatment units or devices and the treatment and disposal of residuals, as shown on the maps and plans and the method of financing the same and (5) an evaluation of rehabilitation needs based upon water quality, public use and private development, special wildlife, scenic or other values, sedimentation, shoreland zoning, potential for adequate pollution and erosion controls within the drainage basin, and potential for future successful management. Such maps and plans pertaining to sewer districts shall be consistent with,

so far as possible, any comprehensive plan for sewers developed pursuant to section 17-1901 of the environmental conservation law. Such maps and plans pertaining to water districts shall be consistent with, so far as possible, any comprehensive plan for public water supply systems developed pursuant to title thirteen of article fifteen of the environmental conservation law.

2. If the report of the agency required by section two hundred fifty-four of this chapter shall contain recommendations for the establishment of two or more zones of assessment within a county district, such maps and plans shall show the boundaries of each of such zones and the estimated initial allocation of the cost of the construction of the facilities recommended to be charged to each of such zones.

3. Where acceptable maps, plans and related data have theretofore been prepared by or for one or more existing or proposed municipal special or improvement districts, the board of supervisors may, instead, authorize the agency to adopt and utilize such maps, plans and data and, where a county district is thereafter established and facilities constructed thereby on the basis of such maps, plans and data, the district shall reimburse the municipalities, districts or persons who have paid for all or part of the cost of such maps, plans and data in a reasonable amount to be agreed upon among them, which amount shall not exceed their net expenditures therefor, and shall not include any portion of the cost paid from federal or state aid and which amount, when paid, shall be deemed part of the cost of the construction of the facilities by the agency.

§ 253-a. Provision for excess sewer, drainage or water facilities. 1. The local legislative body, in causing maps and plans to be prepared or in approving the establishment or extension of a sewer, wastewater disposal, drainage or water district may provide by resolution that the map and plan include sewer, wastewater disposal, drainage or water facilities in excess of those required for the proposed district or extension. Such resolution providing for or requiring excess facilities

shall include the estimated expense for such excess facilities and shall be subject to permissive referendum. The necessity for and the extent of the excess capacity shall be determined by the local legislative body and it shall be reserved for utilization by future districts or extensions in the county.

2. The expense of any excess sewer, wastewater disposal, drainage or water facility authorized pursuant to this section shall be a county charge and shall be assessed, levied and collected in the same manner and at the same time as other county charges; provided, however, that nothing herein contained shall be construed to prevent the financing in whole or in part, pursuant to the local finance law, of any excess sewer, wastewater disposal, drainage or water facilities authorized pursuant to this section. Any such excess sewer, wastewater disposal, drainage or water facilities shall be deemed to be a district or special improvement authorized by article five-A of this chapter within the meaning of paragraph b of section 35.00 of the local finance law.

3. In the event the petition shall contain a statement that the improvement in the proposed district or extension shall be constructed at the expense of a petitioning owner of taxable real property in the proposed district or extension, the expense of all excess sewer, wastewater disposal, drainage or water facilities shall be borne originally as a county charge as provided in this section. If the improvement is to be constructed by or on the behalf of the petitioning owner, such owner shall be compensated by the county for the cost of the excess sewer, wastewater disposal, drainage or water facilities. In this event the provisions of section two hundred sixty-two of this chapter relating to competitive bidding shall not apply. If the improvement is to be constructed by the county or by the accepted competitive bidder, the county and not the petitioning owner shall be liable for the cost of the excess facilities.

4. The cost of the excess sewer, wastewater disposal, drainage or water facilities shall be determined by the local legislative body. In addition to the information required by section two hundred fifty-three of this chapter, the maps and plans shall include an estimate of the

cost of the excess facilities. If the improvement is to be constructed by or on behalf of the petitioning owner, an agreement shall be entered into between the local legislative body and such owner which shall state the total cost of the improvement and of the excess facilities or the method by which such cost shall be determined and the date of payment for such excess facilities. If the improvement is to be constructed by the county or by the accepted competitive bidder, the local legislative body, in determining the cost of the excess facilities, shall consider the estimate of the cost of excess facilities set forth in the maps and plans, the percentage increase in the capacity of the facilities, the maximum amount stated in the petition as the cost of the required facilities and the reduction, if any, in the per unit cost. In no event shall the expense of the excess sewer, wastewater disposal, drainage or water facilities as determined or agreed to by the local legislative body be less than the difference between the total cost of the improvement as set forth in or determined pursuant to the agreement or the accepted bid and the maximum amount stated in the petition.

5. The local legislative body may authorize the use of any excess facilities acquired pursuant to this section by any district, districts or extensions thereof, thereafter established in such county, provided the expense of such acquisition or the proportionate share of the expense as shall be allocated to a district or extension thereof by the local legislative body, together with the expense of the construction of the original improvement for such district or extension, shall not exceed the maximum amount authorized to be expended in such district or extension. Whenever the local legislative body shall authorize the use of any excess facilities acquired pursuant to this section by any district, districts or extension thereof, the same shall be deemed to be a part of the improvement authorized by such district or extension thereof and the entire cost of such acquisition and the maintenance thereof as apportioned to such district or extension, shall be deemed to be a part of such improvement and shall be assessed, levied and collected in the same manner as other charges against such district or extension.

§ 253-b. Amendment or modification of plans. When the board of supervisors or county legislature shall have established a district pursuant to this article and adopted a plan of a service or improvement for such district, such plan shall not be modified by the board of supervisors or any officer of the county nor by the administrative head or body of such district except as provided in this section. The administrative head or body shall submit a report in writing to the board of supervisors specifying the particulars in which it is proposed to modify such plan. Upon receipt of such report the board of supervisors shall adopt a resolution calling a public hearing thereon. Notice of such public hearing shall be given in the manner provided by section two hundred fifty-four of the county law. Such notice shall specify in terms sufficient for identification the particulars in which it is proposed to modify the plan of the service or improvement, and the time and place when the board of supervisors will meet to hear and consider any objections which may be made thereto, which time and place shall be not less than ten nor more than twenty days after the first publication of such notice. When any change shall be made in the plan proposed and once adopted, a revised or additional map and profile shall be made showing the change, and all such maps and profiles shall be carefully preserved in the office of the county clerk, or if the county district shall have an office, in the office of such county district, and shall be open to inspection by all persons interested. However, in the case of water quality treatment districts, amendments or modifications of plans must have the written approval of the department of health prior to adoption. At the request of an owner of a parcel of property within the county, if the private well water on such property is contaminated, a water quality treatment district plan may be amended, from time to time, to include said parcel of property. If an owner of a parcel of property within the county requests exclusion from the district, such request shall be granted without the state department of health approval and without the procedure set forth in section two hundred fifty-six of this article. The removal of a parcel of property from a district shall in no way affect the owner's liability for charges which have accrued against the owner's property, prior to said exclusion, for the procurement, installation, modification, replacement and removal of a water quality treatment unit or device or for expenses

of operation and maintenance including monitoring, testing, regenerating and treating. Should a public or private water system, supplier or authority commence supplying water to any parcel of property within a water quality treatment district, such parcel of property shall no longer be considered part of the water quality treatment district, and all services to such parcels shall be terminated. Termination of services shall include, the removal of all water quality treatment units or devices and a charge for the cost of doing so to the benefited property, except when such unit or device was acquired and owned by the property owner or when the district determines that such unit or device is obsolete and no longer useful for any district purpose.

§ 254. Public hearing; cost to typical property. 1. When the agency has caused such maps and plans to be prepared, it shall transmit them to the board of supervisors, together with a report of its proceedings and its recommendations, including a recommendation as to what officer, board or body should be the administrative head or body of the proposed district. Such report may further include the recommendations relating to the establishment of two or more zones of assessment within the proposed district and the estimated initial allocation of the cost of the construction of the facilities as between such zones to be assessed, levied and collected in each zone in the same manner and at the same time as other county charges. Upon receipt of the report and the maps and plans, the board of supervisors shall call a public hearing upon a proposal to establish a county district, to comprise the area or areas described and defined in said maps and plans. No public hearing shall be called to establish a water quality treatment district until the maps and plans have been submitted to and approved in writing by the state department of health. Copy of such notice of approval or denial of the maps and plans shall be filed in the office of the clerk of the board of supervisors of the county in which the proposed district is located. The clerk of the board of supervisors shall cause a notice of the public hearing to be published at least once in the official newspapers of the county and in such other newspapers having a general circulation in the proposed district as the board may direct, the first publications thereof to be not less than ten or more than twenty days before the day

set therein for the hearing. The notice of hearing shall contain a description of the area or areas to be included within the proposed district, and if the report shall have recommended the establishment of zones of assessment, a description of the area or areas to be included within each zone of assessment, the improvements proposed, the maximum amount to be expended for the improvement, the estimated cost of hook-up fees, if any, to, and the cost of the district or extension to, the typical property and, if different, the typical one or two family home, the allocation of such maximum amount as between the zones of assessment recommended, if any, the proposed method of assessment of the cost and shall specify the time when and place where the board of supervisors will meet to consider the matter and to hear all parties interested therein concerning the same. In the event that zones of assessment are provided for and an allocation of cost of the facilities between such zones of assessment, said notice shall further state that said zones of assessment and said allocations of cost may be changed from time to time by resolution of the board of supervisors adopted after a public hearing whenever said board of supervisors shall determine that such changes are necessary in the public interest. Prior to the publication of the notice of hearing, the board of supervisors shall cause to be prepared, and file for public inspection with the county clerk, a detailed explanation of how the estimated cost of hook-up fees, if any, to, and the cost of the district or extension to, the typical property and, if different, the typical one or two family home was computed.

2. (a) If the permission of the state comptroller is not required pursuant to section two hundred fifty-eight, two hundred sixty-eight or two hundred sixty-nine of this article because it is proposed or required that the county in in which the district is located shall finance the proposed cost by the issuance of bonds, notes, certificates, or other evidences of indebtedness of the county therefor or shall assume the payment of annual installments of debt service on obligations issued to finance the cost of facilities pursuant to section two hundred sixty-two of this article but the cost to typical property or, if different, the cost to the typical one or two family home is not above the average cost threshold described in those sections, a certified copy of the notice of hearing shall also be filed with the state comptroller

on or about the date of publication of the notice.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the state comptroller shall not be precluded from requiring the submission of additional information or data in such form and detail as the state comptroller shall deem sufficient or from causing an investigation to be made with respect to the establishment or extension of a district or an increase in the maximum amount to be expended.

§ 255. Representation by municipalities and district. At the public hearing on the establishment of a county district which includes the whole or any part of a city, village or such district furnishing a similar service as the proposed district, the inhabitants of such city, village or district may be represented jointly by an officer or official of the municipality or district duly designated by the governing body of the municipality or district to attend.

§ 256. Establishment of a county district. Upon the evidence presented at the public hearing, and after due consideration of the maps and plans, reports, recommendations and other data filed with it, the board of supervisors shall determine, by resolution, whether or not the proposed facilities are satisfactory and sufficient and, if it shall determine such question in the negative, it shall remand the proceedings to the agency for further study. The agency shall make such further study and amend and revise the maps and plans (including the zones of assessment and allocation of costs if the maps and plans provide therefor) in conformance with its findings, and shall make a further report to the board of supervisors in the same manner as hereinbefore provided. If the revised maps and plans call for an increase in the estimated maximum expenditure for the project, alter the boundaries of the proposed district, or if the maps and plans provide for zones of assessment and allocation of the cost of the facilities, alter the boundaries of the proposed zones of assessment or change the allocation or the costs of the facilities as between the zones of assessment, the board of supervisors shall call a further public hearing thereon in the manner provided in section two hundred fifty-four. When the board of

supervisors shall find that the proposed facilities are adequate and appropriate, it shall further determine by resolution, (1) whether all the property and property owners within the proposed district are benefited thereby, (2) whether all of the property and property owners benefited are included within the limits of the proposed district, (3) whether it is in the public interest to establish the district and (4) if said maps and plans and report recommended the establishment of zones of assessment and the allocation of the costs of the facilities as between such zones of assessment, whether such zones of assessment and the allocation of the costs of the facilities thereto represent as nearly as may be the proportionate amount of benefit which the several lots and parcels of land situate in such zones will derive therefrom.

If the board of supervisors shall determine that it is in the public interest to establish the district, but shall find that (1) any part or portion of the property or property owners within the proposed district are not benefited thereby or (2) that certain property owners benefited thereby have not been included therein, or (3), if zones of assessment are proposed to be established and the costs of facilities allocated among said zones of assessment, that any part or portion of the property or property owners within a proposed zone of assessment should be placed in a different zone of assessment or that a different allocation of the cost should be made as between the zones of assessment, the board shall specify the necessary changes of the boundaries of the proposed district or the necessary changes of the boundaries of any proposed zone of assessment or the necessary changes as to the allocation of costs, as the case may be, to be made in order that all of the property and property owners and only such property owners as are benefited shall be included within such proposed district, or in order that such zones of assessment and the allocation of the costs of the facilities thereto shall represent as nearly as may be the proportionate amount of benefit which the several lots and parcels of land situate in such zones will derive therefrom, and the board shall call a further hearing at a definite place and time not less than fifteen nor more than twenty-five days after such determination. Notice of such further hearing shall be published in the manner provided in section two hundred fifty-four, except that such notice shall also specify the manner in which it is

proposed to alter the boundaries of the proposed district, or the boundaries of the zones of assessment or the allocation of the costs of the facilities as between said zones of assessment, as the case may be. If and when the board shall determine in the affirmative all of the questions set forth above, the board may adopt a resolution approving the establishment of the district, as the boundaries shall be finally determined, and the construction of the improvement, and if zones of assessment have been established and an allocation of the costs of the facilities made as between such zones of assessment, further approving the establishment of the initial zones of assessment and the initial allocation of the costs of the facilities as between said zones of assessment. Such resolution shall be subject to permissive referendum as hereinafter provided, except in the case of a water quality treatment district and except in the county of Suffolk. In the county of Suffolk, if the owner or owners of all of the land within the proposed district consent in writing to the formation of the proposed district and the board of elections certify that on or after the date of the first publication of the notice of public hearing hereinabove referred to, there is no registered voter within the proposed district, then and in that case the resolution adopted by the board approving the establishment of a district shall not be subject to referendum, permissive, or otherwise.

§ 256-a. Consolidation of Suffolk county sewer district number two - Holbrook and Suffolk county sewer district number four - Birchwood North Shore. 1. The county legislature of Suffolk county is hereby authorized to consolidate Suffolk county sewer district number two Holbrook and Suffolk county sewer district number four - Birchwood North Shore in accordance with the procedure contained in this section.

2. Resolution. The county legislature of Suffolk county may adopt a resolution calling a public hearing upon the proposed consolidation of Suffolk county sewer district number two - Holbrook and Suffolk county sewer district number four - Birchwood North Shore.

3. Notice. The clerk of the county legislature shall give notice of

the hearing described in subdivision two of this section in such newspapers and within such time period as set forth in section two hundred fifty-four of this article. Such notice shall specify the time when and the place where such hearing will be held and, in general terms, describe the proposed consolidation and the proposed basis of the future assessment of all costs of operation, maintenance and improvements of such consolidated sewer district.

4. Hearing. The county legislature shall meet at the time and place specified in such notice and hear all persons interested in the subject matter thereof concerning the same. If the county legislature shall determine that it is in the public interest to consolidate Suffolk county sewer district number two - Holbrook and Suffolk county sewer district number four - Birchwood North Shore as specified in said notice, the Suffolk county legislature may adopt a resolution, subject to a permissive referendum, so consolidating such sewer districts.

5. Notice of adoption of resolution. Within ten days after the adoption by the Suffolk county legislature of the resolution described in subdivision four of this section, the Suffolk county legislature shall give notice thereof, at the expense of the county, by the publication of a notice in such newspapers and within such time period as set forth in section one hundred one of this chapter. Such notice shall set forth the date of adoption of the resolution and contain an abstract of such resolution, describing, in general terms, the sewer districts so consolidated and the basis for the future assessment of all costs of operation, maintenance and improvements and that such resolution was adopted subject to a permissive referendum.

6. Petition. The resolution of the Suffolk county legislature described in subdivision four of this section shall not take effect until forty-five days after its adoption and shall be subject to permissive referendum in each sewer district proposed to be consolidated in accordance with the provisions of section two hundred fifty-seven of this article.

7. Consolidation of Suffolk county sewer district number two Holbrook and Suffolk county sewer district number four - Birchwood North Shore.

The consolidation of Suffolk county sewer district number two Holbrook and Suffolk county sewer district number four - Birchwood North Shore shall become effective on the thirty-first day of December next succeeding; provided, however, that if the resolution described in subdivision four of this section shall be adopted subsequent to the first day of October in any year, such consolidation shall become effective on the thirty-first day of December of the next succeeding calendar year. Upon such consolidation of Suffolk county sewer district number two - Holbrook and Suffolk county sewer district number four - Birchwood North Shore, all the property of such sewer districts shall become the property of the consolidated sewer district and the consolidated sewer district shall assume and pay the indebtedness of each of such original sewer districts as if such indebtedness had been incurred subsequent to the consolidation.

256-b. Suffolk county wastewater management district. 1. (a)

Notwithstanding the provisions of any general, special or local law to the contrary, including this article, the county legislature of Suffolk county is hereby authorized to establish by resolution a Suffolk county wastewater management district, hereinafter referred to in this section as the "district", which shall include all powers of a sewer district and a wastewater disposal district as provided in section two hundred fifty of this article and as set forth in this subdivision, pursuant to the procedure contained in this section.

(b) In addition to the powers provided in section two hundred fifty of this article, the district shall have the power, as determined by the county legislature, to: (i) consolidate all of the original county sewer districts within the county as well as unsewered areas of the county, under the jurisdiction of the district; (ii) establish one or more zones of assessment within the district, coterminous with the territorial boundaries of the existing county sewer districts, consolidated pursuant to this section, the method of wastewater collection, treatment and disposal, existing or proposed, or both, and make changes to such zones of assessments; (iii) acquire interests in real property which may be completed by the transfer of property of original county sewer districts to the district, necessary for the installation and maintenance of

district facilities; (iv) prioritize district projects in accordance with the Suffolk county subwatershed wastewater plan (SWP) adopted by the county legislature, and any amendments thereto; (v) receive funds from the Suffolk county water quality restoration fund, as established by section one thousand two hundred ten-F of the tax law, and distribute grant proceeds within the district in accordance with the goals established in the Suffolk county subwatershed wastewater plan; (vi) assume and pay any remaining indebtedness of each original county sewer district; (vii) within the zones of assessment, establish and provide for the collection of charges, rates, taxes or assessments to provide for the costs of operation, expenses, the sums sufficient to pay the annual installment of principal of, and interest on, obligations for improvements of the district, maintenance and improvements of the district, including but not limited to: (A) special assessment as defined in subdivision fifteen of section one hundred two of the real property tax law; (B) special ad valorem levy as defined in subdivision fourteen of section one hundred two of the real property tax law; (C) sewer rent as provided under article fourteen-F of the general municipal law; (viii) distribute grant proceeds within the district in accordance with the goals established in the SWP; and (ix) adopt, amend and repeal, from time to time, rules and regulations for the operation of a county district. Nothing in this section shall be construed to permit the collection of charges, rates, taxes, or assessments authorized by this section outside of the established zones of assessment within the unsewered portions of the district or within town or village sewer districts.

2. Boundaries. The boundaries of the district upon formation shall include the boundaries of all county sewer districts consolidated into the district and all unsewered areas of the county. Until such time as a town or village sewer district is consolidated into the district as set forth in subdivision ten of this section, the boundaries of the district shall not include territorial boundaries of town or village sewer districts located wholly or in part in the county of Suffolk.

3. County agency review and report. The county legislature may direct the county agency, appointed or established pursuant to section two

hundred fifty-one of this article, to, or the county agency on its own motion may, review and report thereon to the county legislature on the creation of the district and the merger therewith of any or all existing county sewer districts in accordance with this section and such other details as may be directed by the county legislature consistent with this article. When the agency has caused such report to be prepared, it shall transmit it to the county legislature. Upon receipt of the report, the county legislature shall call a public hearing pursuant to subdivision five of this section to create a Suffolk county wastewater management district in accordance with this section. Such report shall be filed in the office of the clerk of the legislature of Suffolk county.

4. Resolution. The county legislature of Suffolk county may adopt a resolution calling a public hearing upon the proposed creation of the district.

5. Notice. The clerk of the county legislature shall give notice of the hearing described in subdivision four of this section in such newspapers and within such time period as set forth in section two hundred fifty-four of this article. Such notice shall specify the time, date and location of such hearing and, in general terms, describe the proposed establishment of the district and the proposed basis of the future assessment of all costs of operation, maintenance and improvements of the district.

6. Hearing and resolution to establish. The county legislature shall meet at the time, date and location specified in such notice and hear all persons interested in the subject matter thereof concerning the same. If the county legislature determines that it is in the public interest to establish the district as specified in such notice, it shall further determine by resolution: (i) whether all property and property owners within the proposed district are benefited thereby; and (ii) whether all of the property and property owners benefited are included within the limits of the proposed district, the county legislature may adopt a resolution, subject to a permissive referendum, establishing the district.

7. Notice of adoption of resolution. Within ten days after the adoption by the county legislature of the resolution to establish the district described in subdivision six of this section, the county legislature shall give notice thereof, at the expense of the county, by the publication of a notice in such newspapers and within such time period as set forth in section one hundred one of this chapter. Such notice shall set forth the date of adoption of the resolution and contain an abstract of such resolution, describing, in general terms, the district, the basis for the future assessment of all costs of operation, maintenance and improvements, and that such resolution was adopted subject to a permissive referendum.

8. Assessments, levies and charges. After the establishment of the district in accordance with this section, the county is hereby authorized by resolution approved by majority vote of the total membership of the county legislature to assess, levy and collect upon each lot or parcel of land within the zones of assessment established by this section: (a) special assessments as that term is defined in subdivision fifteen of section one hundred two of the real property tax law; (b) special ad valorem levy as that term is defined in subdivision fourteen of section one hundred two of the real property tax law; and (c) sewer rents as provided by article fourteen-F of the general municipal law. Such costs and expenses may include, but shall not be limited to, the amount of money required to pay the annual expenses of maintenance, operation, personnel services of the district and the sums sufficient to pay the annual installment of principal of, and interest on, obligations for improvements of the district. Such sums so levied shall be collected by the local tax collectors or receivers of taxes and assessments and shall be paid over to the chief fiscal officer of the county, in the same manner and at the same time as taxes levied for general county purposes. The chief fiscal officer shall keep a separate account of such moneys and they shall be used only for purposes set forth in this section, and in addition, all monies collected from each zone of assessment established or amended in accordance with this section shall be further segregated and shall not be commingled with monies of other zones of assessment except upon approval by resolution

of the county legislature upon recommendation of the board of trustees established in accordance with the Suffolk county water quality restoration act. Nothing in this section shall be construed to permit the collection of charges, rates, taxes, or assessments authorized by this section outside of the established zones of assessment within the unsewered portions of the district or within town or village sewer districts.

8-a. Recording determination. The clerk of the county legislature shall within ten days after the effective date of the resolution creating the district cause a certified copy to be recorded in the office of the clerk of the county and when so recorded such order shall be presumptive evidence of the regularity of the proceedings for the creation of the district and of all other action taken by the county legislature pursuant to this section. A certified copy shall also be filed in the office of the state department of audit and control in Albany, New York.

9. Other laws. All provisions of the real property tax law and the Suffolk county tax act, as the same may be amended from time to time, not inconsistent with the provisions of this article, relating to the assessing, levy and collection and enforcement of special assessments, ad valorem levies and sewer rents in the county shall apply and be of equal force and applicability to special assessments, ad valorem levies and sewer rents authorized pursuant to this section. Nothing in this section shall be construed to permit the collection of charges, rates, taxes, or assessments authorized by this section outside of the established zones of assessment within the unsewered portions of the district or within town or village sewer districts.

10. Towns and villages. This section shall not be construed as merging the sewer districts of towns and villages within the county of Suffolk into the district created by this section, provided, however, that the merger of any town or village sewer district, or village sewerage system, with the district shall be upon petition of a town or village, in accordance with section two hundred seventy-seven of this article, and, upon the adoption of an order as set forth therein, the town or

village sewer district, or village sewerage system, if so determined by the county legislature of Suffolk, shall be merged into and consolidated with the district, and the boundaries of the district shall be deemed extended.

11. Water quality restoration fund. (a) Notwithstanding any provision of law to the contrary, the county of Suffolk shall deposit the net collections from the sales and compensating use tax authorized by section one thousand two hundred ten-F of the tax law into the Suffolk county water quality restoration fund established in accordance therewith, and shall utilize all monies transferred from the fund consistent with this section. Nothing contained in this section shall be construed to prevent the financing in whole or in part, pursuant to the local finance law, of any project authorized pursuant to this section. Monies from the fund may be utilized to repay any indebtedness or obligations incurred pursuant to the local finance law consistent with effectuating the purposes of this section. Where Suffolk county finances a project, in whole, or in part, pursuant to the local finance law, the resolution authorizing such indebtedness shall be accompanied by a report from the county executive demonstrating how said indebtedness will be repaid by the fund. Said report shall include an estimate of projected revenues of the fund during the period of indebtedness. The report shall also provide an accounting of all other indebtedness incurred against the fund to be repaid for the same period. The county legislature shall make findings by resolution that there will be sufficient revenue to repay such indebtedness in its entirety from the fund before authorizing such indebtedness. Monies in said fund may be appropriated from or expended in any fiscal year to implement the powers set forth in this section and to repay any indebtedness or obligations incurred pursuant to the local finance law for the purposes authorized pursuant to this section.

(b) (i) Water quality improvement projects shall be eligible for funding pursuant to this section. For purposes of this section, "water quality improvement projects" shall mean: (A) the planning, design, construction, acquisition, enlargement, extension, or alteration of a county, town or village wastewater treatment facility, including individual hookups, and projects for the reuse of treated effluent from

such wastewater treatment facilities, or (B) an individual septic system, including an alternative wastewater treatment facility or an individual septic system with active treatment, to treat, neutralize, stabilize, eliminate or partially eliminate sewage or reduce pollutants, including permanent or pilot demonstration wastewater treatment projects, or equipment or furnishings thereof. In the case of individual septic system projects, the funding of the operation and maintenance of such projects shall be included in the definition of "water quality improvement projects". Such projects shall have as their purpose the remediation of existing water quality to meet specific water quality standards consistent with the SWP. Projects consistent with or listed in the SWP that are part of a plan adopted by a local government resulting in a net nitrogen reduction shall be eligible for consideration by the board of trustees, established in accordance with subparagraph (i) of paragraph (c) of this subdivision.

(ii) Of the annual collections from the tax imposed pursuant to section one thousand two hundred ten-F of the tax law, administration of the county wastewater management district shall not exceed ten percent. The cost of preparation of an annual SWP implementation action plan to protect, preserve, and rehabilitate groundwater, surface water, and drinking water shall be included as part of such administrative costs. After first deducting such administrative costs, fifty percent of the net revenue from such tax shall be used toward funding individual septic system projects and fifty percent of the net revenue from such tax shall be used for funding projects related to wastewater treatment facilities. All revenue transferred to the water quality restoration fund from the tax imposed pursuant to section one thousand two hundred ten-A of the tax law, as required by paragraph (iv) of subdivision (d) of such section, shall be used solely to fund individual septic system projects.

(iii) Other than for the payment of indebtedness or obligations incurred as set forth in paragraph (a) of this subdivision, and except for the preparation of the SWP implementation plan itself, no monies may be expended until the SWP implementation plan has been prepared and approved as provided for in this section.

(iv) Any expenditure from the fund for a purpose other than that expressly permitted, herein, shall be prohibited.

(c) (i) Within the local law, ordinance or resolution establishing the

Suffolk county water quality restoration fund, the county shall establish a board of trustees of twenty-one members to prepare, review and approve the SWP implementation plan for submission to the county executive and county legislature and shall specify the powers and duties of the board of trustees, including the procedures for appointment of a chairperson. Such approval shall be in addition to all other approvals required by law. The board of trustees shall consist of: (A) a representative from the department of environmental conservation; (B) a representative from the East End supervisors and mayors association; (C) a representative of the Suffolk town supervisors association; (D) a representative of the Suffolk County Village Officials Association; (E) a town representative from the State Central Pine Barrens Joint Planning and Policy Commission to be designated by the commission; (F) a municipal representative from the Peconic Estuary Partnership; (G) a municipal representative from the State South Shore Estuary Reserve; (H) a municipal representative from the Long Island Sound Estuary; (I) a representative of the Long Island Federation of Labor; (J) a representative of Building and Construction Trades Council of Nassau & Suffolk counties; (K) a representative from a regional environmental organization; (L) the chair of the Suffolk county planning commission; (M) the county executive or designee; (N) the presiding officer of the county legislature or designee; (O) the minority leader of the county legislature or designee; (P) the county department of public works commissioner or designee; (Q) the county department of health services commissioner or designee; (R) a representative from a regional economic development organization; (S) a representative from the liquid waste industry; (T) a representative from the Suffolk County Alliance of Chambers, Inc.; and (U) a representative from the Long Island Contractors Association.

(ii) The powers and duties of the board of trustees shall include overseeing the annual audit pursuant to paragraph (e) of this subdivision, making prudent recommendations for resource allocations for county-approved alternative wastewater treatment technologies not contemplated in the Suffolk county subwatersheds wastewater plan and long-term progress monitoring of the implementation of the Suffolk county subwatersheds wastewater plan regarding achievements of nitrogen load reductions and ecological endpoints.

(d) Annual SWP implementation plan. The board of trustees shall prepare, review and approve and submit to the county executive the SWP implementation plan within one year of the effective date of this section, and in every five years thereafter in a like manner. The board of trustees shall conduct a public hearing on said plan before its adoption or subsequent amendment. Said plan shall list every water quality restoration project which the county plans to undertake pursuant to the fund and shall state how such project would improve existing water quality. Funds may only be expended pursuant to this section for projects which have been included in said plan. Said plan shall be consistent with state, federal, county, and local government land use and wastewater management plans. After submission and approval by the county executive, such plan shall be submitted to the county legislature. Upon review, the county legislature shall determine, by local law, whether to approve the proposed plan, if the plan is denied, the plan shall be remanded to the board of trustees for further study. Such plan shall not become effective until approved by local law. Projects may be added or removed from the currently effective SWP implementation plan in a like manner.

(e) Annual audit. The county shall annually commission an independent audit of the fund. The audit shall be conducted by an independent certified public accountant or an independent public accountant. Such audit shall be performed by a certified public accountant or an independent public accountant other than the one that performs the general audit of the county's finances. Such audit shall be an examination of the fund and shall determine whether the fund has been administered consistent with the provisions of this section and all other applicable provisions of state law. Said audit shall be initiated within sixty days of the close of the fiscal year of the county and shall be completed within one hundred twenty days of the close of the fiscal year. A copy of the audit shall be submitted annually to the state comptroller and the county comptroller. A copy of the audit shall be made available to the public within thirty days of its completion. A notice of the completion of the audit shall be published in the official newspaper of the county and shall also be posted on the internet website for the county. The cost of the audit may be a charge to the fund.

(f) Annual report. In addition to any other report required by this

section, the board of trustees, through its chairperson, shall deliver annually a report to the county legislature. Such report shall be presented by May fifteenth of each year. The report shall describe in detail the projects undertaken, the monies expended, and the administrative activities of the water quality fund and district established in accordance with this section, during the prior year. At the conclusion of the report, the chairperson of the board of trustees shall be prepared to answer the questions of the county legislature with respect to the projects undertaken, the monies expended, and the administrative activities during the past year. Any costs associated with preparing the annual report shall be a charge to the fund.

§ 257. Permissive referendum. 1. The provisions of sections one hundred one and one hundred two of this chapter and the applicable provisions of the election law as to conduct of elections and qualifications of voters shall apply to permissive referenda conducted hereunder, except that only those electors shall be qualified to sign a petition and to vote who are resident within an area included in the proposed county district, and provided further that the number of signatures required on the petition shall be one hundred or five per centum of the owners of taxable real property situated within the proposed district, whichever shall be less.

2. The clerk of the board of supervisors shall cause to be prepared and have available for distribution proper forms for such petition and shall distribute a supply to any person requesting the same.

3. Where there are no resident electors within an area included in the proposed county district, the referendum may be waived upon certification by the county board of elections that there are no qualified electors.

§ 258. Application to the department of audit and control. 1. Whenever a resolution approving the establishment of a county district shall have become effective, and it is proposed or required that the

county in which such district is located shall finance the cost thereof by the issuance of the bonds, notes, certificates or other evidences of indebtedness of the county therefor, or shall assume the payment of annual installments of debt service on obligations issued to finance the cost of facilities, pursuant to section two hundred sixty-two of this article, and, if the state comptroller shall have computed average estimated costs for similar types of districts, the cost of the proposed district or extension to the typical property or, if different, the cost of the proposed district or extension to the typical one or or two family home as stated in the notice of hearing is above the average estimated cost to the typical properties or homes for the establishment or extension of similar types of districts as may be annually computed by the state comptroller, the clerk of the board of supervisors shall file an application in the office of the department of audit and control for permission to establish the district. The state comptroller annually shall provide to counties notice of the average cost thresholds as may be computed in accordance with this section. Such application shall be executed and verified by the chairman of the board of supervisors or such other officer as the board may designate and be in such form and contain such information as may be prescribed by the state comptroller. The state comptroller may require the submission of additional information or data in such form and detail as he shall deem sufficient, or may cause an investigation to be made to aid him in making the determinations below mentioned. Upon such application and such other information, data and material which may be submitted, the state comptroller shall determine whether the public interest will be served by the establishment of the district and also whether the cost thereof will be an undue burden upon the property of the proposed district. If such resolution shall have provided for the establishment of zones of assessment and the allocation of the costs of the facilities as between such zones of assessment, the state comptroller shall further determine whether the cost of the facilities allocated to each of said zones of assessment will be an undue burden upon the property of each proposed zone of assessment.

2. Upon completion of the examination of the application and investigation of the project, the state comptroller shall make an order,

in duplicate, granting or denying permission for the establishment of the district and shall file one copy of such order in the office of the state department of audit and control at Albany, New York, and the other in the office of the clerk of the board of supervisors of the county in which the proposed district is located. The clerk of the board of supervisors shall present such order to the board at the next meeting thereof. If the state comptroller shall deny permission for the establishment of the district, no further proceedings shall be taken in the matter. If the state comptroller shall grant permission for the establishment of the district or if such permission is not required, the board of supervisors may adopt an order establishing the district.

§ 259. Recording and filing of determination. The clerk of the board of supervisors shall within ten days cause a certified copy of the order of the board of supervisors establishing or extending the district, consolidating two or more districts, or authorizing the increase and improvement of facilities previously authorized for an existing district to be recorded in the office of the clerk of the county and when so recorded such order shall be presumptive evidence of the regularity of the proceedings for the establishment of the district or for the authorization of the increase and improvement of facilities previously authorized for an existing district and of all other action taken by the board of supervisors in relation thereto. A certified copy of such order shall also be filed in the office of the state department of audit and control at Albany, New York.

§ 260. Review. Any interested party, including a city or village, or a town board or board of commissioners on behalf of a district, aggrieved by the final determination or order made by the board of supervisors establishing the district or authorizing the increase and improvement of facilities previously authorized for an existing district, may make application for review of any and all of the final determinations made by the board of supervisors in connection with the proceeding establishing the district or authorizing the increase and improvement of facilities previously authorized for an existing district in the manner

provided in article seventy-eight of the civil practice law and rules provided that application for review is made within thirty days from the date of the recording of the order establishing the district or authorizing the increase and improvement of facilities previously authorized for an existing district in the office of the clerk of the county. Unless such application is made within thirty days as aforesaid, the order establishing the district or authorizing the increase and improvement of facilities previously authorized for an existing district shall be final and conclusive. In the event that upon such review there shall be any modification by the court of such final determination or order, the clerk of the board of supervisors shall cause such order to be recorded and certified copies thereof filed in the same places as was the determination or order appealed from.

§ 261. Administration of the county district. When a county district shall have been established, the board of supervisors shall appoint, designate or establish an officer, board or body as the administrative head or body of the district. All matters relating to the membership of such administrative head or body, including but not limited to, numbers, method of selection, tenure, qualifications and compensation, shall be determined by the board of supervisors. A member of the board of supervisors or any other county officer or official may be appointed as administrative head or as a member of the administrative body provided that he shall receive no additional salary or compensation for such services. The administrative head or body of one or more county districts shall be considered to be the administrative head or body of an administrative unit of county government. The title of such administrative head or body, if such functions are not conferred on an existing officer or body, and the name of such administrative unit, if the county district is made a separate administrative unit of county government, shall be prescribed by the board of supervisors, and such officer or body shall have all the powers generally conferred on heads of administrative units by this chapter, not inconsistent with the provisions of this article, and shall be subject to all of the duties imposed upon such heads by this chapter, not inconsistent with the provisions of this article.

§ 262. Performance of the work. After a district shall have been established, the administrative head or body shall cause to be prepared by the county engineer, or other county officer having equivalent qualifications, or a duly licensed engineer employed for that purpose, detailed plans and specifications for the improvement, a careful estimate of the expense, and, with the assistance of the county attorney, or an attorney employed for that purpose, a proposed contract or contracts for the execution of the work. The administrative head or body shall examine such detailed plans, specifications, estimates and contracts and may adopt, modify, amend or reject the same. Upon adoption of the plans, specifications, estimates and proposed contract, the administrative head or body shall cause contracts to be let in the same manner provided for other county construction projects. Nothing herein shall prevent the purchase or condemnation of any existing county system, or portion or portions thereof, whether inside or outside of the county, necessary for the purposes of the county district, provided, however, that there shall be no power to condemn property the legal title to which is vested in a public corporation or a special improvement district unless the owner shall consent thereto. The cost thereof, together with the cost of construction of those facilities proposed to be constructed, shall not exceed the maximum cost of the project as advertised in the notice of hearing published pursuant to section two hundred fifty-four of this article. In the event that a system owned by a municipal corporation or district is purchased, the county may by agreement with the seller, assume the payment of annual installments of principal of, and interest on, obligations issued by the selling municipality to finance the cost of the facilities so sold. If payment of annual installments of debt service is not assumed, as aforesaid, the selling municipality shall set aside in a reserve fund, so much of the purchase price received as is sufficient to meet all future installments of principal of, and interest on, outstanding obligations issued by it to finance the cost of the facilities sold. Moneys in such a reserve fund may be invested as provided in section eleven of the general municipal law.

§ 263. Powers. The administrative head or body may acquire by gift, lease, purchase or condemnation, real estate and easements, rights of way or other interests therein necessary or proper for the purposes of the district. In Suffolk county it may acquire by gift, lease or purchase personalty or it may accept the gift of a sum of money necessary or proper for the purposes of the district. In water quality treatment districts, it may request, receive and administer grants and other sums of money necessary or proper for the purposes of the district. In the county of Oneida, it may grant easements or rights of way necessary or proper for the purposes of the district. It may (1) construct, reconstruct, improve or repair facilities in or under the surface of any highway in the county or in another county for the purpose of transporting water, sewage or drainage to or within the county district, and shall cause such highway to be restored to its usual condition at the expense of the district, or (2) provide for the collection and disposition of garbage, ashes, rubbish and other waste matter in such district, and for that purpose may provide for the construction, operation and maintenance of all necessary appliances appurtenant thereto, including such vehicles as may be required for the collection and disposition of garbage, ashes, rubbish and other waste matter. No facilities shall be laid under any county parkway, county road, town highway or city or village street without the consent of the officer or body having jurisdiction over, and control thereof, and, in the case of the state thruway, state parkways, state highways, county roads or county parkways, or highways constructed pursuant to section one hundred ninety-four, section one hundred ninety-five or article six of the highway law, in addition to such consents, the consent of the state commissioner of transportation or other state officer or body having jurisdiction over and control thereof.

The administrative head or body of a county sewer district may acquire by condemnation from railroad corporations, real estate and easements, rights of way or other interests of such railroad corporations necessary or proper for the purposes of the district, provided, however, that in the event the railroad objects to such condemnation on the ground that it will interfere with the safe and uninterrupted maintenance and

operation of the railroad, the railroad shall have thirty days after receipt of notice of such condemnation to request a hearing before the commissioner of transportation. The commissioner of transportation shall give the railroad and the district notice of not less than ten days of the time and place scheduled for such hearing. The commissioner of transportation, after hearing the evidence shall decide whether such condemnation is permissible and in the public interest, and whether an order permitting the county sewer district to enter upon said railroad lands to perform such work is necessary and proper; such order shall also include terms protecting the railroad in safe and uninterrupted maintenance and operation of said railroad during the performance of any work on railroad lands by employees and agents of the sewer district if their entry upon railroad lands for such work is deemed necessary by the commissioner's order. The determination of the commissioner shall be subject to judicial review pursuant to article seventy-eight of the civil practice law and rules.

The administrative head or body of any county water district on behalf of such county water district, with the approval of the board of supervisors of such county, a county water authority, any city, any town on behalf of a town water district, and any village which own and operate water systems may enter into contracts providing for interconnections of such water systems, regulating the sale of water, or the purchase of water, by any of the parties to the contract to another party to the contract, which contracts may contain such other further covenants, agreements, terms and conditions which the contracting parties deem necessary or desirable for the efficient and economical operation of the respective water systems of the parties to the contract, provided, however, that no such contract shall relate to an area then being served by any such county water district, county water authority, city, town water district or village without the consent of the governing board of the district, authority, city or village, as the case may be. Any such contract shall be subject to the approval of the water resources commission.

§ 263-a. Powers with respect to lake protection and rehabilitation.

The administrative head or body shall be responsible for:

1. Initiating and coordinating research and surveys for the purpose of gathering data on the lake, related shorelands, and the drainage basin;
2. Planning lake rehabilitation projects;
3. Adopting by resolution rules for carrying out their duties and plans for lake rehabilitation projects;
4. Contacting and attempting to secure the cooperation of officials of units of general purpose government in the area for the purpose of enacting ordinances deemed necessary by the board of supervisors as furthering the objectives of the district;
5. Carrying out lake protection and rehabilitation projects and obtaining any necessary permits therefor; and
6. Maintaining liaison with those officials of state government and local government involved in lake protection and rehabilitation.

§ 264. Rules and regulations. The board of supervisors shall have power to adopt, amend and repeal, from time to time, rules and regulations for the operation of a county district and the use of water in a water district including regulation of the manner of making connections and the construction of the county system and all facilities and appurtenances.

§ 265. Contracts. a. The administrative head or body, where applicable, may contract (1) for the purchase, from any legal entity having water available, of any quantity of water for resale within the water district on either a wholesale or retail basis, subject to the approval of the contract by the county legislative body, or (2) for the collection, conveyance, treatment or disposal of sewage, wastewater disposal, water quality treatment residuals, drainage and refuse with

any public corporation or any county or town on behalf of any improvement district and also with any other sewer district, wastewater disposal district, water quality treatment district or private corporation. If the county drainage district has capacity in excess of its own needs, the county legislative body may contract for the conveyance of storm water and other waters, both surface and sub-surface, from municipalities, districts and persons, corporate or otherwise, outside the drainage district.

If a Suffolk county sewer district has capacity in excess of its own needs, the administrative head may contract with municipalities, districts, public or private corporations, or individuals within or without the district for the collection, conveyance, treatment or disposal of sewage including scavenger waste.

b. Upon the adoption of a resolution, the administrative head or body of a district, with the approval of the county legislative body, may enter into such contracts, as it may deem necessary, with any person, corporation or association for the purpose of ensuring that the cost of the county district will not constitute an undue burden upon the property within such district and may require the filing of a surety bond or bonds or the deposit of cash or securities with the county treasurer to ensure the performance of such contracts.

§ 266. Water rates, water quality treatment, sewage, wastewater disposal and refuse collection charges and revenues. 1. Subject to confirmation by the board of supervisors, the administrative head or body: (a) may establish, from time to time, wholesale and retail rate schedules for water sold to, or a scale of charges for the collection, conveyance, treatment and disposal of sewage, wastewater or refuse from, public corporations, improvement districts, commercial and industrial users and individuals to be determined on any equitable basis including but not limited to a system of classification which, for purposes of establishing differential rates, charges or rentals, may allocate among areas within the district designated by the administrative head or body, the costs of establishment of the district, the furnishing of

improvements therein and operation and maintenance of district facilities or any combination thereof; or (b) may impose sewer rents as provided by the general municipal law. Before any such schedules are finally established, the administrative head or body shall hold at least one public hearing thereon. Appeals may be taken from any rate fixing determination of the administrative head or body to the board of supervisors. The board of supervisors shall prescribe the manner of holding such hearings and of taking appeals. The administrative head or body shall also adopt rules and regulations, subject to approval of the board of supervisors, prescribing the terms and conditions under which service will be given to consumers, including the manner of paying bills for service, penalties for non-payment, discounts, deposits and other related matters. No water shall be sold to persons situated within a city, village, water district, water supply district or fire district in which there is a water distribution system operated by the municipality or district without the consent of such municipality or district. No sewage, wastewater, water quality treatment or refuse collection service shall be furnished to individual properties situated within a city, village or district which operates a sewer, wastewater disposal, water quality treatment or refuse system furnishing a similar service as the county district without the consent of such city, village or district. If the county water, water quality treatment, sewer, wastewater disposal, drainage or refuse district has a supply of water or facilities and capacity in excess of its own needs, the administrative head or body may sell such excess water to, or contract for the use of such facilities by, municipalities, district or persons outside the county district. Notwithstanding the provisions of sections two hundred seventy, two hundred seventy-one and two hundred seventy-four, revenues derived from water rates, water quality treatment charges, sewer rents and sewage, wastewater and refuse collection charges shall be applied toward the maintenance and operation of the water, water quality treatment, sewer, wastewater or refuse collection system and for the payment of debt service, to the extent such revenues are available.

2. The county treasurer, or comparable officer or body, shall collect and receive all rates, rentals, charges and other revenue of the district and keep a true account of all such receipts. Unpaid charges

and rents shall be a lien upon the real property upon which or in connection with which services were provided as and from the first day fixed for payment of such charges and rents.

3. (a) An agreement between the water quality treatment district, acting through its administrative head, and an owner of a benefited parcel of property shall be entered into before the procurement, installation and maintenance of a water quality treatment unit or device. An agreement between such parties shall also be required for the modification and/or maintenance of a water quality treatment unit or device which is in place at the time when the property becomes a part of the district, however, the modification and/or unit or device must first be approved by the state department of health. Such agreements may be amended from time to time by mutual consent of the district, acting through its administrative head, and the owner of a benefited parcel of property. The agreement shall set forth the amount to be paid by the owner attributable to the expense of procurement, installation and modification, as the case may be, of the water quality treatment unit or device, and shall contain a statement that the ownership of the treatment units or devices purchased by the district shall remain the property of the district and that charges for monitoring, testing, operation and maintenance shall be determined annually as provided in section two hundred seventy-one of this chapter. All of the expenses for the procurement and installation or modification may be paid at the time an agreement is entered into.

(b) The water quality treatment district, acting through its administrative head, subject to the approval of the board of supervisors, may authorize payment of the expenses of procurement, installation or modification of the water quality treatment unit or device over a period of time in annual installments. Such authorization shall set forth whether the annual installments shall be due and payable at the same time as town and county taxes are due or at another time. The option of paying such expenses in annual installments, if provided by authorization of the water quality treatment district, shall be available to each property owner in the district. If such annual installments shall be due at the same time as town and county taxes, the water quality treatment district, acting through its administrative

head, shall transmit the amount of the annual installments to the county treasurer, or comparable officer or body for the levy and collection and enforcement of the same in the manner and at the same time as town and county taxes are levied, collected and enforced.

(c) Where the annual installments are to be paid at any other time, the authorization shall set forth the time and manner of payment and collection. Such authorization may be amended from time to time. If any portion or an installment for the procurement, installation and modification of such unit or device is not paid within thirty days of when it is due, the district, acting through its administrative head, shall notify the owner of the property that unless such amount is paid within ten days from the date of the notice, such unit or device may be removed at the expense of the property owner. If the owner fails to pay such amount by such date, the district, acting through its administrative head, may cause such unit or device to be removed. After such removal, the district, acting through its administrative head, shall send the owner a statement of the amount due, together with the amount of expense attributable to removal of such unit or device, and the total amount thereof shall be a lien upon such real property and collection thereof shall be enforced at the same time and in the manner as the collection of town and county taxes are enforced with interest as provided herein. If the unit or device is not so removed, the collection of the amount set forth in the first notice of delinquency shall be enforced at the same time and in the manner as the collection of town and county taxes are enforced. The total amount set forth in such first notice, together with interest thereon shall be a lien upon such real property until it is paid. Interest shall be charged at the rate of one percent per month or fraction thereof, subsequent to the expiration of the ten days notice, until paid or the date of tax sale, whichever is sooner.

(d) The agreement shall also contain a grant by the owner to the water quality treatment district, its agents, employees and representatives authorized to act on its behalf, a right of entry and access to the property, while such property is within such district, for the purposes of installation, modification, replacement, repair, monitoring, testing, operation and maintenance, regeneration and removal of the water quality treatment unit or device. Thereafter employees, agents and authorized

representatives of the district shall have a right of entry and access to such property for the purposes specified herein, upon reasonable notice at reasonable times. If a lessee or occupant of said property refuses to allow such entry and access, the water quality treatment district may apply to a court of competent jurisdiction to enforce its right of entry and access. If entry and access was refused by the owner of the property, the water quality treatment district may in its discretion remove the water quality treatment unit or device at the expense of the owner, unless such unit or device was acquired and owned by the property owner and exclude the property from the district. Such expense together with any other charges accrued prior to such removal shall be collected in the manner provided in paragraph (c) of subdivision three-a of section two hundred sixty-six of this chapter.

4. The county treasurer, or comparable officer or body, shall prepare, and transmit to the board of supervisors, on or before the first day of December in each year a list of those residents or property owners within the county who are in arrears in the payment of charges and rents for a period of thirty days or more after the last day fixed for payment of such charges and rents without penalty. The list shall contain a brief description of the properties for which the services were provided, the names of the persons or corporations liable to pay for the same and the amount chargeable to each, including penalties and interest computed to December thirty-first. The board of supervisors shall levy such sums against the properties liable and shall state the amount thereof in a separate column in the annual tax rolls of the various municipalities under the name of "county water charges," "county water quality treatment charges," "county sewer rents," "county sewer charges," "county wastewater disposal charges," or "county refuse collection charges". Such amounts, when collected by the several municipal collectors or receivers of taxes, shall be paid over to the county treasurer, or comparable officer or body. All of the provisions of the tax laws of the state of New York covering the enforcement and collection of unpaid taxes or assessments for special improvements not inconsistent herewith shall apply to the collection of such unpaid charges and rents. Such amounts, when received by the county treasurer, or comparable officer or body, shall be credited to the applicable

county district fund and shall be used only for such county district purposes.

§ 267. Expense of the improvement. The cost of establishment of a county district and the furnishing of the improvement therein shall include the amount of all contracts, the costs of all lands and interests therein necessarily acquired, the costs of erection of necessary facilities and appurtenances for operation or administration of the improvement, the costs of necessary original equipment for operation or administration of the improvement, printing, publishing, interest on loans, legal and engineering services and all other expenses incurred or occasioned by reason of the establishment of the district and the furnishing of the improvement. In addition there shall be apportioned against, charged to and included in such cost such allowance as the board of supervisors may make for expenditures made by the initiating agency which are directly attributable to the establishment of the county district, as well as for any services rendered by the county attorney, the county engineer or any other salaried county officer or employee, when such services have been necessary to or occasioned by reason of the establishment of the county district.

§ 268. Increase and improvement of facilities. 1. Whenever the board of supervisors shall determine it necessary to acquire additional lands or interests in lands or to acquire or to construct (1) water rights, wells, reservoirs or basins in order to maintain an adequate source of water supply, (2) water quality treatment units or devices and related apparatus and equipment, (3) additional trunk, interceptor and outfall sewers, pumping stations, sewage treatment and disposal works and appurtenances, street lateral sewers, or other facilities, (4) additional drains, pumping stations, or other improvements or to perform other work of a permanent nature such as dredging, widening or straightening of streams and water courses, or, (5) refuse disposal and incinerator plants, including all necessary facilities and equipment appurtenant thereto; or whenever the board of supervisors shall determine it necessary for the proper maintenance and service of such

facilities to increase, improve or reconstruct the facilities thereof, including the acquisition of additional lands, or interests in land therefor, the board of supervisors shall cause a map and plan of the proposed improvement together with an estimate of the cost to be prepared by the county engineer or an engineer duly licensed by the state of New York. When the map and plan and estimate of cost have been completed, the board of supervisors shall call a public hearing thereon and cause a notice thereof to be published and posted in the manner prescribed in section two hundred fifty-four. Such notice shall describe in general terms the proposed improvement or the location of the lands to be acquired, shall specify the estimated expense thereof, and, if zones of assessment have been established in such county district, shall specify the proposed allocation of the cost thereof as between such zones. Such notice shall further state the time when and the place where the board will meet to hear all persons interested in the subject matter thereof. After such hearing and upon the evidence given thereat, the board of supervisors shall determine (a) whether it is in the public interest to acquire or construct the proposed improvement; and (b) if zones of assessment have been established in such county district, the allocation of the cost thereof as between such zones. If the board of supervisors shall decide that it is in the public interest to acquire or construct the proposed improvement, the board of supervisors shall direct the administrative head or body to proceed with the improvement in the manner provided by section two hundred sixty-two. In case the purchase of lands only is involved, the board of supervisors may cause such lands to be purchased for the district.

In Suffolk county, notwithstanding any other general or special law to the contrary, a sewer district may construct excess capacity for the treatment and disposal of sewage and scavenger waste from outside the district if the district has one or more executory contracts with other districts, municipalities or corporations, public or private, that wish to avail themselves of such excess capacity.

2. In like manner, the board of supervisors may, after the public hearing held upon due notice, replace obsolete, inadequate, damaged, destroyed or worn out apparatus and equipment or acquire additional

apparatus and equipment.

3. Whenever it is proposed or required that the county in which a district is located shall finance an expenditure or contract for the purposes authorized in this section by the issuance of the bonds, notes, certificates or other evidences of indebtedness of the county therefor, or shall assume the payment of annual installments of debt service on obligations issued to finance the cost of facilities, pursuant to section two hundred sixty-two of this article, and the cost to the typical property or, if different, the cost to the typical one or two family home is above the average estimated cost to the typical properties or homes for similar types of expenditures as may be annually computed by the state comptroller, no such expenditure shall be made or contract let, unless the state comptroller, on behalf of the state, shall consent to such expenditure.

§ 269. Increase of maximum amount to be expended. At any time after the establishment of a district pursuant to this article, the maximum amount authorized to be expended for the original improvement or for the original improvement, the plans for which have been amended or modified pursuant to section two hundred fifty-three-a of this article, in such district may be increased by a resolution of the board of supervisors on its own motion or provided a petition requesting such increase executed and acknowledged in accordance with section two hundred fifty-three of this article is presented to the board of supervisors, and provided the board of supervisors shall, after a public hearing called and held in the manner prescribed by section two hundred fifty-four of this article, determine that it is in the public interest to authorize the increase of such maximum amount and provided that whenever it is proposed or required that the county in which such district is located shall finance the cost thereof by the issuance of the bonds, notes, certificates or other indebtedness of the county therefor, or shall assume the payment of annual installments of debt service on obligations issued to finance the cost of facilities, pursuant to section two hundred sixty-two of this article, and the cost to the typical property or, if different, the cost to the typical one or two family home is above the average

estimated cost to the typical properties or homes for the establishment of similar types of districts as may be annually computed by the state comptroller, the comptroller of the state of New York shall have made, prior to such public hearing, an order approving the increase of such maximum amount as stated in the motion or petition. The order of the comptroller shall be prepared in duplicate and one copy thereof filed in the office of the department of audit and control and the other copy in the office of the clerk of the board of supervisors of the county in which the district is located.

If zones of assessment have been established, such resolution of the board of supervisors shall provide for the allocation of such increase as between such zones of assessment, and the notice of such public hearing shall state such allocation.

The resolution of the board of supervisors shall be subject to a permissive referendum in the same manner and extent as provided for in section two hundred fifty-six of this article.

§ 270. Assessment of the cost. 1. The expense of the establishment of a district, except a water quality treatment district, and of providing improvements therein, including the improvements described in section two hundred sixty-eight, shall be assessed, levied and collected from the several lots and parcels of land within the district in the same manner and at the same time as county charges, except that before any special assessment is levied pursuant to this section, the board of supervisors shall increase or diminish the aggregate valuations of real estate in that portion of any tax district included within the county district by following the equalization rule set forth in article eight of the real property tax law. The annual expense of operation and maintenance shall be assessed, levied and collected in the same manner and at the same time as the expense of the improvement is assessed, levied and collected.

2. The board of supervisors may adopt a resolution authorizing the application of the agricultural assessment established pursuant to

article twenty-five-AA of the agriculture and markets law to the special assessment or special ad valorem levy made on behalf of a water, sewer, or sanitation district on land located within the water, sewer, or sanitation district and benefitting from such agricultural assessment. A copy of this resolution shall be delivered to the assessor or assessors of each town and shall be effective on the assessment roll prepared on the basis of the next taxable status date following its adoption. A resolution repealing this authorization shall similarly be delivered to the assessor or assessors of the town and shall be effective on the assessment roll prepared on the basis of the next taxable status date following its adoption.

3. Notwithstanding any other provisions of this chapter if zones of assessment have been initially established, and an initial allocation of the total estimated cost of the facilities has been made to such zones of assessment, the amount of the cost of the facilities so allocated to any such zone of assessment shall be annually assessed, levied and collected from the several lots and parcels of land within said zone of assessment within the district in the same manner and at the same time as other county charges, except that before any special assessment is levied pursuant to this section, the board of supervisors shall increase or diminish the aggregate valuations of real estate in that portion of any such zone of assessment included within the county district by following the equalization rule set forth in article eight of the real property tax law. The annual expense of operation and maintenance shall annually be allocated by the board of supervisors as between the zones of assessment of the district and shall be assessed, levied and collected from the several lots and parcels of land within each zone of assessment chargeable therewith, in the same manner and at the same time as county charges.

4. The board of supervisors, after holding a public hearing upon notice published in the same manner as provided in section two hundred fifty-four of this chapter, from time to time, by resolution may change either (1) the allocation of the cost of such facilities as between such zones of assessment or (2) the boundaries of such zones of assessment. After adoption of such resolution, application shall be made to the

department of audit and control in the manner provided in section two hundred and fifty-eight of this chapter for a determination as to whether the proposed changes will result in an undue burden upon the property of any zone of assessment. The state comptroller shall make an order in duplicate granting or denying permission for the proposed changes and thereafter, proceedings shall be taken in the same manner provided in section two hundred fifty-eight of this chapter.

5. Nothing in this section contained shall be construed to prevent the financing in whole or in part, pursuant to the local finance law, of expenditures made pursuant to this article.

§ 271. Alternative method of assessment. 1. Notwithstanding the provisions of the preceding section, if the notice of public hearing to be held by the board of supervisors pursuant to section two hundred fifty-four shall contain a statement that the cost of the improvement will be assessed in proportion as nearly as may be to the benefit which each lot or parcel of land will derive therefrom, and in the case of a water quality treatment district, such cost shall be assessed, levied and collected as hereinafter provided. The board of supervisors may determine to issue, pursuant to the local finance law, the obligations of the county in such an amount as said board may estimate to be sufficient to pay the entire cost of the improvement, but not in excess of the maximum amount proposed to be expended for the improvement as stated in the notice of hearing published pursuant to section two hundred fifty-four. In preparing the annual estimate of revenues and expenditures pursuant to section three hundred fifty-three of this chapter, the administrative head or body shall include, in addition to all costs of operation and maintenance for the next succeeding fiscal year, sums sufficient to pay the annual installment of principal of, and interest on, obligations issued as aforesaid. The administrative head or body shall thereupon annually assess the amount of the estimate of expenditures, less the estimate of revenues as set forth in the estimate so prepared, on the lots and parcels of land in the district in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom and shall prepare an assessment roll which shall

describe each such lot or parcel of land in such manner that the same may be ascertained and identified and shall show the name or names of the reputed owner or owners thereof, and the aggregate amount of the assessment levied upon such lot or parcel of land. The assessment roll shall be submitted to the budget officer at the same time as the estimate is submitted, for transmittal with the tentative budget to the clerk of the board of supervisors. The assessment roll shall remain on file in the office of the clerk and be open to public inspection during business hours. The board of supervisors shall hold a public hearing on the assessment roll. Notice of such public hearing shall be published at least once in the official newspapers stating that said assessment roll has been completed and that at a time and place to be specified therein the board of supervisors will meet and hear and consider any objections which may be made to the roll. The first publication of the notice of the completion of the roll shall be not less than five days before the date specified for the hearing. At the time and place specified, the board of supervisors shall meet and hear and consider any objections to the assessment roll, and may change or amend the same as it deems necessary or just so to do and may affirm and adopt the same as originally proposed or as amended or changed, or they may annul the same and order the administrative head or body to proceed anew and to prepare another roll or the board of supervisors may prepare such new roll. No such amended, changed or new roll shall be adopted unless the board of supervisors shall hold a hearing thereon in the manner and upon the notice prescribed for the original hearing. It shall be the duty of the board of supervisors to levy the sum apportioned to and assessed upon each such lot or parcel of land at the time and in the manner provided by law for the levy of state, county or town taxes. Such sums so levied shall be collected by the local tax collectors or receivers of taxes and assessments and shall be paid over to the county treasurer, or comparable officer or body, in the same manner and at the same time as taxes levied for general county purposes. The county treasurer, or comparable officer or body, shall keep a separate account of such moneys and they shall be used only for purposes of the county district for which collected. Nothing herein shall prevent the public hearing on the assessment roll from being held simultaneously with the hearing on the county budget held pursuant to section three hundred fifty-nine of this

chapter. If the cost of establishment of the county district and the providing of an improvement therein has been assessed, levied and collected pursuant to the provisions of this section, then the cost of any improvement made pursuant to section two hundred sixty-eight shall be assessed, levied and collected pursuant to the provisions of this section. If the cost of establishment of the county district and the providing of an improvement therein has been assessed, levied and collected pursuant to the provisions of section two hundred seventy, then the cost of any improvement made pursuant to section two hundred sixty-eight shall be assessed, levied and collected pursuant to the provisions of section two hundred seventy.

2. If the cost of establishment of a county sewer district is assessed, levied and collected pursuant to the provisions of this section, then the cost of any street lateral sewers included in the district or constructed as an improvement to it under section two hundred sixty-eight, shall be assessed, levied, and collected from the properties, lots or parcels fronting or abutting thereon. The provisions of this subdivision two shall not apply to the Southwest sewer district, also known as county sewer district number three, in the county of Suffolk.

3. In the case of water quality treatment districts, the board of supervisors shall cause to be prepared estimates required to meet expenses for the annual monitoring, testing, operation and maintenance of the district, at the same time as provided in this section for the preparation of the assessment roll. Such annual estimates shall contain the anticipated revenue and expenditures for such district for the ensuing year. It shall also show the amount of expenses which shall be apportioned or charged against each lot or parcel within such district in proportion as nearly as may be to the benefit which each such lot or parcel will derive therefrom. After such annual estimates have been prepared the board of supervisors shall cause a notice to be published in the official newspapers that the same may be examined in the office of the clerk and that a public hearing will be held thereon by the board of supervisors, specifying the time when and the place where such hearing will be held. Such public hearing may be held on the same day as

the hearing on the county budget pursuant to section three hundred fifty-nine of this chapter. Such notice shall be published at least five days before such hearing. After such hearing the board of supervisors shall adopt such estimates or it may amend and modify the same. If the amount apportioned against any one parcel is increased after the public hearing, the board of supervisors shall hold another public hearing on like notice. Such annual estimates and the apportionment against each such lot or parcel shall be adopted by the board of supervisors no later than the date of adoption of the annual county budget. After such adoption such annual estimates shall be filed in the office of the county clerk, and the board of supervisors shall levy the amount apportioned to each lot or parcel at the time and in the manner provided by law for the levy of town and county taxes. Such amount so levied shall be collected and enforced at the same time and in the manner that town and county taxes are collected and enforced. Nothing in this section contained shall be construed to prevent the financing, in whole or in part, of expenditures by private sources, grants or by other means.

§ 272. Taxation of district property. All real property acquired for the purposes of the county district shall be acquired in the name of such county district. Real property acquired in the name of the county district shall be assessed for the purposes of taxation at the value thereof exclusive of improvements erected or installed by or on behalf of such county district, but in no case at less than the assessed valuation at the time of acquisition by such county district, provided however, that in those cases where the county district acquires real property already containing improvements intended for the very purpose for which the particular district was established, the real property so acquired shall be assessed at the value of the land alone, exclusive of such improvements. Except as provided above, such real property shall be valued on an equitable basis with other comparable real property in the district.

§ 273. Contracts with public authorities for county water districts.

1. Notwithstanding any other provision of this chapter, the board of supervisors may enter into a contract with a public authority which possesses express reciprocal powers whereby the construction and development of a water supply and distribution system, or any part or parts thereof, may be accomplished by such public authority on behalf of the county water district, with the expense thereof to be assessed as provided in section two hundred seventy hereof. Such water authority shall be deemed the agent of the county or counties which are a party or parties to such contract. If such contract shall authorize the water authority to purchase supplies or equipment or to construct public works, such authority shall be subject to all provisions of law to which a county would be subject in relation to advertising and awarding any such contracts for supplies, equipment or public works.

2. a. Notwithstanding any other provision of this act, the board of supervisors may enter into a contract with a public authority whereby the public authority may assume the operation and management of the district. Except as otherwise provided in this section, the provisions of sections two hundred sixty-one, two hundred sixty-five and two hundred sixty-six shall, in such case, be inoperative, and the functions of the administrative head or body as prescribed in sections two hundred sixty-two and two hundred sixty-three shall be exercised by the board of supervisors.

b. The public authority shall make periodic reports to the board of supervisors, showing in detail the operations of the district for the preceding period, including a detailed report of its receipts and disbursements, and such other facts as the board of supervisors may deem important for its information, together with such recommendations as the public authority may have as to improvements to the systems and such other recommendations as may be proper for the consideration of the board of supervisors.

c. The public authority shall also annually, at such time as the board of supervisors may determine, submit to such board a statement of the estimated expense of the operation and maintenance of the district and the amount required for the payment of all debt service on obligations

of the county issued for the purposes of such district, for the ensuing fiscal year. Such statement shall show the amount which the public authority recommends be raised by water rates and the amount to be raised by assessments. The board of supervisors may change the amounts so recommended to be raised by water rates and assessments, provided, however, that the total of such amounts shall not be reduced below the estimated expense of the operation and maintenance of the district plus the amount required for the payment of all debt service on obligations of the county issued for the purposes of such district. The board of supervisors shall affirm and adopt such statement as originally submitted or as changed. All rate schedules proposed to be established by the public authority and all amendments thereto or changes therein, shall be submitted to the board of supervisors for its prior approval. Rates shall be fixed in such amounts as to assure revenues therefrom, in addition to amounts received from assessments, sufficient to defray all costs of operation and maintenance and all debt service on obligations of the county issued for the purposes of the county water district. The public authority shall pay over to the county treasurer, or comparable officer or body, at such times as necessary, sufficient moneys to meet such obligations as they become due. Unpaid water charges shall be a lien upon real property as provided in subdivision two of section two hundred sixty-six of this chapter and shall be enforced as provided in subdivision three of such section, except that the list of delinquent users shall be prepared and transmitted by the public authority and the amounts received on such accounts by the county treasurer, or comparable officer or body, shall be paid over to the public authority.

d. The amount determined to be raised by assessment shall be assessed and levied as provided in section two hundred seventy, provided, however, that if the notice of public hearing to be held by the board of supervisors pursuant to section two hundred fifty-four shall contain a statement that the cost of the improvement will be assessed in proportion as nearly as may be to the benefit which each lot or parcel of land will derive therefrom, such amount shall be assessed and levied as hereinafter provided. The board of supervisors shall annually cause to be assessed the amount determined to be raised by assessment on the lots or parcels of land in the district in proportion as nearly as may

be to the benefit which each lot or parcel will derive therefrom and shall cause an assessment roll to be prepared in the manner provided in section two hundred seventy-one. Such assessment roll shall be filed in the office of the clerk of the board of supervisors and shall be open to public inspection at such office during business hours. The board of supervisors shall hold a public hearing on such assessment roll in the manner and upon the notice prescribed in section two hundred seventy-one. At the time and place specified in the notice, the board of supervisors shall meet and hear and consider any objections to the assessment roll and may change or amend the same as it deems necessary or just so to do and may affirm and adopt the same as originally proposed or as amended or changed, or they may annul the same and cause another roll to be prepared or the board of supervisors may prepare such new roll. No such amended, changed, or new roll shall be adopted unless the board of supervisors shall hold a hearing thereon in the manner and upon the notice prescribed for the original hearing. It shall be the duty of the board of supervisors to levy the sum apportioned to be assessed upon each such lot or parcel of land at the time and in the manner provided by law for the levy of state, county or town taxes. Amounts assessed and levied pursuant to this paragraph shall be collected by the local tax collectors or receivers of taxes and assessments and shall be paid over to the county treasurer, or comparable officer or body, in the same manner and at the same time as taxes levied for general county purposes. The county treasurer, or comparable officer or body, shall pay over all amounts so received to the public authority.

§ 274. Extension of the district. A county district may be extended so as to include territory not previously included within its boundaries in the same manner as hereinbefore prescribed for the original establishment of the district. If the cost of establishment of the original district and of providing the improvement therein was assessed, levied and collected pursuant to the provisions of section two hundred seventy, then the cost of the extension and of the improvements therein shall be assessed, levied and collected pursuant to the provisions of said section. If the cost of establishment of the original district and

of providing of the improvement therein was assessed, levied and collected pursuant to the provisions of section two hundred seventy-one, then the cost of the extension and of the improvement therein shall be assessed, levied and collected pursuant to the provisions of said section. The cost of the extension shall include such proportion of the cost of the system of the original district as the board of supervisors shall determine.

§ 274-a. Consolidation of county districts by board of supervisors. 1. Resolution. The board of supervisors may, and upon the filing with the board of a petition signed and acknowledged, in the same manner as a deed to be recorded, by the requisite number of owners of real property authorized to execute and acknowledge a petition for the establishment of a district pursuant to section two hundred fifty-three of this article, shall, adopt a resolution calling a public hearing upon:

a. The consolidation of two or more districts established or created for the same purpose, including (i) the determination of the basis for the future assessment of all costs of operation, maintenance and improvements where one or more of such districts is taxed on an ad valorem basis and one or more is taxed on a benefit basis, or (ii) the establishment of zones of assessment for such consolidated district, where appropriate; and

b. The consolidation of two or more districts created for different purposes into a single district which may provide all the services which such districts were providing or authorized to provide, including (i) the determination of the basis for the future assessment of all costs of operation, maintenance and improvements where one or more of such districts is taxed on an ad valorem basis and one or more is taxed on a benefit basis, or (ii) the establishment of zones of assessment for such consolidated district, where appropriate, provided that the boundaries of such districts are coterminous.

2. County agency review and report. The board may direct the county agency, appointed or established pursuant to section two hundred

fifty-one of this article, to review the proposed consolidation and report thereon to the board.

3. Notice. The clerk of the board of supervisors shall give notice of such hearing in such newspapers and within such time period as set forth in section two hundred fifty-four of this article. Such notice shall specify the time when and the place where such hearing will be held and, in general terms, describe the proposed consolidation and shall specifically state the proposed disposition of the property and indebtedness of the original districts, and where appropriate, the proposed basis of the future assessment of all costs of operation, maintenance and improvement including whether zones of assessment are to be established and the costs of district facilities are to be allocated as between such zones. Such notice shall also state that the county agency has issued a report on the proposed consolidation, if such be the case, and shall specify where a copy of such report may be examined prior to the public hearing.

4. Hearing. The board shall meet at the time and place specified in such notice and hear all persons interested in the subject matter thereof concerning the same. If the board shall determine, upon the evidence given thereat, that it is the public interest to consolidate all of the districts specified in said notice, or two or more thereof, if such be the case, or to assess future costs of operation, maintenance and improvements on a particular basis where appropriate, the board may adopt a resolution subject to a permissive referendum, so consolidating such districts, if such be the case, and were applicable, setting forth the basis for the future assessment of all costs of operation, maintenance and improvements, including whether zones of assessment are to be established and the costs of district facilities are to be allocated as between such zones.

5. Notice of adoption of resolution. Within ten days after the adoption by the board of a resolution consolidating districts, the board shall give notice thereof at the expense of the county, by the publication of a notice in such newspapers and within such time period as set forth in section one hundred one of this chapter. Such notice

shall set forth the date of adoption of the resolution and contain an abstract of such resolution, describing in general terms, the districts so consolidated, and shall specify the basis for the future assessment of all costs of operation, maintenance and improvements where applicable, a description of boundaries of zones of assessment and costs proposed to be allocated thereto, if any, and that such resolution was adopted subject to a permissive referendum.

6. Petition. The resolution of the board shall not take effect until forty-five days after its adoption and shall be subject to permissive referendum in each district so consolidated in accordance with the provisions of sections two hundred fifty-six and two hundred fifty-seven of this article.

7. Consolidation of districts. The consolidation of such districts shall become effective on the thirty-first day of December next succeeding, provided, however, that if any such resolution shall be adopted subsequent to the first day of October in any year, such consolidation shall become effective on the thirty-first day of December of the next succeeding calendar year. Unless the resolution adopted by the board for the consolidation of the districts shall specify otherwise, all the property of the original districts shall become the property of the consolidated district, and the consolidated district shall assume and pay the indebtedness of each of the original districts as if such indebtedness had been incurred subsequent to the consolidation.

8. Merger of proceedings. Nothing in this article shall be deemed to prevent the merger of a proceeding to extend the boundaries of one or more districts to make them coterminous with the boundaries of another district and a proceeding to consolidate two or more districts created for different purposes into a single district where such extension is undertaken for the purpose of such consolidation.

§ 274-b. Consolidation of the district and its extensions. 1.
Determination and notice of public hearing. Whenever the board of

supervisors calls a public hearing on the extension of a district, pursuant to section two hundred seventy-four of this article, or calls a public hearing on the consolidation of two or more districts, pursuant to section two hundred seventy-four-a of this article, then such board may, in its discretion, include in the order or resolution calling such public hearing, a determination that all the expenses of the district, including all extensions heretofore or hereafter established, shall be a charge against the entire area of the district as extended. Any notice of public hearing published shall, in addition to all other information required by sections two hundred seventy-four and two hundred seventy-four-a of this article, include a statement of the determination made pursuant to this subdivision.

2. Method of assessment. a. When the board makes the determination set forth in subdivision one of this section in a proceeding to extend a district which finances the costs of operation, maintenance and improvements on a benefit basis, the district shall continue to be financed on a benefit basis.

b. When the board makes the determination set forth in subdivision one of this section in a proceeding to extend a district which finances the costs of operation, maintenance and improvements on an ad valorem basis with or without zones of assessment, the district shall remain on an ad valorem basis.

c. When the board makes the determination set forth in subdivision one of this section in a proceeding to consolidate districts, the consolidated district shall be assessed as provided in section two hundred seventy-four-a of this article.

3. Determinations after hearing. After the public hearing, in addition to those determinations required by section two hundred seventy-four or two hundred seventy-four-a of this article, the board shall determine whether it is in the public interest to assess all expenses of the district, including all extensions heretofore or hereafter established, as a charge against the entire area of the district as extended.

4. Permissive referendum. Any resolution which, in addition to making the determinations required by section two hundred seventy-four or two hundred seventy-four-a of this article, determines that all expenses of a district, including all extensions thereto, heretofore or hereafter established, shall be assessed as a charge against the entire area of the district as extended shall, notwithstanding any other provision of this chapter, be subject to permissive referendum as follows:

a. In a proceeding to extend a district pursuant to this article, notice of adoption, petition and referendum shall be as provided in section two hundred seventy-four of this article, except that the notices and ballot shall include the further determination made pursuant to this section.

b. In a proceeding to consolidate districts pursuant to section two hundred seventy-four-a of this article, the notice of adoption, petition and referendum shall be as provided in such section, except that the notices and ballot shall include the further determination made pursuant to this section.

5. Effect. a. In a proceeding to extend a district pursuant to section two hundred seventy-four of this article, the extension shall, subject to the provisions of subdivision four of this section, be deemed established as provided in such section two hundred seventy-four, and the consolidated assessment roll shall be prepared for the next year in which assessments are levied against the extended district.

b. In a proceeding to consolidate districts pursuant to section two hundred seventy-four-a of this article, the determinations made pursuant to this section shall take effect at the same time provided for the consolidation in such section.

§ 275. Sale of water district facilities. 1. The board of supervisors may sell all or any part of the water supply and distribution system of a county water district to a water authority or to a joint water works system established pursuant to article five-B of the general municipal

law, provided, however, that the sale shall have been approved by a majority vote of the qualified electors of the district voting thereon. Such referendum shall be held in the manner prescribed in section one hundred and one hundred two of this chapter, except, however, that only those electors shall be qualified to vote who are residents of the district and owners of property in the district assessed upon the last completed town or city assessment roll, as the case may be.

2. The proceeds of the sale of a part of a water supply and distribution system shall be deposited in a reserve fund established for the purpose of retiring outstanding obligations issued on behalf of the county water district to finance the cost of the facilities sold and shall be expended only for such purpose, except as provided below. If the proceeds exceed the sum of all installments of principal of and interest on such indebtedness due or to become due, or if, when all such outstanding obligations shall have been retired, any moneys remain unexpended in the reserve fund, such excess moneys may be used for any purpose properly chargeable against the entire district.

3. If it is proposed that all of the property and facilities of the district be sold, the proposition submitted to referendum shall provide, as a part thereof, for dissolution of the district as well as for sale of such property and facilities. If the proposition for sale and dissolution is approved, the moneys received from such sale must be set aside in a reserve fund and used to amortize outstanding obligations, as provided in subdivision two of this section. Any excess over and above the amount necessary to be set aside in a reserve fund and used to retire indebtedness, as aforesaid, together with any other moneys of the district, shall be disposed of to the credit of real property within the district by any equitable method described in the proposition submitted to referendum.

4. If no provision for distribution of such excess is made in the proposition, the excess proceeds shall first be apportioned to each town and city upon the basis of the true equalized value of real estate within the district computed in the manner prescribed in section eight hundred four of the real property tax law. The amount thus apportioned

to a town or a city shall be further apportioned on the basis of assessed valuation among the several parcels of land situated in the district, as shown on the last completed assessment roll of the town or city. The amounts so determined shall be credited to each such parcel of land in reduction of county and town taxes or county and city taxes, as the case may be, on so many successive tax rolls as may be necessary to exhaust such amounts. When a tax is required to be levied by the city, the county treasurer, or comparable officer or body, shall certify to the proper city officer the amount available for credit against such tax. The aggregate amount credited in any year in reduction of town or city taxes shall be paid over to the proper town or city officer from the available excess moneys.

5. If there be any real property in the district which is wholly exempt from general taxation, but which, while exempt from general taxation, paid, as an assessment for benefit, a proportionate share of the cost of the improvement, the amount apportioned to such real property shall be refunded to the owner or owners thereof as shown on the last completed assessment roll at the time of the distribution.

§ 276. Jurisdiction of other state agencies. Nothing contained in this article shall be held to alter or abridge the powers and duties of the state department of health, the water pollution control board, or any other state department or agency over district matters.

§ 277. Establishment of certain county sewer districts in Suffolk county. 1. For the purposes of this section the following terms are defined as follows:

a. County shall mean the county of Suffolk or the county of Erie.

b. County legislature shall mean the county legislature of the county of Suffolk or of the county of Erie.

c. Governing board shall mean the town board of a town or the board of

trustees of a village, as the case may be, located in the county of Suffolk or in the county of Erie.

d. Sewer system shall include collection facilities, treatment or disposal plants, buildings, land and rights in land, furnishings, equipment, machinery and apparatus, appurtenant facilities, all moneys on hand collected or received for the purposes of such sewer system, and all other items of property, either real or personal or mixed, acquired for or incidental to such sewer system.

e. Town sewer district shall mean a sewer district governed by the provisions of articles twelve or twelve-A of the town law or a benefited area established to provide a sewer improvement pursuant to articles three-A or twelve-C of such law.

f. Village sewer district shall mean a sewer district governed by the provisions of article fourteen and section 17-1718 of the village law.

g. County treasurer shall mean, in the case of Erie County, the county comptroller of Erie county.

h. Town wastewater disposal district shall mean a wastewater district governed by the provisions of article twelve or twelve-a of the town law or a benefited area established to provide a wastewater disposal improvement pursuant to article three-a or twelve-c of such law.

i. Village wastewater disposal district shall mean a wastewater disposal district governed by section 17-1719 of the village law.

j. Village sewerage system shall mean a sewerage system governed by the provisions of article fourteen of the village law.

2. Upon petition as hereinafter provided the county legislature may establish a county sewer district in the manner hereinafter provided having boundaries coterminous with any existing town sewer district, village or village sewer district for the purpose of acquiring, operating and maintaining the sewer system thereof.

2-a. Upon petition, as hereinafter provided, the county legislature may establish a county wastewater disposal district in the manner hereinafter provided having boundaries coterminous with any existing town wastewater disposal district, village sewerage system or village wastewater disposal district for the purpose of acquiring, operating and maintaining the district or system thereof.

3. A petition for the establishment of a county sewer district or wastewater disposal district pursuant to this section shall be executed and acknowledged by the supervisor of the town or mayor of the village, as the case may be, upon authorization by the governing board after a public hearing. Such public hearing shall be called by resolution adopted by such governing body, which shall direct that notice thereof be published and posted not less than ten days prior to the date set for such hearing; provided, however, that in the case of a town sewer district or wastewater disposal district having a separate board of commissioners pursuant to article thirteen of the town law, no resolution calling a public hearing shall be adopted unless approved in writing by a majority of the commissioners of such district. Such notice shall be given, in the case of towns, in the manner prescribed in section one hundred ninety-three of the town law, and in the case of villages, in the manner prescribed in the section of the election law entitled general village election. Such notice shall state in general terms that it is proposed to petition the county legislature to establish a county sewer district for the purpose of acquiring and thereafter operating and maintaining the sewer system in question, or that it is proposed to petition the county legislature to establish a county wastewater disposal district for the purpose of acquiring and thereafter operating and maintaining the disposal district of the sewerage system in question, and shall set forth the time when and place where such hearing shall be held.

4. If the governing board shall decide, after such public hearing and upon the evidence given thereat, that it is in the public interest to petition the county legislature pursuant to this section, it shall adopt a resolution directing the supervisor or mayor, as the case may be, to

execute such petition and file the same with the clerk of the county legislature. Such petition shall generally identify the particular sewer system, sewerage system, or wastewater disposal district proposed to be transferred and shall accurately describe the boundaries thereof in a manner sufficient to permit definite and conclusive identification of all parcels of property included therein.

5. Upon presentation of such petition the county legislature shall refer the same to the county sewer agency for a report with respect thereto. Such report shall contain the recommendations of such agency and such other data and information as shall have been requested by the county legislature or as may be determined by such agency to be appropriate under the circumstances. Upon receipt of such report the county legislature may call a public hearing upon a proposal to establish a county sewer district or county wastewater disposal district in accordance with such petition. Notice of such public hearing shall be given in the manner and within the time prescribed in section two hundred fifty-four of this chapter. In addition, a copy of such notice shall be served upon or mailed to the clerk of the town or village which presented such petition not less than ten days prior to the day set therein for such hearing. Such notice shall contain a general description of the sewer system, sewerage system or wastewater disposal system proposed to be transferred, a description of the area to be included within the proposed county sewer district or wastewater disposal district, whether assessments for district purposes will be levied pursuant to section two hundred seventy or two hundred seventy-one of this chapter, a statement that such proposed district will assume the payment of all outstanding obligations, contracts and other indebtedness incurred for the purposes of or in relation to the sewer system, sewerage system or wastewater disposal district proposed to be transferred, and shall specify the time when and place where the county legislature will meet to consider the matter and to hear all parties interested therein concerning the same.

6. If, based upon the evidence presented at such public hearing and after due consideration of the petition, report of the county sewer agency and other data filed with it, the county legislature shall

determine that it is in the public interest to establish the proposed district, it shall adopt an order establishing the district in accordance with the provisions of subdivision seven of this section. If the county legislature shall determine that it is not in the public interest to establish such district, it shall adopt a resolution so stating and terminating the proceedings with respect thereto. Notwithstanding the provisions of sections two hundred fifty-six and two hundred fifty-eight of this chapter, no resolution or order adopted pursuant to this section shall be subject to permissive referendum, nor shall the permission of the state comptroller be required to establish a district pursuant hereto. In all other respects, to the extent not inconsistent herewith, the provisions of this chapter applicable to a district established by an order adopted pursuant to section two hundred fifty-eight of this chapter shall apply to a district established by an order adopted pursuant to this section, including, without limiting the generality of the foregoing, sections two hundred fifty-nine and two hundred sixty of this chapter.

7. An order adopted pursuant to subdivision six of this section establishing a county district, shall include the following:

a. an accurate description of the boundaries of such district in a manner sufficient to permit definite and conclusive identification of all parcels of property included therein, provided, however, if such district is coterminous with a village it shall be a sufficient compliance with this paragraph to so state without describing the boundaries of such village;

b. a general description of the sewer system, sewerage system or wastewater disposal district to be transferred to such district in accordance with the petition for the establishment of such district;

c. a determination as to whether assessments for district purposes will be levied pursuant to section two hundred seventy or two hundred seventy-one of this chapter in accordance with the notice of the public hearing held pursuant to subdivision five of this section;

d. a determination as to the effective date for the transfer of the property described in accordance with paragraph b of this subdivision, having due regard to the fiscal year of the county and the town or village concerned and the availability of funds for the operation and maintenance of the sewer system, sewerage system or wastewater disposal district by the county district;

e. a determination assuming responsibility for the payment of all obligations, contracts and other indebtedness of the town or village, as the case may be, incurred for the purposes of or in relation to the sewer system, sewerage system or wastewater disposal district to be transferred which shall be outstanding as of the effective date of such transfer, the exact amount and details thereof to be subject to future determination by agreement in such manner as may be provided therein; and

f. such other terms, conditions and provisions with respect to the establishment of such district and such transfer, not inconsistent with the provisions of this section, as the county legislature may determine to be necessary or desirable under the circumstances.

8. The clerk of the county legislature, within ten days after the adoption thereof, shall file a certified copy of such order with the clerk of the town or village concerned, who shall present the same to the governing board at the next meeting thereof. Such governing board shall thereupon adopt such resolutions and take such other action as shall be necessary to effectuate a transfer to the county district of the sewer system, sewerage system or wastewater disposal district in accordance with the provisions of this section and such order. In addition, in the case of a town or a village sewer district or wastewater disposal district, the governing board shall adopt an order dissolving such district effective as of the date of such transfer, a certified copy of which shall be recorded in the office of the county clerk.

9. All assessments levied by, or fees, rates, rents or other charges due or moneys owing to any town or village with respect to any sewer

system, sewerage system or wastewater disposal district and remaining unpaid as of the effective date of the transfer thereof to a county district pursuant to this section shall be collected by the town or village concerned in the same manner as if such transfer had not been made, and upon receipt shall be paid over to the county treasurer to be applied for the purposes of such county district.

10. a. The principal of and interest on all outstanding bonds and notes of a town or village issued to pay all or part of the cost of any sewer system, sewerage system or wastewater disposal district transferred to a county district pursuant to this section shall continue to be paid when due by such town or village from moneys provided for such purpose by the county from county district funds raised or appropriated therefor. The county treasurer shall from time to time pay such moneys to the fiscal officer of such town or village sufficiently in advance to permit the payment of all such principal and interest when due. All other obligations and contract liabilities of a town or village assumed by the county district shall be paid directly from funds of such district in the same manner as other district claims.

b. Where serial bonds have been authorized by a town or village pursuant to the local finance law to pay all or a part of the cost of the acquisition, construction or reconstruction of or addition to a sewer system, sewerage system or wastewater disposal district or the replacement of equipment, machinery, apparatus or furnishings therefor, and in anticipation of the issuance of such bonds such town or village has issued a bond anticipation note or notes or has otherwise contracted indebtedness to be paid from the proceeds of such bonds, and prior to the issuance of such bonds and the payment of such note or notes or other indebtedness, such sewer system, sewerage system or wastewater disposal district has been transferred to a county district pursuant to this section, the county may issue its serial bonds for the object or purpose of funding such note or notes or other indebtedness. It is hereby determined that the period of probable usefulness of the object or purpose for which such bonds may be issued by such county pursuant to this subdivision is the same as the period of probable usefulness specified in subdivision eleven of paragraph a of section 11.00 of the

local finance law for the object or purpose for which the serial bonds were authorized by such town or village prior to such transfer. Such period shall be that which was in effect at the time of such transfer unless such period has been subsequently shortened, in which event the shorter period in effect at the time of the issuance of the bonds by the county shall apply. For the purposes of paragraphs b, b-1 and c of section 21.00 of the local finance law, the date of the earliest bond anticipation note issued by such town or village shall be considered as the date of the earliest bond anticipation note issued in anticipation of the bonds issued by the county. Except as herein provided, such bonds shall be authorized and issued by the county in accordance with the provisions of the local finance law applicable to the issuance of serial bonds by the county.

11. The county legislature is hereby authorized to adopt all such further resolutions and to take or direct all such additional acts and proceedings as may be necessary or desirable to effectuate the purposes and intent of this section.

12. Any county sewer district established pursuant to the provisions of former section two hundred seventy-seven of this chapter, as added by chapter one thousand one hundred ten of the laws of nineteen hundred sixty-nine, shall continue in existence and shall be subject to all of the provisions of this chapter to the same extent as if established pursuant to the provisions of this section.

§ 277-a. Conveyance or lease to the county of Westchester by a city, town or village in the county's New Rochelle sanitary sewer district of sewer system property and the establishment of certain county sewer districts, extensions or special transitional zones of assessment in the county of Westchester. 1. As used in this section, the following terms shall have the following meanings:

a. "Charter" shall mean the charter and administrative code of the county of Westchester.

b. "City, town or village" shall mean the city of New Rochelle, town of Mamaroneck or villages of Larchmont or Pelham Manor in the county of Westchester.

c. "Commissioner of finance" shall mean the commissioner of finance of the county of Westchester.

d. "Commissioner of environmental facilities" shall mean the commissioner of environmental facilities of the county of Westchester.

e. "County" shall mean the county of Westchester, including when acting on behalf of a county sewer district.

f. "County legislature" shall mean the county legislature of the county of Westchester.

g. "Governing board of a city, town or village in the county of Westchester" shall mean the finance board as such term is defined in section 2.00 of the local finance law.

h. "Sewer system" shall include sewage collection or conveyance facilities, treatment or disposal plants, buildings, land and rights in land, furnishings, equipment, machinery and apparatus, appurtenant facilities, all moneys on hand collected or received for the purposes of such sewer system, and all other items of property, either real or personal or mixed, acquired for or incidental to such sewer system, provided that no such property shall be located outside the boundaries of the county's New Rochelle sanitary sewer district.

i. "Sewer system consolidation agreement" shall mean an agreement between the county and a city, town or village whereby such city, town or village shall convey or lease sewer system property to the county for operation, maintenance or improvement by the county described in subdivision two of this section.

j. "Special transitional zone of assessment" shall mean a zone of assessment within the county's New Rochelle sanitary sewer district

established to allocate all or a portion of the costs of facilitating a conveyance or lease of sewer system property by a city, town or village to the county and a transfer of responsibilities for the operation, maintenance and improvement thereof to the county sewer district. A special transitional zone of assessment may overlap all or portions of any zone of assessment established in the county's New Rochelle sanitary sewer district to allocate the costs of the operation, maintenance and improvement of the county's trunk sewers and wastewater treatment plants and related facilities.

k. "Town sewer district" shall mean a sewer district governed by the provisions of articles twelve or twelve-A of the town law or a benefited area established to provide a sewer improvement pursuant to articles three-A or twelve-C of such law.

l. "Village sewer district" shall mean a sewer district governed by the provisions of article fourteen and section 17-1718 of the village law.

2. Notwithstanding the provisions of any general, special or local law, the county and a city, town or village may enter into, and take the actions necessary to implement, sewer system consolidation agreements under this section to facilitate the conveyance or lease to the county of sewer system property and the transfer to the county of the responsibilities of operation, maintenance and improvement of sewer system property. Sewer system consolidation agreements shall include the following provisions:

a. an identification of the sewer system property of the city, town or village to be conveyed or leased to the county, the consideration, if any, for such conveyance or lease and the conditions, if any, under which the conveyance or lease could be reversed or canceled;

b. a description of any improvements of such property to be made by the county, the estimated cost thereof and the plan for financing such improvements;

c. determinations of whether the county shall undertake to establish special transitional zones of assessment under terms and conditions as may be agreed upon, and shall include a description and estimate of the costs to be allocated to the special transitional zone of assessment and a description of whether the costs allocated thereto shall be levied in the same manner as other county charges or in the manner described in section two hundred seventy or section two hundred seventy-one of this article, and if pursuant to section two hundred seventy-one, whether and under what circumstances such manner of levy is expected to be changed;

d. determinations of whether the county shall make a payment or payments to the city, town or village in respect of city, town or village debt service on indebtedness issued to finance sewer system properties or whether the county may finance the cost of acquisition of sewer system properties from cities, towns or villages through the issuance of bonds or notes in accordance with the local finance law, and in either case whether the city, town or village shall establish funds to receive all or a portion of the proceeds thereof, as may be necessary or convenient to facilitate such payments or as may be required by section six-l of the general municipal law, and whether the city, town or village shall call outstanding bonds for redemption at such times and under such conditions as may be agreed to;

e. determinations of whether and to what extent the county and the city, town or village shall indemnify each other for liabilities for work performed or existing conditions;

f. determinations of whether employees of the city, town or village shall be transferred to the county and become county employees under such terms and conditions as such employees and the parties may agree, subject to the rights and privileges of such employees under labor agreements and applicable law, and whether employees of cities, towns and villages not so transferred to the county may continue to be employed by such cities, towns and villages to provide services to the county sewer district under such terms as may be agreed upon;

g. estimates of capital cost of the sewer system property conveyed or

leased, which may include planning, design, acquisition and construction costs of such property and improvements thereto, the costs of preparation of reports described in subdivision three of this section and the sewer system consolidation agreement, and any other expenses incurred in furtherance of the making of the sewer system consolidation agreement, and the amounts of the capital cost to be charged against properties in a special transitional zone of assessment, to be paid by the county through a county sewer district or to be paid by the city, town or village;

h. estimates of the operating expenses of the property conveyed or leased under the sewer system consolidation agreement, and a statement of the portions of the operating expenses to be annually charged against properties in a special transitional zone of assessment, to be paid by the county through a county sewer district or to be paid by the city, town or village;

i. terms describing the actions necessary to amend the sewer system consolidation agreement; and

j. terms describing the conditions under which the sewer system consolidation agreement may be extended.

3. A city, town or village may prepare and furnish to the county a report containing a map and a general description of the sewer system property which is proposed to be leased or conveyed and a description of its current condition. The report shall include the terms of any outstanding indebtedness issued to finance acquisition or improvement of such sewer system property and such additional information relevant to the assessment of the costs of operation, maintenance and improvement of such sewer system property as the county may request. Upon presentation of such report the county legislature may refer the same to the commissioner of environmental facilities for a plan and report with respect thereto. If the county legislature refers the report to the commissioner of environmental facilities, said commissioner shall thereupon prepare and furnish to the county legislature a plan and report describing capital improvements, if any, to such sewer system

property which the commissioner of environmental facilities recommends be undertaken following its conveyance or lease to the county. This plan and report shall include the estimated costs thereof, together with an estimate of the operating and maintenance costs of such property. The plan and report shall also contain such other data and information as shall have been requested by the county legislature or as may be determined by the commissioner of environmental facilities to be appropriate under the circumstances. Upon review of the plan and report, the county legislature may, if a majority of the county legislature approves the plan and report, authorize the preparation of a draft sewer system consolidation agreement and direct that such plan and report be furnished to the city, town or village. The county and the city, town or village may then prepare a draft sewer system consolidation agreement. The draft sewer system consolidation agreement shall be presented to and approved as to form by the county legislature and the governing body of the city, town or village prior to the calling of a hearing under subdivisions seven and five of this section, respectively. Such draft sewer system consolidation agreement shall not be binding nor shall it be executed until after a public hearing and authorization by the county legislature and the governing body of the city, town or village, as provided for in subdivisions six and eight of this section.

4. In addition to existing authority to establish county sewer districts or extensions, the county legislature, in furtherance of a sewer system consolidation agreement, may establish a special transitional zone of assessment in any county sewer district, and to the extent such special transitional zone of assessment would fall in whole or in part outside any county sewer district, may coincidentally establish a county sewer district encompassing such area or extend an existing county sewer district to encompass such area, in the manner hereinafter provided. Each special transitional zone of assessment shall have boundaries coterminous with the area provided with a sewer system by any city, town or village, for the purpose of facilitating the conveyance or lease to the county all or a portion of the property of cities, towns or villages relating to the collection and conveyance of sewage to county trunk sewers and the transfer of all or a portion of the responsibilities for the operation, maintenance and improvement

thereof.

5. Following the approval of a draft sewer system consolidation agreement, the governing body of the city, town or village shall hold a public hearing on the draft sewer system consolidation agreement. Such public hearing shall be called by such governing body, which shall direct that notice thereof be published and posted not less than fourteen days prior to the date set for such hearing. Such notice shall be given, in the case of towns, in the manner prescribed in section one hundred ninety-three of the town law, and in the case of cities and villages, in the manner prescribed for general elections. Such notice shall state in general terms that it is proposed to petition the county legislature to enter into a sewer system consolidation agreement and, if contemplated by the sewer system consolidation agreement, to establish or extend a county sewer district or establish a special transitional zone of assessment for the purpose of facilitating the conveyance or lease of property to the county and its operation, maintenance and improvement of such property, as set forth in the draft sewer system consolidation agreement. Such notice shall generally identify the particular sewer system proposed to be conveyed or leased, the proposed improvements thereto, if any, and the estimated maximum cost thereof, and shall describe the boundaries of the proposed, district, extension or special transitional zone of assessment in a manner sufficient to permit definite and conclusive identification of all parcels of property included therein. Such notice shall also state where the draft sewer system consolidation agreement is available for public inspection, and shall set forth the time when and place where such hearing shall be held.

6. If the governing board shall decide, after such public hearing and upon the evidence given thereat, that it is in the public interest to petition the county legislature to enter into the sewer system consolidation agreement pursuant to this section, it shall authorize the chief executive officer as that term is defined in the local finance law, as the case may be, to:

a. execute such petition and file the same with the clerk of the

county legislature; and

b. execute the sewer system consolidation agreement, if the county elects to enter into the sewer system consolidation agreement.

Such petition shall generally identify the particular sewer system proposed to be conveyed or leased and shall describe the boundaries of the area served thereby in a manner sufficient to permit definite and conclusive identification of all parcels of property included therein.

7. Upon receipt of such petition and after the approval of the form of the draft sewer system consolidation agreement, the county legislature may call a public hearing to enter into the sewer system consolidation agreement and, if contemplated thereby, to establish a special transitional zone of assessment or establish or extend a county sewer district. Notice of such public hearing shall be given not less than fourteen days prior to the date of the hearing in the manner prescribed in section two hundred fifty-four of this article. In addition, a copy of such notice shall be served upon or mailed to the city, town or village which presented such petition not less than fourteen days prior to the day set therein for such hearing. Such notice shall contain:

a. a general description of the sewer system property proposed to be conveyed or leased;

b. a description of the boundaries of any proposed district, extension or special transitional zone of assessment in a manner sufficient to permit definite and conclusive identification of all parcels of property included therein;

c. the estimated maximum amount to be expended for proposed improvements;

d. a statement of the proposed manner of assessing costs allocable to the special transitional zone of assessment, indicating whether it is proposed to levy assessments pursuant to the charter in the same manner as county charges or as described in section two hundred seventy or

section two hundred seventy-one of this article;

e. a statement of whether and to what extent the county sewer district will assume the payment of outstanding obligations, contracts and other indebtedness of the city, town or village for the purposes of or in relation to the sewer system proposed to be conveyed or leased;

f. shall state where the draft sewer system consolidation agreement is available for public inspection; and

g. shall specify the time when and place where the county legislature will meet to consider the matter and to hear all parties interested therein concerning the same.

8. If, based upon the evidence presented at such public hearing and after due consideration of the petition, the plan and report of the commissioner of environmental facilities and other data provided to it, the county legislature shall determine that it is in the public interest to enter into the sewer system consolidation agreement, it shall by majority vote adopt an act authorizing the execution of the sewer system consolidation agreement. If the county legislature shall determine that it is not in the public interest to enter into the sewer system consolidation agreement, it shall adopt an act so stating and terminating the proceedings with respect thereto. The parties to a sewer system consolidation agreement may from time to time amend the sewer system consolidation agreement, provided that, if an amendment would a. increase the estimated capital cost to be assessed against properties in a special transitional zone of assessment for the improvements proposed in the sewer system consolidation agreement; b. increase the share of operation and maintenance costs to be annually assessed against a special transitional zone of assessment; or c. eliminate from or add parcels to a special transitional zone of assessment, the amendment may be authorized only after public hearings held by each party in the same manner as the original sewer system consolidation agreement following determinations by the parties that such amendment is in the public interest after hearings held as required for the original sewer system consolidation agreement. Nothing in this section shall modify the

special acts of the legislature and local laws of the county of Westchester governing county sewer districts and the assessments made and taxes levied in connection therewith, and the county of Westchester may continue to operate county sewer districts in conformity therewith, irrespective of whether the county sewer district has undertaken to own, operate, maintain or improve sewers which are not trunk sewers pursuant to this section or otherwise undertakes to provide sewage collection and conveyance facilities in addition to trunk sewers.

9. As part of the implementation of the sewer system consolidation agreement, the county may adopt an act to establish a special transitional zone of assessment or establish or extend a county sewer district, which act shall include the following:

a. an accurate description of the boundaries of any such district, extension, or special transitional zone of assessment in a manner sufficient to permit definite and conclusive identification of all parcels of property included therein, provided, however, if such district, extension or special transitional zone of assessment is coterminous with a city, town or village it shall be a sufficient compliance with this paragraph to so state without describing the boundaries of such city, town or village;

b. a general description of the sewer system property to be conveyed or leased to the county in accordance with the sewer system consolidation agreement;

c. a determination as to whether assessments for district purposes will be levied pursuant to the charter in the same manner as county charges or as described in section two hundred seventy or section two hundred seventy-one of this article in accordance with the notice of the public hearing held pursuant to subdivision seven of this section;

d. a determination as to the effective date or dates for the conveyance or lease of the property described in accordance with paragraph b of this subdivision, having due regard to the fiscal year of the county and the city, town or village concerned and the availability

of funds for the operation, maintenance and improvement of the sewer system by the county;

e. a determination assuming responsibility for the payment of all or the agreed portion of all obligations, contracts and other indebtedness of the city, town or village, as the case may be, incurred for the purposes of or in relation to the sewer system property to be conveyed or leased which shall be outstanding as of the effective date of such conveyance or lease, the exact amount and details thereof to be subject to future determination by agreement in such manner as may be provided therein; and

f. such other terms, conditions and provisions with respect to the establishment of such district and such conveyance or lease, not inconsistent with the provisions of this section, as the county legislature may determine to be necessary or desirable under the circumstances.

10. The clerk of the county legislature, within ten days after the adoption thereof, shall file a certified copy of such act with the clerk of the city, town or village concerned, who shall present the same to the governing board at the next meeting thereof. Such governing board shall thereupon proceed to adopt such resolutions or ordinances and take such other action as shall be necessary or convenient to effectuate a conveyance or lease of sewer system property to the county in accordance with the provisions of this section and such act. In addition, in the case of a town or a village sewer district, and if so provided in an agreement with the county, the governing board may adopt an order dissolving such district effective as of the date of such conveyance or lease, a certified copy of which shall be recorded in the office of the county clerk, or, if such district is not to be dissolved, the governing board may adopt an order describing the remaining functions and responsibilities of the district.

11. All or an agreed upon portion of assessments levied by, or fees, rates, rents or other charges due or moneys owing to a city, town or village with respect to any sewer system and remaining unpaid as of the

effective date of the conveyance or lease thereof to a county district pursuant to this section shall be collected by the city, town or village concerned in the same manner as if such conveyance or lease had not been made, and upon receipt shall be paid over to the county commissioner of finance to be applied for the purposes of such county sewer district.

12. a. The principal of and interest on all outstanding bonds and notes of a city, town or village issued to pay all or part of the cost of any sewer system conveyed or leased to a county district pursuant to this section shall continue to be paid when due by such city, town or village, and, if a sewer system consolidation agreement with the county so provides, from moneys provided for such purpose by the county from county district funds raised or appropriated therefor. If the county has agreed to make such payments, the county commissioner of finance shall from time to time pay such moneys to the fiscal officer of such city, town or village sufficiently in advance to permit the payment of all or the agreed upon portion of such principal and interest when due. All other obligations and contract liabilities of a city, town or village assumed by the county in a sewer system consolidation agreement shall be paid directly from funds of the county in the same manner as other county sewer district claims.

b. If bonds have been authorized by a city, town or village pursuant to the local finance law to pay all or a part of the cost of the acquisition, construction or reconstruction of or addition to a sewer system or the replacement of equipment, machinery, apparatus or furnishings therefor, and in anticipation of the issuance of such bonds such city, town or village has issued a bond anticipation note or notes or has otherwise contracted indebtedness to be paid from the proceeds of such bonds, and prior to the issuance of such bonds and the payment of such note or notes or other indebtedness, such sewer system has been conveyed or leased to the county pursuant to this section, the county may issue its bonds for the object or purpose of paying such note or notes or other indebtedness. The period of probable usefulness of the object or purpose for which such bonds may be issued by the county pursuant to this subdivision shall be the same as the period of probable usefulness specified in paragraph a of section 11.00 of the local

finance law for the object or purpose for which the bonds were authorized by such city, town or village prior to such transfer. Such period shall be that which was in effect at the time of such transfer unless such period has been subsequently shortened, in which event the shorter period in effect at the time of the issuance of the bonds by the county shall apply. For the purposes of paragraphs b, b-1 and c of section 21.00 of the local finance law, the date of the earliest bond anticipation note issued by such city, town or village shall be considered as the date of the earliest bond anticipation note issued in anticipation of the bonds issued by the county for the object or purpose. Except as herein provided, such bonds shall be authorized and issued by the county in accordance with the provisions of the local finance law.

c. If, at the time of such transfer, the city, town or village has outstanding bonds issued to finance the conveyed or leased sewer system property, the county may issue refunding bonds under and subject to the provisions of section 90.10 of the local finance law or section 90.00 of the local finance law, except, if the bonds to be refunded are refunding bonds, for paragraph I thereof, to pay the principal, interest and redemption premium of the bonds of the city, town or village of the bonds to be refunded, with savings to the county calculated as if the principal, interest and redemption premium on the bonds to be refunded were to be considered bonds of the county.

13. The county legislature, and each city, town and village, are hereby authorized to adopt all such further acts and to take or direct all such additional proceedings as may be necessary or desirable to effectuate the purposes and intent of this section.

14. The county, cities, towns and villages may expend capital funds to conduct evaluations, surveys and analysis of county sewer facilities and the sewer facilities of cities, towns and villages in the county which may be useful in identifying whether or not the conveyance or lease of particular city, town or village sewer facilities to the county would be in the public interest and in planning, structuring and negotiating a conveyance or lease of city, town or village facilities to the county,

and the county may elect to reimburse such costs incurred by cities, towns or villages and to allocate the costs thereof. All of such costs not paid from current funds may be financed by the county as part of the cost of the acquisition of facilities by the county, irrespective of whether any such acquisition is subsequently completed.

15. The provisions of section one hundred nineteen-o of the general municipal law shall apply to sewer system consolidation agreements made under this section, except that, irrespective of the term limits set forth in section one hundred nineteen-o of the general municipal law, such agreements may have terms which extend for up to fifty years and which may be renewed periodically as provided therein for a term not exceeding fifty years. The expiration of any such agreements shall not affect actions completed under such agreements, including the conveyance or lease of property or any change in the status of employees transferred to the county pursuant thereto. This section does not replace or diminish the authority of the county and cities, towns and villages in the county to make agreements under section one hundred nineteen-o of the general municipal law in addition to the sewer system consolidation agreements authorized by this section.

§ 278. Definitions. For purposes of this article the following definitions shall apply:

1. the term "board of supervisors" shall be deemed to mean "county legislature" in those counties having county legislatures;

2. the term "typical property" shall mean a benefited property having an assessed value that approximates the assessed value of the mode of the benefited properties situated in the district or extension that will be required to finance the cost of the proposed improvements;

3. the term "typical one or two family home" shall mean a benefited property improved by a one or two family dwelling and having an assessed value that approximates the assessed value of the mode of the benefited properties improved by one or two family dwellings situated in the

district or extension that will be required to finance the cost of the proposed improvement;

4. the terms "cost of the district or extension to the typical property" and "cost of the district or extension to the typical one or two family home" shall mean the amount that it is estimated that the owner of such a typical property or home within the district or extension will be required to pay for debt service, operation and maintenance and other charges, such as user charges, related to the improvements in the first year following formation of the district or extension or, if greater, in the first year in which both principal and interest on any indebtedness and operation and maintenance costs will be paid;

5. the term "mode" shall mean, in connection with assessed value of property, the most frequently occurring assessed value as shown on the latest completed final assessment roll.

§ 279. Operation of certain collection and disposal facilities in Suffolk county. In the county of Suffolk, the county department of environmental conservation may contract with non-county sewer or wastewater disposal districts, private or public corporations, municipalities, government agencies, and individuals to operate and maintain their sewage collection and disposal facilities including those for scavenger waste on such terms and conditions as the county legislature shall approve.

§ 279-a. Acquisition of real property for future districts in Suffolk county. 1. In the county of Suffolk, upon the adoption of a resolution, the county legislature may acquire, in the name of the county, any real property or rights therein for use by a future district or districts, or extensions thereof in such county.

2. Any such acquisition of real property or rights therein as herein authorized shall be for the purposes of one or more future districts or

extensions thereof which may be established and after the establishment thereof, such real property shall be utilized for such purposes. In the event, however, such district, districts or extensions are not created or the property becomes unsuitable or undesirable for such district purposes, the property may be used for other county purposes, if practicable to do so, but if not, the property may be sold and disposed of in the same manner as other county property no longer needed for county purposes.

3. The initial expense, if any, of any acquisition authorized pursuant to this section shall be a general county charge and shall be assessed, levied and collected in the same manner and at the same time as other county charges, provided, however, nothing herein contained shall be construed to prevent financing acquisition, in whole or in part, pursuant to the local finance law.

4. When the county authorizes the use of any property or rights therein acquired pursuant to this section and conveys the same to any district, districts or extensions thereof thereafter established, the expense, if any, of such acquisition or a proportionate share of such expense and the cost of maintenance, if any, shall be allocated to the district or extension thereof by the county legislature upon the establishment of such district or extension. Such allocated amount, together with the expense, if any, of the construction of the original improvement for such district or extension, shall be included as a part of the original improvement and maximum amount authorized for and to be spent by such district or extension. Upon conveyance to the district, the district shall repay to the county the aforesaid allocated amount.

§ 279-b. Agreements of county district; certain cases. 1.

Notwithstanding the provisions of any other law, a county district in the county of Suffolk, acting through its administrative head, is hereby authorized and empowered, from time to time, to enter into or amend, supplement, modify, change or extend agreements, including but not limited to, contracts, leases, rental or management agreements with, or grant licenses, permits, concessions or any other authorizations to any

private corporation, partnership or individual, upon such terms and conditions and for such consideration and for such term or duration not to exceed twenty-five years, as may be agreed upon by said administrative head, with the approval of the county legislature of the county wherein such private entity is granted the right to construct, operate, maintain, use, manage, occupy, lease, own, or any of them, all or part of certain facilities it or the district owns or will own and to carry on activities or furnish services, in whole or in part relative to the manner of sewerage and wastewater treatment and collection for the district on sites approved by the district which may either be owned by the district, county or privately.

2. A private entity which is a party to such agreement may be granted the rights hereinbefore referred to for any purpose or purposes which shall, by utilization of such sewerage and wastewater treatment and collection facilities, benefit the people of the county district or provide for the improvement of their health and welfare or aid and assist in the financing of the construction, operation or maintenance of such facilities.

3. The by-products, if any, generated by the facility may be sold, utilized or otherwise disposed of by the private entity pursuant to the agreement, upon such terms and conditions and for such consideration as may be agreed upon by the parties thereto.

4. Nothing contained in the provisions of this section shall exempt the district from any applicable provision of law relating to the requirements for public bidding.

§ 279-c. Certain agreements of a county sewer district in Orange county. 1. Notwithstanding the provisions of any other law, a county sewer district in Orange county, acting through its administrative head, is hereby authorized and empowered, from time to time, to issue requests for proposals, and subsequently to enter into agreements based upon such requests for proposals, or to amend, supplement, modify, change or extend such agreements, including but not limited to, contracts, leases,

rental or management agreements with, or grant licenses, permits, concessions or any other authorizations to, any private corporation, partnership or individual, upon such terms and conditions and for such consideration and for such term or duration not to exceed twenty-five years, as may be agreed upon by said administrative head, with the approval of the county legislature, wherein such private entity is granted the right to design, construct, finance, operate, maintain, use, manage, occupy, lease, own, or any of them, all or part of certain facilities it or the district owns or will own and to carry on activities or furnish services, in whole or in part relative to the manner of sewerage and wastewater treatment and collection for the district on sites approved by the district which may either be owned by the district, the county, or privately. The district, only after conducting a cost/benefit review analyzing the efficacy of such an arrangement, may enter into such agreements with a private entity based upon a determination by the district that the selected proposal is the most responsive to the district's request for proposals and is in the best interest of the district, with the overall cost of the proposal being a major criterion in the selection. The district may negotiate with any proposer. This section shall not be construed to alter or diminish a district's obligation to provide wastewater services, to comply with all applicable environmental laws and regulations, and to administer the district's services, including the assessment, levying, and collection of the expenses of the district. Such facilities, including their influent, effluent, waste, and by-products, shall be regulated and permitted as if such facilities were fully owned and operated by a municipality.

2. A private entity which is a party to such agreement may be granted the rights hereinbefore referred to for any purpose or purposes which shall, by utilization of such sewerage and wastewater treatment and collection facilities, benefit the people of the district or provide for the improvement of their health and welfare or aid and undertake or assist in the financing of the design, construction, operation or maintenance of such facilities. The district shall not sell to any such private entity any existing wastewater treatment facility of the district.

3. The by-products, if any, generated by the facility may be sold, utilized or otherwise disposed of by the private entity pursuant to the agreement, upon such terms and conditions and for such consideration as may be agreed upon by the parties thereto.

4. Every agreement entered into between the district and a private entity, pursuant to subdivision one of this section, for the construction of a wastewater treatment facility, shall require the payment of all applicable prevailing wages pursuant to section two hundred twenty of the labor law, shall require the furnishing to the district of a performance bond in the full amount of the cost of such construction, shall require that each contractor and subcontractor performing work on such construction furnish a payment bond in the full amount of its contract guaranteeing prompt payment of monies that are due to all persons furnishing labor and materials to such contractor or subcontractor, and shall contain provisions that such construction, if in excess of twenty thousand dollars, shall be conducted pursuant to section one hundred one of the general municipal law. A copy of the above mentioned payment and performance bonds shall be kept by the district and shall be open to public inspection.

5. It shall be a mandatory term of any agreement entered into between the district and a private entity, pursuant to subdivision one of this section, that any employee of Orange county or the district, then performing operation or maintenance work at an existing district wastewater treatment facility at the time of such agreement, must be offered employment by any private entity assuming operation or maintenance responsibilities at such facility at no less than the wage then being earned by such employee and with equivalent benefits. If any such employee chooses not to accept such offer of employment, such employee shall remain a county or district employee subject to the same terms and conditions of employment as if the operation or maintenance responsibilities had not been assumed by such private entity.

§ 279-d. Water districts in the county of Westchester. 1.

Notwithstanding the provisions of any other law to the contrary, county Water District number two in the county of Westchester, acting through its administrative head, is hereby authorized and empowered, from time to time, to enter into or amend, supplement, modify, change or extend agreements, including but not limited to, contracts, leases, rental or management agreements with, or grant licenses, permits, concessions or any other authorizations to the Northern Westchester joint water works upon such terms and conditions as may be agreed upon by the administrative head with the approval of the county legislature of the county for a term not to exceed the remaining life of any outstanding indebtedness of said district, wherein such entity is granted the right to construct, operate, maintain, use, manage, occupy, lease, own, or any of them, all or part of certain facilities it or the district owns or will own and to carry on activities or furnish services, in whole or in part relative to the manner of water provision, treatment or distribution for it or the district in sites approved by it or the district which may be owned by it or the district.

2. The term "Northern Westchester joint water works" shall mean the joint water works established by the town of Cortlandt, the town of Yorktown, and the Montrose improvement district pursuant to chapter 654 of the laws of 1927 and the town of Somers, which will become a member pursuant to agreement amongst it and the existing members.

3. The county legislature of the county of Westchester is hereby authorized to reduce or dissolve county Water District number two following the adoption of a resolution calling a public hearing. The clerk of the county legislature shall cause a notice of public hearing to be published at least once in the official newspapers of the county and in such other newspapers having a general circulation in the proposed district as the board may direct, the first publications thereof to be not less than ten nor more than twenty days before the day set therein for such hearing. The notice of hearing shall specify the time when and the place where such hearing will be held, as well as a description or depiction of the boundaries of the district to be dissolved or a description or depiction of the parcels to be removed.

(a) Removal. The county legislature may remove one or more parcels

from county Water District number two upon its own motion and without petition, following a public hearing and a factual determination by the county legislature that such parcels to be removed are not benefited by inclusion in the district. For parcels which have received water service through Water District number two, a factual determination by the county legislature that alternative water service is or shall be provided to said parcel by a city, one or more towns through districts or improvement areas, a joint water works, a village, or a combination thereof shall be a sufficient basis for a finding that a particular parcel is not benefited by inclusion in county Water District number two.

Following removal of parcels of county Water District number two, such parcels shall no longer remain subject to assessment for the payment of principal and interest on indebtedness previously issued to finance improvements for the district.

(b) Dissolution. The county legislature may dissolve and discontinue county Water District number two upon its own motion and without petition, following a public hearing and a factual determination by the county legislature that alternative water service is or shall be provided to said district by a city, one or more towns through districts or improvement areas, a joint water works, a village, or a combination thereof. The county legislature shall delay the effective date of dissolution of county Water District number two until the payment of all outstanding county indebtedness issued for the benefit of such district or until the establishment of a reserve fund of the county for such payment pursuant to section six-l of the general municipal law in an amount at least equal to the remaining outstanding principal amount of such indebtedness. Any determination to dissolve county Water District number two under this section shall be revocable by the county legislature until the effective date thereof.

Following dissolution of Water District number two, such parcels shall no longer remain subject to assessment for the payment of principal and interest on indebtedness previously issued to finance improvements for the district.

4. Upon dissolution of county Water District number two, the county legislature may lease, agree to convey and convey all of its right, title and interest to any water provision, treatment and distribution facilities owned by or operated for county Water District number two to the Northern Westchester joint water works. Any such lease shall provide that the rent shall include an amount sufficient to pay principal and interest on county indebtedness issued for the benefit of county Water District number two. Transfer of title pursuant to such conveyance may occur only following the earlier of payment of all of the indebtedness of the county issued for the benefit of county Water District number two, or the establishment of a reserve fund of the county for such payment pursuant to section six-l of the general municipal law in an amount at least equal to the remaining outstanding principal amount of such indebtedness.

5. Any agreement to convey or conveyance shall require the approval of the county legislature (and the county's compliance with section two hundred seventy-five of this article), the Northern Westchester joint water works (and such entity's compliance with section nineteen of chapter six hundred fifty-four of the laws of nineteen hundred twenty-seven), and the entities comprising the Northern Westchester joint water works (in the manner provided in section two hundred two-b of the town law).

6. On the effective date of the lease or conveyance of all of the water provision, treatment and distribution facilities owned by or operated for county Water District number two of the county to the Northern Westchester joint water works, officers and employees employed at such facilities shall be identified in an agreement between the Northern Westchester joint water works and the county and shall become officers and employees of the Northern Westchester joint water works with equivalent offices, positions and employment therewith and shall thereafter be deemed public officers of public employees for all purposes.

(a) Any person who, at the time he or she becomes an officer or employee of the Northern Westchester joint water works pursuant to this section, has a temporary or provisional appointment shall be transferred

subject to the same right of removal, examination or termination as though such transfer had not been made except to the extent such rights are modified by a collective bargaining agreement. There shall be no layoffs of any former officers or employees employed in the water provision, treatment and distribution facilities owned by or operated for water district number two of the county who become officers or employees of the Northern Westchester joint water works pursuant to this section which are a direct consequence of the enactment of this section.

(b) Northern Westchester joint water works shall be subject to the civil service law. Northern Westchester joint water works shall recognize the existing certified or recognized employee organizations for those persons who become employees of the Northern Westchester joint water works pursuant to this section as the exclusive collective bargaining representatives for such employees, who shall comprise correspondingly new collective bargaining units. Northern Westchester joint water works shall be bound by all existing collective bargaining agreements with such employee organizations; all existing terms and conditions of employment shall remain in effect until altered by the terms of a successor contract; successor employees to the positions held by such employees shall, consistent with the provisions of article fourteen of the civil service law, be included in the same unit as their predecessors. Employees serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained herein shall be construed to affect the rights of employees pursuant to a collective bargaining agreement, the representational relationships among employee organizations or the bargaining relationships between the county, state and an employee organization, or existing law with respect to an application to the public employment relations board seeking designation by the board that certain persons are managerial or confidential. Nothing herein shall preclude the merger of negotiating units of employees with the consent of the recognized or certified representative of such units. The salary or compensation of any such officer or employee after such transfer, shall be paid by Northern Westchester joint water works. Northern Westchester joint water works shall, upon transfer, acknowledge and give credit for all leave balances held by such officers and employees on the date of transfer.

(c) Notwithstanding the provisions of any other state or local law to

the contrary, Northern Westchester joint water works shall indemnify and hold harmless the county, and provide defense, for all claims, cases, proceedings, actions or other matters against the county arising out of the properties, facilities, operations or employees of Northern Westchester joint water works, commenced after the effective date of the lease or conveyance of all of the water provision, treatment and distribution facilities owned by or operated for water district number two of the county, and to provide such other security for this obligation as the county may require.

(d) Notwithstanding the provisions of any other state or local law to the contrary, on the effective date of the lease or conveyance of all of the water provision, treatment and distribution facilities owned by or operated for water district number two of the county to the Northern Westchester joint water works, Northern Westchester joint water works shall be solely responsible for compliance with all laws, rules and regulations applicable to operation and maintenance of said facilities, and shall indemnify and hold harmless the county, and provide defense, for all claims, cases, proceedings, actions or other matters against the county arising out of the failure of Northern Westchester joint water works to so comply.

ARTICLE 5-B

COUNTY HURRICANE PROTECTION, FLOOD AND SHORELINE EROSION CONTROL DISTRICTS

- Section 280. Declaration of policy and purposes.
- 280-a. Definitions.
 - 280-b. County agency.
 - 280-c. Powers of county agency.
 - 280-d. Preparation of maps and plans.
 - 280-e. Public hearing.
 - 280-f. Representation by municipalities and district.
 - 280-g. Establishment of a county district.
 - 280-h. Permissive referendum.
 - 280-i. Application to the department of audit and control.
 - 280-j. Recording and filing of determination.
 - 280-k. Review.

- 280-l. Administration of the county district.
- 280-m. Performance of the work.
- 280-n. Powers.
- 280-o. Rules and regulations.
- 280-p. Contracts.
- 280-q. Revenues.
- 280-r. Expense of the improvement.
- 280-s. Increase and improvement of facilities.
- 280-t. Increase of maximum amount to be expended.
- 280-u. Assessment of the cost.
- 280-v. Alternative method of assessment.
- 280-w. Taxation of district property.
- 280-x. Contracts with public authorities for county hurricane protection, flood and shoreline erosion control districts.
- 280-y. Extension of the district.
- 280-z. Jurisdiction of other state agencies.
- 280-aa. Claims.

§ 280. Declaration of policy and purposes. Whereas beach erosion along the shoreline of this state and especially along the shoreline in the county of Suffolk causes loss of life and damage to property and constitutes a menace to the health, safety and welfare of the people of this state in general and the residents of Suffolk in particular, it is the sense of the legislature that in order to arrest erosion and alleviate or prevent damage resulting therefrom and as protection from storms, the governing body of the county of Suffolk is hereby authorized to establish or extend county hurricane protection, flood and shoreline erosion control districts in the manner hereinafter provided for the purpose of constructing and reconstructing dunes, bluffs, bulkheads, dikes, groins, jetties, fills and other works and improvements upon lands and lands under water owned by such county, or any town, village, park, or existing hurricane protection, flood and shoreline erosion control district or private lands upon which the county has obtained easements or a fee title. No county district shall be established hereunder which shall consist wholly of territory within one town or

village.

§ 280-a. Definitions. Whenever used in this article, the following terms shall have the respective meanings hereinafter set forth or indicated:

1. Governing body. The term "governing body" means the elected legislative body of the county.

2. District. The term "district" means a county hurricane protection, flood and shoreline erosion control district except where otherwise stated.

3. Agency. The term "agency" means a county hurricane protection, flood and shoreline erosion control agency.

4. Administrative head or body. The term "administrative head or body" means the chief official or board of a county hurricane protection, flood and shoreline erosion control district.

5. Shoreline. The term "shoreline" means the lands between high and low water mark, the lands contiguous or adjacent to the high water mark, beaches, dunes and bluffs.

6. Single purpose flood or shoreline erosion control project. The term "single purpose flood or shoreline erosion control project" means a project which benefits only private properties within a district without substantial benefit to adjacent lands or waters not within such district.

§ 280-b. County agency. The governing body may appoint or establish an officer, board or body, or may designate an existing officer, board or body, or public authority which possesses the express power to act as such an agency, to act as a county hurricane protection, flood and shoreline erosion control agency (hereinafter referred to in this

article as the "agency") having the powers hereinafter prescribed in sections two hundred eighty-c, two hundred eighty-d and two hundred eighty-e, and such other powers and duties as the governing board may determine necessary to carry into effect the provisions of this article. Except in the case of a public authority, the agency may also be designated as the administrative head or body of any county district which may be established pursuant to the provisions of this article. All matters relating to the membership of such agency, including, but not limited to, numbers, method of selection, tenure, qualifications and compensation, shall be determined by the governing body.

§ 280-c. Powers of county agency. The agency, as empowered by the governing body, may assemble data relating to (1) problems and solutions in hurricane protection, flood and shoreline erosion control and the areas of immediate need within the county, (2) the techniques and effectiveness of providing dunes, bluffs, bulkheads, dikes, groins, jetties, fills and alternative methods of hurricane protection, flood and shoreline erosion control, (3) the methods of financing hurricane protection, flood and shoreline erosion control and the availability of aid and assistance from alternative sources, (4) the possibility of developing and utilizing existing facilities and a plan of development for the county district which most complements more comprehensive plans of hurricane protection, flood and shoreline erosion control and (5) employ such engineering, legal, professional and other assistance as from time to time may be needed, and may incur such other expenses as may be necessary within the amounts made available therefor by budget appropriations. When authorized by the governing body, the agency may also apply for and expend state and federal aid for comprehensive studies and reports.

§ 280-d. Preparation of maps and plans. A petition may be presented to the governing body requesting that a certain area or areas of the county be established as a county district. Such petition shall be executed and acknowledged on behalf of a municipality or existing district, any part of which is included within such area or areas, by the chief executive

officer of such municipality, or of such existing district serving a similar function as the district to be established hereunder. In lieu of execution of the petition by the chief executive officer of such municipality or existing district, the petition may be executed and acknowledged by at least twenty-five owners of taxable real property of record situated within such municipality or existing district. Upon presentation of such a petition or on its own motion, the governing body may direct the agency to cause maps and plans to be prepared for a project as requested in the petition or for the establishment of a certain area or areas of the county as a county district, provided, however, that if the petitioning municipality, existing district or owners of taxable property undertake to furnish or pay the cost of such maps and plans at its or their cost and expense, the governing body shall direct the agency to accept or prepare the same. Such maps or plans shall show (1) the boundaries of the area or areas which the agency in its judgment considers will be benefited by the particular project, (2) a description of the area or areas sufficient to permit definite and conclusive identification of all parcels of property included therein, (3) the proposed location of all dunes, bluffs, bulkheads, dikes, groins, jetties, fills and other works, facilities and improvements, (4) a description of the land or water rights to be acquired, and (5) estimates of the cost of construction of the facilities as shown on the maps and plans and the method of financing the same. Such maps and plans shall be consistent with, so far as possible, any comprehensive plan for hurricane protection, flood and shoreline erosion control developed by the state or national government for that purpose.

If the report of the agency required by section two hundred eighty-e of this article shall contain recommendations for the establishment of two or more zones of assessment within a county district, such maps and plans shall show the boundaries of each of such zones and the estimated initial allocation of the cost of the construction of the facilities recommended to be charged to each of such zones.

Where acceptable maps, plans and related data have theretofore been prepared by or for one or more existing or proposed hurricane

protection, flood and shoreline erosion control districts, the governing body may, instead, authorize the agency to adopt and utilize such maps, plans and data and, where a county district is thereafter established and facilities constructed thereby on the basis of such maps, plans and data, the agency shall reimburse the municipalities, existing districts or persons who have paid for all or part of the cost of such maps, plans and data in a reasonable amount to be agreed upon among them, which amount shall not exceed their net expenditures therefor, and shall not include any portion of the cost paid from federal or state aid and which amount, when paid, shall be deemed part of the cost of the construction of the facilities by the agency.

§ 280-e. Public hearing. When the agency has caused such maps and plans to be prepared, it shall transmit them to the governing body, together with a report of its proceedings and its recommendations, including a recommendation as to what officer, board or body should be the administrative head or body of the proposed district. Such report may further include the recommendations relating to the establishment of two or more zones of assessment within the proposed district and the estimated initial allocation of the cost of the construction of the facilities as between such zones to be assessed, levied and collected in each zone in the same manner and at the same time as other county charges. Upon receipt of the report and the maps and plans, the governing body shall call a public hearing upon a proposal to establish a county district, to comprise the area or areas described and defined in said maps and plans. The clerk of the governing body shall cause a notice of the public hearing to be published at least once in the official newspapers of the county and in such other newspapers having a general circulation in the proposed district as the governing body may direct, the first publications thereof to be not less than ten or more than twenty days before the day set therein for the hearing. The notice of hearing shall contain a description of the area or areas to be included within the proposed district, and if the report shall have recommended the establishment of zones of assessment, a description of the area or areas to be included within each zone of assessment, the improvements proposed, the maximum amount to be expended for the

improvement, the allocation of such maximum amount as between the zones of assessment recommended, if any, the proposed method of assessment of the cost and shall specify the time when and place where the governing body will meet to consider the matter and to hear all parties interested therein concerning the same. In the event that zones of assessment are provided for and an allocation of cost of the facilities between such zones of assessment, said notice shall further state that said zones of assessment and said allocations of cost may be changed from time to time by resolution of the governing body adopted after a public hearing whenever said governing body shall determine that such changes are necessary in the public interest.

§ 280-f. Representation by municipalities and district. At the public hearing on the establishment of a county district which includes the whole or any part of a town, village or such existing district furnishing a similar service as the proposed district, the inhabitants of such town, village or existing district may be represented jointly by an officer or official of the municipality or existing district duly designated by the governing body of the municipality or existing district to attend.

§ 280-g. Establishment of a county district. Upon the evidence presented at the public hearing, and after due consideration of the maps and plans, reports, recommendations and other data filed with it, the governing body shall determine, by resolution, whether or not the proposed facilities are satisfactory and sufficient and, if it shall determine such question in the negative, it shall remand the proceedings to the agency for further study. The agency shall make such further study and amend and revise the maps and plans (including the zones of assessment and allocation of costs if the maps and plans provide therefor) in conformance with its findings, and shall hold further hearings thereon, in the same manner as hereinbefore provided. If the revised maps and plans call for an increase in the estimated maximum expenditure for the project, alter the boundaries of the proposed district, or if the maps and plans provide for zones of assessment and

allocation of the cost of the facilities, alter the boundaries of the proposed zones of assessment or change the allocation or the costs of the facilities as between the zones of assessment, the governing body shall call a further public hearing thereon in the manner provided in section two hundred eighty-e. When the governing body shall find that the proposed facilities are adequate and appropriate, it shall further determine by resolution, (1) whether all the property and property owners within the proposed district are benefited thereby, (2) whether all of the property and property owners benefited are included within the limits of the proposed district, (3) whether it is in the public interest to establish the district and (4) if said maps and plans and report recommended the establishment of zones of assessment and the allocation of the costs of the facilities as between such zones of assessment, whether such zones of assessment and the allocation of the costs of the facilities thereto represent as nearly as may be the proportionate amount of benefit which the several lots and parcels of land situate in such zones will derive therefrom.

If the governing body shall determine that it is in the public interest to establish the district, but shall find that (1) any part or portion of the property or property owners within the proposed district are not benefited thereby or (2) that certain property owners benefited thereby have not been included therein, or (3), if zones of assessment are proposed to be established and the cost of facilities allocated among said zones of assessment, that any part or portion of the property or property owners within a proposed zone of assessment should be placed in a different zone of assessment or that a different allocation of the cost should be made as between the zones of assessment, the governing body shall specify the necessary changes of the boundaries of the proposed district or the necessary changes of the boundaries of any proposed zone of assessment or the necessary changes as to the allocation of costs, as the case may be, to be made in order that all of the property and property owners and only such property owners as are benefited shall be included within such proposed district, or in order that such zones of assessment and the allocation of the costs of the facilities thereto shall represent as nearly as may be the proportionate amount of benefit which the several lots and parcels of land situate in

such zones will derive therefrom, and the governing body shall call a further hearing at a definite place and time not less than fifteen nor more than twenty-five days after such determination. Notice of such further hearing shall be published in the manner provided in section two hundred eighty-e, except that such notice shall also specify the manner in which it is proposed to alter the boundaries of the proposed district, or the boundaries of the zones of assessment or the allocation of the costs of the facilities as between said zones of assessment, as the case may be. If and when the governing body shall determine in the affirmative all of the questions set forth above, the governing body may adopt a resolution approving the establishment of the district, as the boundaries shall be finally determined, and the construction of the improvement, and if zones of assessment have been established and an allocation of the costs of the facilities made as between such zones of assessment, further approving the establishment of the initial zones of assessment and the initial allocation of the costs of the facilities as between said zones of assessment. Such resolution shall be subject to permissive referendum as hereinafter provided.

§ 280-h. Permissive referendum. The provisions of sections one hundred one and one hundred two of this chapter and the applicable provisions of the election law as to conduct of elections and qualifications of voters shall apply to permissive referenda conducted hereunder, except that only those electors shall be qualified to sign a petition and to vote who are resident within an area included in the proposed county district, and provided further that the number of signatures required on the petition shall be five hundred or five per centum of the owners of taxable real property situated within the proposed district, whichever shall be less.

The clerk of the governing body shall cause to be prepared and have available for distribution proper forms for such petition and shall distribute a supply to any person requesting the same.

§ 280-i. Application to the department of audit and control. Whenever

a resolution approving the establishment of a county district shall have become effective, the clerk of the governing body shall file an application in the office of the department of audit and control for permission to establish the district. Such application shall be executed and verified by the chairman of the governing body or such other officer as the governing body may designate and be in such form and contain such information as may be prescribed by the state comptroller. The state comptroller may require the submission of additional information or data in such form and detail as he shall deem sufficient, or may cause an investigation to be made to aid him in making the determinations below mentioned. Upon such application and such other information, data and material which may be submitted, the state comptroller shall determine whether the public interest will be served by the creation of the district and also whether the cost thereof will be an undue burden upon the property of the proposed district. If such resolution shall have provided for the establishment of zones of assessment and the allocation of the costs of the facilities as between such zones of assessment, the state comptroller shall further determine whether the cost of the facilities allocated to each of said zones of assessment will be an undue burden upon the property of each proposed zone of assessment.

Upon completion of his examination of the application and investigation of the project, the state comptroller shall make an order, in duplicate, granting or denying permission for the establishment of the district and shall file one copy of such order in the office of the state department of audit and control at Albany, New York, and the other in the office of the clerk of the governing body of the county in which the proposed district is located. The clerk of the governing body shall present such order to the governing body at the next meeting thereof. If the state comptroller shall deny permission for the establishment of the district, no further proceedings shall be taken in the matter. If the state comptroller shall grant permission for the establishment of the district, the governing body may adopt an order establishing the district.

§ 280-j. Recording and filing of determination. The clerk of the

governing body shall within ten days cause a certified copy of the order of the governing body establishing the district to be recorded in the office of the clerk of the county and when so recorded such order shall be presumptive evidence of the regularity of the proceedings for the establishment of the district and of all other action taken by the governing body in relation thereto.

§ 280-k. Review. Any interested party, including a village, or a town board or board of commissioners on behalf of an existing district, aggrieved by the final determination or order made by the governing body establishing the district, may make application for review of any and all of the final determinations made by the governing body in connection with the proceeding in the manner provided in article seventy-eight of the civil practice law and rules provided that application for review is made within thirty days from the date of the recording of the order establishing the district in the office of the clerk of the county. Unless such application is made within thirty days as aforesaid, the order establishing the district shall be final and conclusive. In the event that upon such review there shall be any modification by the court of such final determination or order, the clerk of the governing body shall cause such order to be recorded and certified copies thereof filed in the same places as was the determination or order appealed from.

§ 280-l. Administration of the county district. When a county district shall have been established, the governing body shall appoint, designate or establish an officer, board or body as the administrative head or body of the district. All matters relating to the membership of such administrative head or body, including but not limited to, numbers, method of selection, tenure, qualifications and compensation, shall be determined by the governing body. A member of the governing body or any other county officer or official may be appointed as administrative head or as a member of the administrative body provided that he shall receive no additional salary or compensation for such services. The administrative head or body of one or more county districts shall be considered to be the administrative head or body of an administrative

unit of county government. The title of such administrative head or body, if such functions are not conferred on an existing officer or body, and the name of such administrative unit, if the county district is made a separate administrative unit of county government, shall be prescribed by the governing body, and such officer or body shall have all the powers generally conferred on heads of administrative units by this chapter, not inconsistent with the provisions of this article, and shall be subject to all of the duties imposed upon such heads by this chapter, not inconsistent with the provisions of this article.

§ 280-m. Performance of the work. After a district shall have been established, the administrative head or body shall cause to be prepared by the county engineer, or other county officer having equivalent qualifications, or a duly licensed engineer employed for that purpose, detailed plans and specifications for the improvement, a careful estimate of the expense, and, with the assistance of the county attorney, or an attorney employed for that purpose, a proposed contract or contracts for the execution of the work. The administrative head or body shall examine such detailed plans, specifications, estimates and contracts and may adopt, modify, amend or reject the same. Upon adoption of the plans, specifications, estimates and proposed contract, the administrative head or body shall cause contracts to be let in the same manner provided for other county construction projects. Nothing herein shall prevent the purchase or condemnation of any existing county system, or portion or portions thereof, whether inside or outside of the county, necessary for the purposes of the county district, provided, however, that there shall be no power to condemn property the legal title to which is vested in a public corporation or a special improvement district unless the owner shall consent thereto. The cost thereof, together with the cost of construction of those facilities proposed to be constructed, shall not exceed the maximum cost of the project as advertised in the notice of hearing published pursuant to section two hundred eighty-e of this article. In the event that a system owned by a municipal corporation or existing district is purchased, the county may by agreement with the seller, assume the payment of annual installments of principal of, and interest on,

obligations issued by the selling municipality to finance the cost of the facilities so sold. If payment of annual installments of debt service is not assumed, as aforesaid, the selling municipality shall set aside in a reserve fund, so much of the purchase price received as is sufficient to meet all future installments of principal of, and interest on, outstanding obligations issued by it to finance the cost of the facilities sold. Moneys in such a reserve fund may be invested as provided in section eleven of the general municipal law.

§ 280-n. Powers. The administrative head or body upon authorization from the governing body may acquire in the name of the county by gift, lease, purchase or condemnation, real estate and easements, rights of way or other interests therein necessary or proper for the purposes of the district. It may (1) construct or reconstruct dunes, bluffs, bulkheads, dikes, groins, jetties, fills and other works and improvements upon such lands, or (2) provide for the acquisition, construction, operation and maintenance of all facilities and appliances necessary to effectuate the purposes of this article.

§ 280-o. Rules and regulations. The governing body shall have power to adopt, amend and repeal, from time to time, rules and regulations for the operation of a county district including regulation of the manner of the construction of the county district and all facilities and appurtenances.

§ 280-p. Contracts. The administrative head or body, where applicable, subject to the approval of the governing body, may make contracts necessary to effectuate the purposes of this article. Provided, however, that no such contract, nor the power to contract, shall be deemed to alter or abridge any power or authority, or exercise thereof, of any state department or agency heretofore or hereafter exercised or conferred.

§ 280-q. Revenues. 1. The county treasurer shall collect and receive all levies, charges, other revenue of the district and grants in aid and assistance and keep a true account of all such receipts. Unpaid levies and charges shall be a lien upon the real property upon which or in connection with which improvements were provided as and from the first day fixed for payment of such levies and charges.

2. The county treasurer shall prepare, and transmit to the governing body, on or before the first day of December in each year a list of those residents or property owners within the county who are in arrears in the payment of levies or charges for a period of thirty days or more after the last day fixed for payment of such levies and charges without penalty. The list shall contain a brief description of the properties for which the improvements were provided, the names of the persons or corporations liable to pay for the same and the amount chargeable to each, including penalties and interest computed to December thirty-first. The governing body shall levy such sums against the properties liable and shall state the amount thereof in a separate column in the annual tax rolls of the various municipalities under the name of "county hurricane protection, flood and shoreline erosion control improvement district tax". Such amounts, when collected by the several municipal collectors or receivers of taxes, shall be paid over to the county treasurer. All of the provisions of the tax laws of the state of New York and the Suffolk county tax act covering the enforcement and collection of unpaid taxes or assessments for special improvements not inconsistent herewith shall apply to the collection of such unpaid levies and charges. Such amounts, when received by the county treasurer, shall be credited to the applicable county district fund and shall be used only for such county district purposes.

§ 280-r. Expense of the improvement. The cost of establishment of a county district and the furnishing of the improvement therein shall include the amount of all contracts, the costs of all lands and interests therein necessarily acquired, the costs of erection of necessary facilities and appurtenances for operation or administration of the improvement, the costs of necessary original equipment for

operation or administration of the improvement, printing, publishing, interest on loans, legal and engineering services and all other expenses incurred or occasioned by reason of the establishment of the district and the furnishing of the improvement. In addition there shall be apportioned against, charged to and included in such cost such allowance as the governing body may make for expenditures made to the initiating agency which are directly attributable to the establishment of the county district, as well as for any services rendered by the county attorney, the county engineer, or any other salaried county officer or employee, when such services have been necessary to or occasioned by reason of the establishment of the county district.

§ 280-s. Increase and improvement of facilities. Whenever the governing body shall determine it necessary to acquire additional lands or interests in lands or to acquire or to construct dunes, bluffs, bulkheads, dikes, groins, jetties, fills or other works including all necessary facilities and equipment appurtenant thereto; or whenever the governing body shall determine it necessary for the proper maintenance and service of such facilities to increase, improve or reconstruct the facilities thereof, including the acquisition of additional lands, or interests in land therefor, it may cause the same to be accomplished without further authorization, provided, however, that if it is proposed to finance any part of the cost thereof by the issuance and sale of capital notes or serial bonds, such improvement shall not be undertaken unless authorized by proceedings taken in the same manner as the proceedings taken for the original establishment of the district, except that the sole determination which the governing body shall make is whether such improvement is in the public interest, and if zones of assessment have been established, said governing body shall further determine the allocation of the cost thereof as between such zones.

§ 280-t. Increase of maximum amount to be expended. At any time after the establishment of a district pursuant to this article, the maximum amount authorized to be expended for the original improvement in such district may be increased by a resolution of the governing body provided

a petition requesting such increase executed and acknowledged in accordance with section two hundred eighty-d is presented to the governing body, and provided the governing body shall, after a public hearing called and held in the manner prescribed by section two hundred eighty-e, determined that it is in the public interest to authorize the increase of such maximum amount and provided the comptroller of the state of New York shall have made, prior to such public hearing, an order approving the increase of such maximum amount as stated in the petition. The order of the comptroller shall be prepared in duplicate and one copy thereof filed in the office of the department of audit and control and the other copy in the office of the clerk of the governing body of the county in which the district is located.

If zones of assessment have been established, such resolution of the governing body shall provide for the allocation of such increase as between such zones of assessment, and the notice of such public hearing shall state such allocation.

§ 280-u. Assessment of the cost. The expense of the establishment of a district and of providing improvements therein, including the improvements described in section two hundred eighty-s, shall be assessed, levied and collected from the several lots and parcels of land within the district in the same manner and at the same time as county charges, except that before any special assessment is levied pursuant to this section, the governing body shall increase or diminish the aggregate valuations of real estate in that portion of any tax district included within the county district by following the equalization rule set forth in section eight hundred four of the real property tax law. The annual expense of operation and maintenance shall be assessed, levied and collected in the same manner and at the same time as the expense of the improvement is assessed, levied and collected.

Notwithstanding any other provisions of this chapter if zones of assessment have been initially established, and an initial allocation of the total estimated cost of the facilities have been made to such zones of assessment, the amount of the cost of the facilities so allocated to

any such zone of assessment shall be annually assessed, levied and collected from the several lots and parcels of land within said zone of assessment within the district in the same manner and at the same time as other county charges, except that before any special assessment is levied pursuant to this section, the governing body shall increase or diminish the aggregate valuations of real estate in that portion of any such zone of assessment included within the county district by following the equalization rule set forth in section eight hundred four of the real property tax law. The annual expense of operation and maintenance shall annually be allocated by the governing body as between the zones of assessment of the district and shall be assessed, levied and collected from the several lots and parcels of land within each zone of assessment chargeable therewith, in the same manner and at the same time as county charges. Provided, however, that for a hurricane protection project such assessment shall be at a rate not to exceed twenty per centum of the net annual cost to the county for such improvement when such lot or parcel is publicly used or owned and not to exceed seventy per centum of such cost when the lot or parcel is privately owned. Provided further, that for single purpose flood or shoreline erosion control projects, such assessment shall be at a rate up to one hundred per centum of the net annual cost to the county whether such lot or parcel is publicly or privately owned.

The governing body, after holding a public hearing upon notice published in the same manner as provided in section two hundred eighty-e of this article, from time to time, by resolution may change either (1) the allocation of the cost of such improvements as between such zones of assessment or (2) the boundaries of such zones of assessment. After adoption of such resolution, application shall be made to the department of audit and control in the manner provided in section two hundred eighty-i of this article for a determination as to whether the proposed changes will result in an undue burden upon the property of any zone of assessment. The state comptroller shall make an order in duplicate granting or denying permission for the proposed changes and thereafter, proceedings shall be taken in the same manner provided in section two hundred eighty-i of this article.

Nothing in this section contained shall be construed to prevent the financing in whole or in part, pursuant to the local finance law, of expenditures made pursuant to this article.

§ 280-v. Alternative method of assessment. Notwithstanding the provisions of the preceding section, if the notice of public hearing to be held by the governing body pursuant to section two hundred eighty-e shall contain a statement that the cost of the improvement will be assessed in proportion as nearly as may be to the benefit which each lot or parcel of land will derive therefrom, such cost shall be assessed, levied and collected as hereinafter provided. The governing body may and is hereby authorized, to issue, pursuant to the local finance law, the obligations of the county in such an amount as said governing body may estimate to be sufficient to pay the entire cost of the improvement, but not in excess of the maximum amount proposed to be expended for the improvement as stated in the notice of hearing published pursuant to section two hundred eighty-e. Notwithstanding any other inconsistent provision of law to the contrary and in the event such obligations are issued, no down-payment shall be required, and the period of probable usefulness shall be ascertained and governed by the type of work or improvement as follows:

1. Construction work of steel, stone or concrete, thirty years;
2. Construction work of wood, or part wood, twenty years; and
3. Dredging work, fill work, dune restoration or other work or improvements, to which items one and two above do not apply, five years. The period of probable usefulness for such dredging, fill, dune restoration or other work or improvements shall apply even though easements on land on which such work is done have a duration of less than five years.

In preparing the annual estimate of revenues and expenditures pursuant to section three hundred fifty-three of this chapter, the administrative head or body shall include, in addition to all costs of operation and

maintenance for the next succeeding fiscal year, sums sufficient to pay the annual installment of principal of, and interest on, obligations issued as aforesaid. The administrative head or body shall thereupon annually assess the amount of the estimate of expenditures, less the estimate of revenues including financial aid and assistance made available by the state or federal government as set forth in the estimate so prepared, on the lots and parcels of land in the district in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom and shall prepare an assessment roll which shall describe each such lot or parcel of land in such manner that the same may be ascertained and identified and shall show the name or names of the reputed owner or owners thereof, and the aggregate amount of the assessment levied upon such lot or parcel of land. Provided, however, that for a hurricane protection project such assessment shall be at a rate not to exceed twenty per centum of the net annual cost to the county for such improvement when such lot or parcel is publicly used or owned and not to exceed seventy per centum of such cost when the lot or parcel is privately owned. Provided further, that for single purpose flood or shoreline erosion control projects, such assessment shall be at a rate up to one hundred per centum of the net annual cost to the county whether such lot or parcel is publicly or privately owned. The assessment roll shall be submitted to the budget officer at the same time as the estimate is submitted, for transmittal with the tentative budget to the clerk of the governing body. The assessment roll shall remain on file in the office of the clerk and be open to public inspection during business hours. The governing body shall hold a public hearing on the assessment roll. Notice of such public hearing shall be published at least once in the official newspapers stating that said assessment roll has been completed and that at a time and place to be specified therein the governing body will meet and hear and consider any objections which may be made to the roll. The first publication of the notice of the completion of the roll shall be not less than five days before the date specified for the hearing. At the time and place specified, the governing body shall meet and hear and consider any objections to the assessment roll, and may change or amend the same as it deems necessary or just so to do and may affirm and adopt the same as originally proposed or as amended or changed, or it may annul the same

and order the administrative head or body to proceed anew and to prepare another roll or the governing body may prepare such new roll. No such amended, changed or new roll shall be adopted unless the governing body shall hold a hearing thereon in the manner and upon the notice prescribed for the original hearing. It shall be the duty of the governing body to levy the sum apportioned to and assessed upon each such lot or parcel of land at the time and in the manner provided by law for the levy of state, county or town taxes. Such sums so levied shall be collected by the local tax collectors or receivers of taxes and assessments and shall be paid over to the county treasurer in the same manner and at the same time as taxes levied for general county purposes. The county treasurer shall keep a separate account of such moneys and they shall be used only for purposes of the county district for which collected. Nothing herein shall prevent the public hearing on the assessment roll from being held simultaneously with the hearing on the county budget held pursuant to section three hundred fifty-nine of this chapter. If the cost of establishment of the county district and the providing of an improvement therein has been assessed, levied and collected pursuant to the provisions of this section, then the cost of any improvement made pursuant to section two hundred eighty-s shall be assessed, levied and collected pursuant to the provisions of this section. If the cost of establishment of the county district and the providing of an improvement therein has been assessed, levied and collected pursuant to the provisions of section two hundred eighty-u, then the cost of any improvement made pursuant to section two hundred eighty-s shall be assessed, levied and collected pursuant to the provisions of section two hundred eighty-u.

§ 280-w. Taxation of district property. All real property acquired for the purposes of the county district shall be acquired in the name of the county. Real property acquired in the name of the county shall be assessed for the purposes of taxation at the value thereof exclusive of improvements erected or installed by or on behalf of such county district, but in no case at less than the assessed valuation at the time of acquisition by the county. Except as provided above, such real property shall be valued on an equitable basis with other comparable

real property in the district.

§ 280-x. Contracts with public authorities for county hurricane protection, flood and shoreline erosion control districts. 1.

Notwithstanding any other provision of this chapter, the governing body may enter into a contract with a public authority which possesses express reciprocal powers whereby the construction and development of hurricane protection, flood and shoreline erosion control facilities, or any part or parts thereof, may be accomplished by such public authority on behalf of the county hurricane protection, flood and shoreline erosion control district, with the expense thereof to be assessed as provided in section two hundred eighty-u hereof. Such hurricane protection, flood and shoreline erosion control authority shall be deemed the agent of the county or counties which are a party or parties to such contract. If such contract shall authorize the hurricane protection, flood and shoreline erosion control authority to purchase supplies or equipment or to construct hurricane protection, flood and shoreline erosion control facilities, such authority shall be subject to all provisions of law to which a county would be subject in relation to advertising and awarding any such contracts for supplies, equipment or public works.

2. a. Notwithstanding any other provision of this act, the governing body may enter into a contract with a public authority whereby the public authority may assume the operation and management of the district. Except as otherwise provided in this section, the provisions of section two hundred eighty-l, two hundred eighty-o and two hundred eighty-q shall, in such case, be inoperative, and the functions of the administrative head or body as prescribed in sections two hundred eighty-m and two hundred eighty-n shall be exercised by the governing body.

b. The public authority shall make periodic reports to the governing body, showing in detail the operations of the district for the preceding period, including a detailed report of its receipts and disbursements, and such other facts as the governing body may deem important for its

information, together with such recommendations as the public authority may have as to improvements to the systems and such other recommendations as may be proper for the consideration of the governing body.

c. The public authority shall also annually, at such time as the governing body may determine, submit to such governing body a statement of the estimated expense of the operation and maintenance of the district and the amount required for the payment of all debt service on obligations of the county issued for the purposes of such district, for the ensuing fiscal year. Such statement shall show the amount which the public authority has available through state and federal aid and assistance or other sources and the amount it recommends be raised by assessment. The governing body may change the amount so recommended to be raised by assessment, provided, however, that the total of such amounts shall not be reduced below the estimated expense of the operation and maintenance of the district plus the amount required for the payment of all debt service on obligations of the county issued for the purposes of such district. The governing body shall affirm and adopt such statement as originally submitted or as changed.

d. The amount determined to be raised by assessment shall be assessed and levied as provided in section two hundred eighty-u, provided, however, that if the notice of public hearing to be held by the governing body pursuant to section two hundred eighty-e shall contain a statement that the cost of the improvement will be assessed in proportion as nearly as may be to the benefit which each lot or parcel of land will derive therefrom, such amount shall be assessed and levied as hereinafter provided. The governing body shall annually cause to be assessed the amount determined to be raised by assessment on the lots or parcels of land in the hurricane protection, flood and shoreline erosion control district in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom and shall cause an assessment roll to be prepared in the manner provided in section two hundred eighty-v. Such assessment roll shall be filed in the office of the clerk of the governing body and shall be open to public inspection at such office during business hours. The governing body shall hold a public

hearing on such assessment roll in the manner and upon the notice prescribed in section two hundred eighty-v. At the time and place specified in the notice, the governing body shall meet and hear and consider any objections to the assessment roll and may change or amend the same as it deems necessary or just so to do and may affirm and adopt the same as originally proposed or as amended or changed, or they may annul the same and cause another roll to be prepared or the governing body may prepare such new roll. No such amended, changed or new roll shall be adopted unless the governing body shall hold a hearing thereon in the manner and upon the notice prescribed for the original hearing. It shall be the duty of the governing body to levy the sum apportioned to and assessed upon each such lot or parcel of land at the time and in the manner provided by law for the levy of state, county or town taxes. Amounts assessed and levied pursuant to this paragraph shall be collected by the local tax collectors or receivers of taxes and assessments and shall be paid over to the county treasurer in the same manner and at the same time as taxes levied for general county purposes. The county treasurer shall pay over all amounts so received to the public authority.

§ 280-y. Extension of the district. A county district may be extended so as to include territory not previously included within its boundaries in the same manner as hereinbefore prescribed for the original establishment of the district. If the cost of establishment of the original district and of providing the improvement therein was assessed, levied and collected pursuant to the provisions of section two hundred eighty-u, then the cost of the extension and of the improvements therein shall be assessed, levied and collected pursuant to the provisions of said section. If the cost of establishment of the original district and of providing of the improvement therein was assessed, levied and collected pursuant to the provisions of section two hundred eighty-v, then the cost of the extension and of the improvement therein shall be assessed, levied and collected pursuant to the provisions of said section. The cost of the extension shall include such proportion of the cost of the system of the original district as the governing body shall determine.

§ 280-z. Jurisdiction of other state agencies. The powers and duties of the state department of environmental conservation, the water pollution control board, or any other state department or agency heretofore or hereafter exercised or conferred shall not be altered or abridged by any of the provisions of this article.

§ 280-aa. Claims. The expense for all claims made against the county or the district, its agents, servants or employees arising out of the establishment, operation, maintenance or control of the district or any improvement created by the district, shall be included in the annual expense of operation and maintenance of the district or the expense of the establishment of the district and the improvements created therein, according to the nature of the claim.

ARTICLE 5-D

COUNTY SMALL WATERSHED PROTECTION DISTRICTS

Section 299-l. Declaration of policy and purposes.

299-m. County small watershed protection districts.

299-n. County small watershed agency and processing of applications.

299-o. Establishment of a county small watershed protection district.

299-p. Administration of the watershed district; powers; limitations.

299-q. Expense of the improvement.

299-r. Increase of maximum amount to be expended.

299-s. Assessment of the cost.

299-t. Extension of the district.

299-u. Joint construction and operation of projects.

299-v. Jurisdiction of state agencies not affected.

299-w. Federal assistance.

299-x. State aid.

299-y. Certain powers of board of supervisors and soil

conservation districts not affected.

§ 299-l. Declaration of policy and purposes. Whereas erosion, flood water and sediment damage in the watersheds of the rivers and streams of the state cause loss of life and damage to property and constitute a menace to the health, safety and welfare of the people of this state, it is the sense of the legislature that the state should cooperate with the federal government and its agencies and with the several counties of the state for the purpose of preventing such damage and of furthering the conservation, development, utilization and disposal of water and thereby preserving and protecting the state's land and water resources, in the manner hereinafter described.

§ 299-m. County small watershed protection districts. The board of supervisors of each county may establish or extend county small watershed protection districts in the manner hereinafter provided, for the purpose of undertaking, constructing and maintaining projects and works of improvement for flood prevention, land treatment, and for the conservation, development, disposal and utilization of water including but not limited to use for irrigation in watershed and sub-watershed areas as provided for in the federal act approved August four, nineteen hundred fifty-four, and known as public law five hundred sixty-six, and as the "Watershed Protection and Flood Prevention Act", and all acts amendatory thereof and supplemental thereto, and which projects and works of improvement have been or may be approved by the federal government and for which federal financial and other forms of assistance shall be made available.

§ 299-n. County small watershed agency and processing of applications.
1. Designation of an agency. The board of supervisors may appoint or designate a county small watershed agency (hereinafter referred to as the agency), in similar manner as provided in section two hundred fifty-one of this chapter in the case of county water districts, as now in effect or as hereafter amended. However, in any county where the

board of supervisors has established or shall establish a soil conservation district pursuant to the soil conservation districts law, the soil conservation district shall serve as such agency. The agency shall undertake studies and assemble data relating to the need for a small watershed project (hereinafter referred to as the "project"), pursuant to said "Watershed Protection and Flood Prevention Act" and the need for the establishment of a county small watershed protection district (hereinafter referred to as the "watershed district").

2. Procedure for approval of project applications and establishing priorities therefor. If the agency, after study and investigation, is of the opinion that it would be in the public interest and for the protection of public health and welfare to undertake a project, it shall, with the approval of the board of supervisors, make application to the secretary of agriculture of the United States for assistance pursuant to section three of the said "Watershed Protection and Flood Prevention Act". Before such application is forwarded to the secretary of agriculture of the United States for approval, it shall be submitted to and approved by the water resources commission (hereinafter referred to as the "commission") prior to submission of the application to the secretary of agriculture. At the same time that an application is submitted to the commission, a copy thereof shall be forwarded by the agency to the state soil conservation committee, which shall, within thirty days after receipt of the copy of the application, submit any advice or comments to the commission. The commission is authorized to establish and amend a priority list for projects, and to establish rules and regulations for the handling and processing of applications, plans and projects.

Such applications to the commission shall be accompanied by an outline of the project in general form indicating the purpose, size, scope and location of the contemplated project, the proposed works and facilities, and, when available, preliminary estimates of the total maximum cost of the project and the amount and nature of requested federal aid and local costs. The approval of the application by the commission shall not be deemed to be final approval of the project, or approval of detailed plans and specifications for the project, or to authorize the

construction of any project works or facilities. The commission shall not be required to hold a hearing on such an application but, before disapproving any application, it may cause a public hearing to be held on the application to hear any and all interested parties.

3. Approval of watershed work plan. (a) Upon completion of a watershed work plan which shall contain an outline of the proposed project, including preliminary plans, estimates, cost allocations and other data as provided in section three of the said "Watershed Protection and Flood Prevention Act," the agency, if it, after a study of the data, still is of the opinion that the project should be undertaken, shall have the watershed work plan reviewed and approved by the county engineer or another properly licensed professional engineer retained for such purpose, and after such review and as approved, shall, subject to authorization by the board of supervisors, submit the watershed work plan to the commission for approval, disapproval or modification. At the time of submitting the watershed work plan to the commission, the agency shall forward copies thereof to the soil conservation committee.

(b) The water resources commission shall cause a public hearing to be held on the watershed work plan in accordance with the provisions and procedures provided by section four hundred fifty-one of the conservation law in respect to public hearings on water supply applications. The commission shall with all convenient speed and within ninety days after the final hearing either approve, disapprove or modify the watershed work plan. In reaching its decision, it shall be the duty of the commission to review the watershed work plan and other data and the evidence taken at the hearing, with due regard being given to the allocation of the water resources of the state to the various interests desiring to utilize such resources for the general benefit of the public. In approving the watershed work plan as submitted, or as modified by the commission, the commission shall determine that the watershed work plan includes the necessary works of improvement and that the proposed works of improvement, will have no adverse effect on the general and equitable uses of the water resources of the state in areas which might be affected thereby.

(c) After approval by the commission, the watershed work plan as submitted or as modified, shall be the final complete watershed work

plan for the project. The watershed work plan shall set forth the general scope and intent of the project but not necessarily include maps, plans and specifications in sufficient detail for contracting for and the construction of the works of improvement.

4. None of the works of improvement included in the final watershed work plan shall be undertaken or constructed or put into operation until detailed maps, plans and specifications therefor have been submitted to the commission for approval. The commission need not hold a public hearing on such an application but may call upon the watershed district or its administrative head or body to furnish such further information or proof as the commission may require. The commission shall determine whether the detailed maps, plans and specifications provide for the proper and safe construction of all work connected with the project. The commission may approve or disapprove the detailed maps, plans and specifications, or modify them and, as so modified, approve them. When approved or modified and approved, the detailed maps, plans and specifications shall be the final construction plan.

5. Modifications. Should it subsequently become necessary or desirable at any time either before or after the formation of a watershed district or the construction and completion of a project that the watershed work plan be modified in a substantial manner in scope or intent as specified in this subdivision five, or that the final construction plan be modified in a substantial manner, such modifications must be submitted to the board of supervisors and, if approved by the board, to the commission for such further action or approval as it may deem necessary or advisable before such modifications are put into effect. A change in scope or intent requiring modification of the watershed work plan and the action and approval prescribed by this subdivision five shall mean (1) a change in the multi-purposes and features of the project, or (2) a change affecting flood water storage which requires approval of committees of the Congress of the United States under the provisions of the "Watershed Protection and Flood Prevention Act".

6. Hearing expenses. The expenses of any hearing and determination required to be held and made by the commission shall be a charge against

the county or counties and such county or counties shall, upon certification by the commission, pay such expenses to the persons entitled thereto.

§ 299-o. Establishment of a county small watershed protection district. When the agency has the complete final maps, plans, specifications and cost estimates for a project, as provided in section two hundred ninety-nine-n of this article, the agency shall petition the board of supervisors that a certain area or areas of the county as delineated in the maps, plans and specifications be established as a watershed district.

Proceedings shall be taken in the manner prescribed in sections two hundred fifty-four through two hundred sixty of this chapter in the case of county water districts, as now in effect or as hereafter required, and all of the provisions of said sections shall apply, in so far as applicable, to proceedings for the establishment of a watershed district, except that in relation to the public hearings required by section two hundred fifty-four, only the public hearing by the board of supervisors shall be necessary for the establishment of a watershed district.

The governing body of any municipality within the county may petition the board of supervisors for the establishment of a watershed district. Upon receipt of such petition, the chairman of the board of supervisors shall forthwith refer it to the agency for study and recommendations.

All other requests for the establishment of a watershed district shall be presented to the agency or to the board of supervisors if no such agency exists. The agency or the board of supervisors, as the case may be, shall have authority to prescribe the form, content and manner in which such requests shall be made. The agency, if one exists, shall study such requests and make recommendations thereon to the board of supervisors.

After a watershed district has been created and a project has been

approved for construction it shall be the responsibility of the county to require the watershed district to construct, operate, repair and maintain the project works and facilities in accordance with the plans and specifications and to accomplish and maintain the project and purpose for which the watershed district was created.

§ 299-p. Administration of the watershed district; powers; limitations. 1. Administrative head or body of district. When a watershed district shall have been established, the board of supervisors, with the advice of the agency, shall appoint, designate or establish an administrative head or body in the manner prescribed in section two hundred sixty-one of this chapter in the case of county water districts, as now in effect or as hereafter amended.

2. Powers and duties of the district. All the provisions of sections two hundred sixty-one through and including two hundred sixty-four of this chapter in the case of county water districts, as now in effect or as hereafter amended, shall apply, in so far as they may be applicable, to watershed districts and the administrative heads of watershed districts shall possess equivalent powers and authority in watershed district matters, except that the power to purchase or condemn an existing water system or portion or portions thereof shall not be vested in or available to a watershed district or on behalf thereof.

3. Limitations on powers and sale of water. The watershed district shall not by construction of any project works or facilities, or otherwise, damage, interrupt or interfere with any works, facilities, project or sources of supply of any person, firm, municipal corporation, waterworks corporation, public corporation, district or authority or of any other body or agency engaged in supplying the inhabitants of any municipality, political subdivision or other civil division of the state with water, nor shall the watershed district or agency engage in the supplying of water to such inhabitants. However, the watershed district, with the approval of the board of supervisors, may by contract agree to sell any excess water at wholesale to any firm, municipality or other public or private corporation, district or authority, or other body or

agency engaged in supplying or proposing to supply such inhabitants with water. All such contracts shall be of no force or effect unless and until the watershed district shall have received the approval of the water power and control commission as required by and in the manner provided by article eleven of the conservation law. The watershed district may also contract for the sale of excess water directly to a proposed user for industrial or irrigation purposes. All revenues from such sales and other revenues of a watershed district shall be collected and received by the county treasurer, who shall keep a true account of all such receipts. Such revenues shall be used for said watershed district purposes only.

4. Recreational use of water. The administrative head or body may adopt rules and regulations, subject to the approval of the board of supervisors, for the recreational use of the public for bathing, boating and fishing in and on the waters impounded in a project reservoir.

5. Acceptance of gifts and services. The watershed district, with the approval of the board of supervisors, may accept gifts of money and property from any source, public or private, and shall apply such gifts to watershed district purposes. The watershed district, with the approval of the board of supervisors, may enter into contracts with any municipality or other civil division of the state and with any person, firm, association and public or private corporation for a contribution of services or other help in the construction of the project or in its maintenance.

§ 299-q. Expense of the improvement. The cost of establishment of a watershed district and the furnishing of the improvement therein shall include the amount of all contracts, the costs of all lands and interests therein necessarily acquired, the costs of erection of necessary buildings for operation or administration of the improvement, the costs of necessary original equipment for operation or administration of the improvement, printing, publishing, interest on loans, legal and engineering services and all other expenses incurred or occasioned by reason of the establishment of the watershed district and

the furnishing of the improvement. In addition, there shall be apportioned against, charged to and included in such cost such allowance as the board of supervisors may make for expenditures made by the initiating agency which are directly attributable to the establishment of the watershed district, as well as for any services rendered by the county attorney, the county engineer or any other salaried county officer or employee, when such services have been necessary to or occasioned by reason of the establishment of the watershed district.

§ 299-r. Increase of maximum amount to be expended. At any time after the establishment of a district pursuant to this article the maximum amount authorized to be expended for the original improvement or for the original improvement, the plans for which have been amended or modified pursuant to section two hundred ninety-nine-n of this article, in such district may be increased by resolution of the board of supervisors or county legislature and provided said body shall, after a public hearing called and held in the manner prescribed by section two hundred fifty-four of this chapter, determine that it is in the public interest to authorize the increase of such maximum amount and provided the comptroller of the state of New York shall have made prior to such public hearing an order approving the increase of such maximum amount. The order of the comptroller shall be prepared in duplicate and one copy thereof filed in the office of the department of audit and control and the other copy in the office of the clerk of the county in which the district is located.

§ 299-s. Assessment of the cost. The expense of the establishment of a watershed district and of providing improvements therein, including modifications, shall be assessed, levied and collected in the same manner as is provided in section two hundred seventy-one of this chapter.

§ 299-t. Extension of the district. A watershed district may be extended so as to include territory not previously included within its

boundaries in the same manner as hereinbefore prescribed for the original establishment of the watershed district. The cost of the extension and of providing the improvements therein shall be assessed, levied and collected as provided in section two hundred seventy-four of this chapter, as now in effect or as hereafter amended.

§ 299-u. Joint construction and operation of projects. Where two or more adjoining counties have established agencies and have created watershed districts for the purposes of this act in the watershed common to the counties, the agencies and the administrative heads or bodies, subject to the approval of their respective boards of supervisors, may enter into agreements for the planning, installation, construction, operation, maintenance, assessments of costs and repair of a joint small watershed project. Any agency or agencies within this state, established by a county or counties for the purposes of this act with respect to small watersheds, may, subject to the approval of the board or boards of supervisors of the county or counties, enter into agreements respecting joint projects with one or more "local organizations" in other states as defined in section ten hundred two of title sixteen of the United States code. The provisions of all sections of this article concerning the planning, installation, construction, operation, maintenance, assessments of costs and repair of, and the approvals required for a project within a single county of this state, shall apply with equal and full force and effect to a joint project, but nothing herein shall be deemed to prevent or restrict the additional applicability thereto of any requirements of another state in any matter relating to its interest or the interests of its subdivisions therein.

§ 299-v. Jurisdiction of state agencies not affected. No provision of this article shall be deemed to alter, repeal or modify the powers and duties of the state departments of conservation, health and transportation, the state water resources commission, the water pollution and control board, and the state soil conservation committee.

§ 299-w. Federal assistance. The watershed district is designated as a "local organization" authorized to make application to the secretary of agriculture of the United States for financial assistance in installing and carrying out a district project under the provisions of said "Watershed Protection and Flood Prevention Act".

The watershed district, as the local organization, is empowered, when authorized by resolution adopted by the board of supervisors, to enter into contracts or agreements with the secretary of agriculture for the purpose of contracting indebtedness with the federal government for any or all of the local share of the costs of such project, as provided for in the said "Watershed Protection and Flood Prevention Act" as amended, whenever such borrowing appears necessary and desirable, subject to the provisions of the local finance law.

§ 299-x. State aid. 1. Recognizing that general public benefits, in terms of flood prevention, and erosion control, will accrue to the people of the state, through the establishment of small watershed protection projects because such benefits will go beyond the limits of watershed districts and their parent counties; and recognizing that the health, welfare, and prosperity of our people is enhanced by the proper management, wise use, and development of our soil and water resources; it is hereby declared to be a proper state purpose for the state to provide financial reimbursement to the counties for a part of certain local costs which must be met in the establishment of watershed projects.

2. Such reimbursement shall not exceed one-half of the local expenditure for the land, easements, and rights-of-way which are necessary and required for the construction of flood prevention works, not including land treatment measures, for which federal aid for construction costs is granted pursuant to the said "Watershed Protection and Flood Prevention Act". In the case of a joint project pursuant to section two hundred ninety-nine-t, each county of this state participating therein shall be entitled to claim for and receive state aid in accordance with its pro rata share of the liabilities or

expenditures incurred or undertaken by said county on account thereof. Application for such state reimbursement shall be made each year by the county board of supervisors to the commissioner of conservation on or before such date, and in such form and manner, as may be prescribed by him. After his determination that such requests and the amounts thereof are proper and in compliance with this article, he shall submit a separate request for each project, as a part of his annual budget requests and estimates for the department of conservation. The budget item for each project shall contain the name of the project, the county or counties in which located, and the amount of state reimbursement requested therefor.

3. After funds have been appropriated therefor and are available, the commissioner shall certify to the comptroller for payment the amount of state reimbursement due each county. The amount so certified by the commissioner, after audit by and on the warrant of the comptroller, shall be paid to the county treasurers of the respective counties to which state reimbursement is due.

4. The provisions of this section shall apply to projects, for which reimbursement made subsequent to April first, nineteen hundred sixty-three, was limited to twenty thousand dollars, to the extent of the difference between twenty thousand dollars and one-half of such local expenditure.

§ 299-y. Certain powers of board of supervisors and soil conservation districts not affected. Nothing in this article contained shall be deemed to repeal, amend or modify the powers of the board of supervisors as provided by section two hundred twenty-three of this chapter in relation to flood control and soil conservation. Nothing in this article contained shall be deemed to repeal the authority of a soil conservation district to undertake any works or measures as authorized by the soil conservation districts law, provided that federal financial aid pursuant to the said "Watershed Protection and Flood Prevention Act" is neither sought nor required in constructing and carrying out such works or measures.

ARTICLE 6

ENHANCED EMERGENCY TELEPHONE SYSTEM SURCHARGE

- Section 300. Legislative findings and declaration of intent.
- 301. Definitions.
- 302. Application of article.
- 303. Establishment of surcharge for system costs.
- 304. Application; limitations; exemptions.
- 305. Collection of surcharge.
- 306. Liability for surcharge.
- 307. System revenues; adjustment of surcharge.
- 308. Miscellaneous provisions.

§ 300. Legislative findings and declaration of intent. The legislature recognizes the paramount importance of the health, safety and welfare of the citizens of the state and further recognizes that when the lives or property of its citizens are in imminent danger that timely and appropriate assistance must be rendered.

The legislature recognizes further that such assistance is almost always summoned by telephone and that a multiplicity of emergency telephone numbers exist within any one county and that unintentional, though avoidable, delays in reaching appropriate emergency aid can and do occur to the detriment and jeopardy of life and property.

The legislature acknowledges that the three digit number, 911, is a nationally recognized and applied telephone number which may be used to summon emergency aid and to eliminate delays caused by lack of familiarity with emergency numbers and by understandable confusion in circumstances of crisis.

The legislature finds that the enhanced emergency telephone service known as E911 provides substantial benefits beyond basic 911 systems through the provision of selective routing and automatic number and location identification and that these enhancements not only

significantly reduce the response time of emergency services but also represent the state of the art in fail-safe emergency telephone system technology.

The legislature further finds that a major obstacle to the establishment of an E911 system in the various counties within the state is the cost of the telecommunication equipment and services which are necessary to provide such system.

The legislature further finds and declares that, by the enactment of the provisions of this article, it is the intent of the legislature to fulfill its obligation to provide for the health, safety and welfare of the people of this state by providing counties with a funding mechanism to assist in the payment of the costs associated with establishing and maintaining an E911 system and thereby considerably increase the potential for providing all citizens of this state with the valuable services inherent in an E911 system.

§ 301. Definitions. When used in this article, the following words and phrases shall have the following meanings unless the specific context clearly indicates otherwise:

1. "Municipality" means any county except a county wholly contained within a city and any city having a population of one million or more persons.

2. "Board" means the board of supervisors of a county or an elected county legislative body or city legislative body by whatsoever name designated.

3. "E911 system" means an enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an established public service answering point and which shall include, but not be limited to, selective routing, automatic number identification and automatic location identification.

4. "911 service area" means the area within the geographic boundaries of a county which has established an E911 system.

5. "Public safety agency" means a functional division of a public agency which provides or has the authority to provide police, firefighting, emergency medical or ambulance services or other emergency services or a private entity which provides emergency medical or ambulance services.

6. "Public service answering point" means a communications facility which first receives 911 calls from persons within a 911 service area and which may, as appropriate, directly dispatch the services of a public safety agency or extend, transfer, relay or otherwise route 911 calls to the appropriate public safety agency.

7. "Service supplier" means (i) a telephone corporation which provides local exchange access service within a 911 service area, or (ii) a provider of "voice over internet protocol service" or "VOIP service" that provides such service within a 911 service area.

8. "System costs" means the costs associated with obtaining and maintaining the telecommunication equipment, all operations and maintenance costs and the telephone services costs necessary to establish and provide an E911 system.

9. "Wireless communications device" means any equipment used to access a wireless communications service.

10. "Wireless communications service" means all commercial mobile services, as that term is defined in section 332(d) of title 47, United States Code, as amended from time to time, including, but not limited to, all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent-wide area specialized mobile radio licensees, which offer real time, two-way voice or data service that is interconnected with the public switched telephone network or otherwise provides access to emergency communications services.

11. "Place of primary use" shall mean the street address representative of where a wireless communications customer's use of the wireless telecommunications service primarily occurs, and must be: (i) the residential street address or the primary business street address of the wireless communications customer and (ii) within the licensed service area of the wireless communications service supplier.

12. "Wireless communications service supplier" means any commercial entity that operates a wireless communications service in New York state.

13. "Voice over internet protocol service" or "VOIP service" shall mean any service that (i) enables real-time, two-way voice communications; (ii) requires a broadband connection from the user's location; (iii) requires internet protocol compatible customer premises equipment (CPE); and (iv) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

§ 302. Application of article. This article shall apply to every county except a county wholly contained within a city and every city having a population of a million or more persons.

§ 303. Establishment of surcharge for system costs. 1. Notwithstanding the provisions of any law to the contrary, any municipality of this state, acting through its board, is hereby authorized and empowered to adopt, amend or repeal local laws to impose a surcharge in an amount not to exceed thirty-five cents per access line per month on the customers of every service supplier within such municipality to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve such municipality, provided, however, that any municipality that is a city having a population of one million or more is hereby authorized and

empowered to adopt, amend or repeal local laws to impose a surcharge in an amount not to exceed one dollar per access line per month on the customers of every service supplier within such municipality to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve such municipality.

2. Any such local law shall state the amount of the surcharge, the date on which the service supplier shall begin to add such surcharge to the billings of its customers and, to the extent practicable, the date on which such E911 service is to begin. Such local law may authorize the service supplier to begin billing its customers for such surcharge prior to the date the E911 system service is to begin.

3. Any service supplier within a municipality which has imposed a surcharge pursuant to the provisions of this article shall be given a minimum of forty-five days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to or change in the surcharge amount.

§ 304. Application; limitations; exemptions. 1. The surcharge established pursuant to the provisions of this article shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area.

2. Any such surcharge shall have uniform application and shall be imposed throughout the entire municipality to the greatest extent possible in conformance with the availability of such E911 system within the municipality.

3. No such surcharge shall be imposed upon more than seventy-five exchange access lines per customer per location.

4. Lifeline customers, a public safety agency and any municipality which has enacted a local law pursuant to the provisions of this article shall be exempt from any surcharge imposed under this article.

§ 305. Collection of surcharge. 1. The appropriate service supplier or suppliers serving a 911 service area shall act as collection agent for the municipality and shall remit the funds collected as the surcharge to the chief fiscal officer of the county every month. Such funds shall be remitted no later than thirty days after the last business day of such period.

2. The service supplier shall be entitled to retain as an administrative fee an amount equal to two percent of its collections of the surcharge.

3. The surcharge required to be collected by the service supplier shall be added to and stated separately in its billings to the customer.

4. The service supplier shall annually provide to the municipality an accounting of the surcharge amounts billed and collected.

§ 306. Liability for surcharge. 1. Each service supplier customer who is subject to the provisions of this article shall be liable to the municipality for the surcharge until it has been paid to the municipality, except that payment to a service supplier is sufficient to relieve the customer from further liability for such surcharge.

2. The service supplier shall have no obligation to take any legal action to enforce the collection of any surcharge. However, whenever the service supplier remits the funds collected as the surcharge to the county, it shall also provide the county with the name and address of any customer refusing or failing to pay the surcharge imposed by this article and shall state the amount of such surcharge remaining unpaid.

§ 307. System revenues; adjustment of surcharge. All surcharge monies remitted to the municipality by a service supplier and all other monies dedicated to the payment of system costs from whatever source derived or

received by the municipality shall be expended only upon authorization of the board and only for payment of system costs as permitted by this article. The municipality shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the amount and object or purpose of all expenditures thereof. If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary for payment of system costs in such fiscal year, such excess shall be reserved and carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such E911 reserved fund balance exceeds an amount equal to five percent of that necessary for the payment of system costs in such fiscal year, the board shall by local law reduce the surcharge for the following fiscal year to a level which more adequately reflects the system cost requirements of its E911 system. The board may also by local law reestablish or increase such surcharge, subject to the provisions of section three hundred three of this article, if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

§ 308. Miscellaneous provisions. 1. At least one public service answering point within and serving the 911 service area of a municipality which has enacted a local law or resolution pursuant to the provisions of this article shall be operated on a twenty-four hour basis.

2. The board may also apply for and accept federal monies and may accept contributions and donations from any source for the purpose of funding an E911 emergency telephone system.

3. Nothing contained in this article shall require the imposition of a surcharge by a municipality which has established or plans to establish an E911 system to serve such municipality nor preclude other means of funding all or part of an E911 system nor require the operation or establishment of such system by any municipality.

4. Records, in whatever form they may be kept, of calls made to a

municipality's E911 system shall not be made available to or obtained by any entity or person, other than that municipality's public safety agency, another government agency or body, or a private entity or a person providing medical, ambulance, mental health crisis, substance use crisis, or other emergency services, and shall not be utilized for any commercial purpose other than the provision of emergency services.

ARTICLE 6-A

LOCAL ENHANCED WIRELESS 911 PROGRAM

- Section 325. Definitions.
- 326. New York state interoperable and emergency communication board.
 - 327. New York state interoperable and emergency communication board membership.
 - 328. Powers and duties of the board.
 - 328-b. Powers and duties of the chairperson.
 - 329. Certification of compliance with board standards.
 - 330. Routing of wireless 911 service calls.
 - 331. Funding of local public safety answering points.
 - 332. Allocations.
 - 333. Expedited deployment funding of local public safety answering points.
 - 334. County of Onondaga enhanced 911 emergency telephone system.
 - 335. County of Tompkins enhanced 911 emergency telephone system.
 - 336. County of Broome enhanced 911 emergency telephone system.
 - 336*2. County of Madison enhanced 911 emergency telephone system.
 - 337. County of Tioga enhanced 911 emergency telephone system.
 - 338. County of Albany enhanced 911 emergency telephone system.

§ 325. Definitions. When used in this article, the following words and phrases shall have the following meanings unless the specific context clearly indicates otherwise:

1. "Wireless telephone service" shall have the same meaning as the term "wireless communications service" as defined in section three hundred one of this chapter.

2. "Wireless telephone service supplier" shall have the same meaning as the term "wireless communications service supplier" as defined in section three hundred one of this chapter.

3. "Service supplier" means a telephone corporation which provides local exchange access service within a 911 service area.

4. "Enhanced wireless 911 service" means the service required to be provided by wireless telephone service suppliers pursuant to the FCC order.

5. "FCC order" means all orders issued by the Federal Communications Commission pursuant to the proceeding entitled "Revision of the Commission's Rule to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (CC Docket No. 94-102; RM-8143), or any successor proceeding, regarding the delivery of ANI and ALI as of the dates and according to the other criteria established therein and the rules adopted by the Federal Communications Commission in any such proceeding, as such rules may be amended from time to time.

6. "Automatic number identification" or "ANI" means the delivery or receipt of the telephone number assigned to the wireless device being used to place a 911 call.

7. "Automatic location information" or "ALI" means the delivery or receipt of the approximate geographic location, as specified in the FCC order, of the wireless device being used to place a 911 call.

8. "Basic wireless 911 service" means the ability of wireless telephone service subscribers to dial the digits 9-1-1 and be connected to a local public safety answering point or a state public safety answering point.

9. "State public safety answering point" means a site designated and operated by the division of state police for the purposes of receiving emergency calls from customers of a wireless telephone service supplier.

10. "Local public safety answering point" means a site designated and operated by a local governmental entity for the purpose of receiving emergency calls from customers of a wireless telephone service supplier.

11. "Wireless telecommunications facility" means any unstaffed facility used in the receipt and transmission of wireless telephone service, including but not limited to antennas, ancillary telecommunications equipment and telecommunications towers or poles.

12. "Direct dispatch" shall mean that the public safety answering point can, by encoding or toning, alert the responding agency without having to relay or reroute calls unless the call originates outside the jurisdiction.

13. "Board" shall mean the New York state 911 board.

14. "Jurisdictional protocol" shall mean a written agreement entered into by two or more law enforcement agencies setting forth procedures to ensure the organized, coordinated, and prompt mobilization of personnel, equipment, services, or facilities in order to achieve the fastest response to a 911 emergency.

15. "Fund" shall mean the statewide public safety communications account established pursuant to section ninety-seven-qq of the state finance law.

16. "Eligible wireless 911 service costs" shall mean costs eligible for reimbursement and shall include the actual costs incurred by the locality related to the design, installation, operation, or maintenance of a system to provide enhanced wireless 911 service, including, but not limited to, hardware, software, consultants, financing and other acquisition costs.

17. "Expedited deployment funding" means eligible wireless 911 costs estimated to be incurred by local public safety answering points for enhanced wireless 911 service.

§ 326. New York state interoperable and emergency communication board. The "New York state interoperable and emergency communication board" is hereby established within the division of homeland security and emergency services. The board shall assist local governments, service suppliers, wireless telephone service suppliers and appropriate state agencies by facilitating the most efficient and effective routing of 911 emergency calls; developing minimum standards for public safety answering points; promoting the exchange of information, including emerging technologies; and encouraging the use of best practice standards among the public safety answering point community.

§ 327. New York state interoperable and emergency communication board membership. 1. The board shall consist of twenty-five members who shall be selected as follows:

(a) one shall be the statewide interoperable and emergency communication coordinator, or his or her designee, who shall be the chairperson of the board;

(b) one shall be the commissioner of criminal justice services, or his or her designee;

(c) one shall be the superintendent of the state police, or his or her designee;

(d) one shall be the adjutant general of the division of military and naval affairs, or his or her designee;

(e) one shall be the commissioner of the division of homeland security and emergency services, or his or her designee;

(f) one shall be the commissioner of the department of transportation, or his or her designee;

(g) one shall be the commissioner of the department of health, or his or her designee;

(h) one shall be the director of the office of information technology

services, or his or her designee;

(i) seven shall be appointed by the governor; provided, however, that no more than two such appointments made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section;

(j) five shall be appointed by the governor upon the recommendation of the temporary president of the senate; provided, however, that no more than one such appointment made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section; and

(k) five shall be appointed by the governor upon the recommendation of the speaker of the assembly; provided, however, that no more than one such appointment made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section.

2. The members appointed upon the recommendation of the temporary president of the senate and the speaker of the assembly, and the members appointed by the governor pursuant to paragraph (c) of subdivision one of this section, shall have experience with interoperable and emergency communication issues, and shall be representative of chiefs of police, sheriffs, fire chiefs and departments, ambulance service providers, including proprietary or volunteer ambulance services, county 911 coordinators, emergency managers, local elected officials, non-governmental organizations specializing in disaster relief, tribal nation representation, and statewide first responder associations, or representatives of consumer interests.

3. Each board member shall be appointed for a term of four years. Vacancies in the board occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment. The board shall meet as frequently as it may deem necessary and at least four times each year on such dates as agreed upon by the board. The board may approve and from time to time amend bylaws in relation to its meetings and the transaction of its business. A majority of the members of the board then in office shall constitute a quorum for the transaction of any business or the exercise of any power by the board.

4. Members of the board shall receive no compensation for their services, but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties. Notwithstanding any inconsistent provisions of law, no officer or employee of the state or any political subdivision of the state shall forfeit such office or employment by reason of acceptance or appointment as a member of the board. For purposes of section thirteen of article thirteen of the state constitution, membership on the board by a sheriff shall not constitute public office.

5. Article two of the state administrative procedure act shall not apply, provided, however, that the board shall publicly post the standards proposed pursuant to section three hundred twenty-eight of this article no later than forty-five days prior to their adoption. Such standards shall be posted in appropriate publications, the state register and on the division of homeland security and emergency services' website. During such forty-five day period, the board shall receive and consider public comment on the proposed standards before adopting final standards. Upon final adoption, those standards adopted pursuant to section three hundred twenty-eight of this article shall be posted in appropriate publications, the state register and on the division of homeland security and emergency services' website.

6. The board shall be subject to articles six and seven of the public officers law.

§ 328. Powers and duties of the board. 1. The board shall serve as a resource center for the gathering and dissemination of information and provide other assistance relating to 911 services and technologies.

2. The board shall monitor and periodically review the provision of 911 services throughout the state, including but not limited to, conformance with applicable standards.

3. The board shall assist municipalities in developing plans to

establish and implement enhanced 911 services utilizing state-of-the-art technologies and management systems.

4. (a) The board shall promulgate minimum standards for the operation of public safety answering points, which shall include, but not be limited to, minimum staffing requirements, minimum educational qualifications for 911 call-takers and dispatchers, and minimum training requirements for 911 call-takers and dispatchers, but which shall not include those standards required by paragraph (b) of this subdivision. In promulgating such standards, the board shall examine national models of best practice. Such standards shall be promulgated no later than October first, two thousand three.

(b) In addition, the board shall promulgate minimum standards regarding direct dispatch of all emergency services and jurisdictional protocols. Such standards shall be promulgated no later than April first, two thousand three.

5. The board shall adopt standards governing reasonable eligible wireless 911 service costs for expedited deployment funding of enhanced wireless 911 service, repayment provisions, and the criteria for approval of priority enhanced wireless 911 plans for expedited deployment funding. Standards for expedited deployment funding shall consider whether the projected costs are reasonably necessary for the provision of enhanced wireless 911 service and whether the priority enhanced wireless plan conforms to the FCC order.

6. The board shall review the certification and information submitted by a local public safety answering point, local governmental entity or the division of state police to ensure the public safety answering points are in compliance with the applicable standards that the board has promulgated pursuant to subdivision four of this section. Where the board determines that a local or state public safety answering point is not in compliance with the applicable standards promulgated pursuant to subdivision four of this section, the board shall follow the procedures outlined in section three hundred twenty-nine of this article.

7. The board shall develop procedures for a local government to

terminate the routing of wireless 911 service calls to a local public safety answering point for such local government.

8. The board shall develop and implement an educational plan for informing the public about the enhanced wireless 911 service in New York state. This plan shall include, but not be limited to, an explanation of the enhanced wireless 911 system and a progress report on the county-by-county implementation of the statewide system. This information shall be provided via electronic, paper and telephonic means. Access to such information shall be made available for remote computer users through the internet or via telephone calls through a toll-free hotline number. This plan shall be updated as new information becomes available to the board not less than four times per year.

9. The board shall issue an annual report to the governor, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, and the minority leader of the assembly, on or before March first of each year, regarding the board's activities in the previous calendar year, including but not limited to, the status of 911 services across the state, including the extent to which public safety answering points across the state are equipped to receive enhanced wireless 911 calls, the allocation of moneys from the fund including allocations made and not disbursed, and the disbursements of moneys from the fund.

10. a. The New York state interoperable and emergency communication board shall make recommendations to the commissioner of the division of homeland security and emergency services on the expenditure of grants and other funding programs related to interoperable and emergency communications. In carrying out this responsibility, and consistent with the mission of the division of homeland security and emergency services, the board will make recommendations related to the development, coordination and implementation of policies, plans, standards, programs and services related to interoperable and emergency communications, including but not limited to ensuring compliance with federal mandates for interoperable communications and compatibility with the National Incident Management System.

b. The board, in fulfilling its role to provide ongoing guidance regarding policies, plans, standards, programs and services related to interoperable and emergency communications, shall:

(1) establish structures and guidelines to maintain interoperable communications planning and coordination at the statewide level;

(2) establish, promulgate and revise standards for the operation of public safety answering points; and

(3) establish guidelines regarding the creation of regionally based radio communications systems compatible with the structures and guidelines created under subparagraph one of this paragraph and with federal mandates and best practices.

§ 328-b. Powers and duties of the chairperson. 1. The chairperson of the board shall coordinate efforts among other executive agencies having an interest in the duties of the board, and shall consult with such agencies in carrying out the duties of the board.

2. The chairperson shall receive such assistance as required to carry out its duties from staff of the division of homeland security and emergency services designated for such purposes, as well as staff members recommended by other state agencies to the chairperson.

3. The board may request and receive from any department, division, board, bureau, commission, or other agency of the state or any political subdivision thereof such assistance, information, and data as will enable the board to properly carry out its functions, powers, and duties under this article.

§ 329. Certification of compliance with board standards. 1. Local public safety answering points. (a) Each operator of a local public safety answering point shall affirmatively certify biennially that such local public safety answering point complies with the standards promulgated by the board pursuant to subdivision four of section three hundred twenty-eight of this article; provided, however, that the

operator of a local public safety answering point operated within or by a county with a population of more than one million or a local public safety answering point servicing a city with a population in excess of one hundred thousand according to the federal decennial census of two thousand which received wireless 911 calls on or before the effective date of this article must only affirmatively certify that such local public safety answering point complies with the standards promulgated pursuant to paragraph (a) of subdivision four of section three hundred twenty-eight of this article. Such certification, together with a list of all service suppliers and wireless telephone service suppliers which provide 911 service to such local public safety answering point and, where questions of jurisdiction may arise and the local public safety answering point is subject to paragraph (b) of subdivision four of section three hundred twenty-eight of this article, a statement of the jurisdictional protocols utilized by public safety agencies within the 911 service area for the provision of emergency services, shall be transmitted to the chairperson of the board.

(b) If the board determines that a local public safety answering point is not in compliance with the applicable standards promulgated by the board pursuant to subdivision four of section three hundred twenty-eight of this article, the board shall notify the operator of the local public safety answering point and the chief executive officer of the local governing body which operates the local public safety answering point in writing of such failure to comply and the reasons therefor and shall specify any measures which shall be undertaken to secure compliance. Within one hundred twenty days of such notification the operator of the local public safety answering point shall submit a plan of correction to the board and to the chief executive officer of the local governing body which operates the local public safety answering point. If the board determines that the plan of correction is not satisfactory, the board shall advise the operator of the local public safety answering point and the chief executive officer of the manner in which the plan of correction is not satisfactory and shall specify the measures necessary to obtain compliance and the operator of the local public safety answering point shall submit a revised plan of correction within thirty days. Following the board's approval of a plan of correction, the board shall monitor the local public safety answering point for compliance

with the plan of correction. Upon a written finding by the board that a local public safety answering point has failed to substantially adhere to its plan of correction, or upon the failure of a local public safety answering point to submit a plan of correction acceptable to the board, such local public safety answering point shall not be eligible to receive reimbursement of eligible wireless 911 service costs pursuant to section three hundred thirty-one of this article, until such time as the board finds the local public service answering point to be in compliance.

2. State public safety answering points. (a) The superintendent of the division of state police shall affirmatively certify biennially that all state public safety answering points are in compliance with the standards promulgated by the board pursuant to paragraph (a) of subdivision four of section three hundred twenty-eight of this article. Such certification, together with a list of all wireless telephone service suppliers licensed by the federal communications commission that own, operate or control wireless telecommunications facilities located in the geographical area or areas in which the state public safety answering points receive 911 calls, a list of all service suppliers within such geographical area or areas and, where questions of jurisdiction may arise, a statement of jurisdictional protocols utilized by public safety agencies within such geographical areas for the provision of emergency services, shall be transmitted to the chairperson of the board.

(b) If the board determines that a state public safety answering point is not in compliance with the applicable standards promulgated by the board pursuant to paragraph (a) of subdivision four of section three hundred twenty-eight of this article, the board shall notify the superintendent of the division of state police in writing of such state public safety answering point's failure to comply and the reasons therefor and shall specify any measures which shall be undertaken to secure compliance. Within one hundred twenty days of such notification the superintendent of the division of state police shall submit a plan of correction to the board. If the board determines that the plan of correction is not satisfactory, the board shall advise the superintendent of the division of state police and the state public

safety answering point of the manner in which the plan of correction is not satisfactory and shall specify the measures necessary to obtain compliance and the superintendent of the division of state police shall submit a revised plan of correction within thirty days. Following the board's approval of a plan of correction, the board shall monitor the state public safety answering point for compliance with the plan of correction. Upon a written finding by the board that a state public safety answering point has failed to substantially adhere to its plan of correction, or upon the failure of a state public safety answering point to submit a plan of correction acceptable to the board, the board shall notify the chief executive officer of each local government served by such state public safety answering point that the state public safety answering point is not in compliance with applicable standards.

§ 330. Routing of wireless 911 service calls. 1.(a) Counties may designate more than one local public safety answering point to receive wireless 911 service calls if:

(1) the wireless telephone service suppliers licensed by the federal communications commission to serve the county unanimously agree in writing with such county to more than one local public safety answering point for the county and such local public safety answering points are in compliance with the applicable requirements of this article; or

(2) wireless 911 calls handled by wireless telecommunications facilities in such county were routed to more than one local public safety answering point on the effective date of this section; and:

(A) the designation of and routing to more than one local public safety answering point involves no additional routing of wireless 911 service calls to more than one local public safety answering point than was in effect on the effective date of this section and involves routing to the same local public safety answering points that received wireless 911 calls on the effective date of this section; and

(B) the multiple local public safety answering points designated by a county pursuant to this subdivision are in compliance with the applicable requirements of this article.

(b) A county that is served exclusively by a state public safety answering point after the effective date of this section may elect to

designate a local public safety answering point to receive all wireless 911 calls from wireless telephone service suppliers that own, operate or control wireless telecommunications facilities located in such county. Such county shall make such designation pursuant to a duly adopted resolution of the county governing board. Such resolution shall also state that such local wireless public safety answering point complies with the standards promulgated by the board pursuant to subdivision four of section three hundred twenty-eight of this article. The county shall also submit to the board the ten-digit telephone number to which the wireless telephone service suppliers with wireless telecommunications facilities located in such geographical area shall route wireless 911 service calls. Upon the filing of such resolution, the board shall authorize the routing of wireless 911 calls to a local public safety answering point and shall notify all wireless telephone service suppliers which are licensed by the federal communications commission in such county of such designation and the ten-digit telephone number to which the wireless telephone service suppliers with wireless telecommunications facilities located in such geographical area shall route wireless 911 service calls. The board shall also notify the superintendent of state police of such designation when, at the time of such designation, a state public safety answering point was receiving all wireless 911 service calls.

(c) Until such time as the standards required by subdivision four of section three hundred twenty-eight of this article have been promulgated by the board, each county that elects, pursuant to paragraph (b) of this subdivision, to re-route all wireless 911 service calls to a local public safety answering point must, in addition to the items required to be filed pursuant to paragraph (b) of this subdivision, file a service plan with the chairperson of the board. The service plan shall, at a minimum, include the following: a statement that the local public safety answering point is capable of direct dispatch of all emergency services; the names of all wireless telephone service suppliers licensed by federal communications commission that own, operate or control wireless telecommunications facilities located in such county; the ten-digit telephone number to which the wireless telephone service suppliers with wireless telecommunications facilities located in such county shall route wireless 911 calls; an analysis of projected call volume; a

statement of staff education and training; an analysis of the applying local public safety answering point's technical, personnel and other resources; and an analysis of the applying local public safety answering point's capacity to receive and dispatch wireless 911 calls effectively. Where questions of jurisdiction may arise, the county shall also be required to submit a detailed statement outlining the jurisdictional protocols among law enforcement agencies which have been established. Where a period of sixty days or more has lapsed since the county has proposed a jurisdictional protocol to the appropriate state police troop commander and no final determination has been rendered, the county may request that the superintendent of state police review such protocols and render such determinations as may be appropriate. The board shall transmit a copy of such service plan to the superintendent of the division of state police and all wireless telephone service suppliers that are licensed by the federal communications commission in such county. In the absence of the filing of a service plan, the state public safety answering point shall receive all wireless 911 calls.

(d) A local government may elect to terminate the routing of all wireless 911 service calls to a local public safety answering point for such locality in accordance with procedures to be promulgated by the board.

(e) Notwithstanding the provisions of this subdivision, where a local public safety answering point is receiving wireless 911 service calls on the effective date of this section, the local government shall not be required to file a service plan pursuant to this subdivision, nor shall such local government be required to file a designation of such local wireless public safety answering point pursuant to paragraph (b) of this subdivision.

2. (a) Upon receipt of notification from the board of the designation of a local public safety answering point, as provided in paragraph (b) of subdivision one of this section, or upon notification of the filing of a service plan, as provided in paragraph (c) of subdivision one of this section, a wireless telephone service supplier with one or more wireless telecommunications facilities located in such county shall route all wireless 911 calls handled by wireless telecommunications facilities in the designating county to such local public safety

answering point.

(b) Where more than one local public safety answering point has been designated to receive wireless 911 calls, a wireless telephone service supplier with one or more wireless telecommunications facilities located in such county shall route wireless 911 calls handled by wireless telecommunications facilities in the designating county to such local public safety answering points in accordance with the agreement between the county and the wireless telephone service supplier.

(c) Within ninety days of receiving notice from the board of the designation of a local public safety answering point, any wireless telephone service suppliers that are not required by law to provide the designated local public safety answering point with enhanced wireless 911 service shall route all basic wireless 911 calls to the local public safety answering point.

(d) For wireless telephone service suppliers that are required to provide the designated local public safety answering point with enhanced wireless 911 service, the wireless telephone service supplier shall route all enhanced wireless 911 calls to the designated local public safety answering point within the time frames and requirements of the FCC order to initially provide such enhanced wireless 911 service.

3. In a county where there is no requirement to route a wireless 911 call to a designated local public safety answering point, the wireless telephone service suppliers shall route all such calls transmitted or received by wireless telecommunications facilities in that county to the state public safety answering point.

*** § 331. Funding of local public safety answering points.** 1. A local public safety answering point shall be eligible for reimbursement of eligible wireless 911 service costs. Applications for reimbursement shall be in a form and manner determined by the department of state and shall be submitted by a municipality, as defined in section three hundred one of this chapter. Any local public safety answering point operated by a political subdivision or a local public safety answering point operated by a not-for-profit corporation under contract with a political subdivision, within a county with a population in excess of

one million according to the federal decennial census of two thousand shall be eligible to share in any reimbursement received by such county, provided, however, that such local public service answering point had received wireless calls on or before the effective date of this article. Any county which contains a city with a population in excess of one hundred thousand according to the federal decennial census of two thousand which city is serviced by a local public safety answering point that received wireless 911 calls on or before the effective date of this article shall be required to share any reimbursement received by such county with such city in accordance with section three hundred thirty-two of this article. The applicant shall distribute its reimbursement to eligible local public safety answering points in accordance with an equitable distribution based upon eligible wireless 911 service costs incurred; no local public safety answering point eligible under this subdivision shall be denied reimbursement for such eligible costs, provided that there are funds available to the applicant pursuant to section three hundred thirty-two of this article.

2. In order to be eligible for funding pursuant to this section, a local public safety answering point must be in compliance with the standards promulgated pursuant to paragraphs (a) and (b) of subdivision four of section three hundred twenty-eight of this article, provided, however, that a local public safety answering point operated within or by a county with a population of more than one million or a local public safety answering point servicing a city with a population in excess of one hundred thousand according to the federal decennial census of two thousand which received wireless 911 calls on or before the effective date of this article must only be in compliance with the standards promulgated pursuant to paragraph (a) of subdivision four of section three hundred twenty-eight of this article.

3. (a) Until such time as the standards developed pursuant to subdivision four of section three hundred twenty-eight of this article have been promulgated, or until October first, two thousand three, whichever is later, and subject to appropriation by the legislature, the executive board, upon the recommendation of the department of state, shall distribute moneys from the fund to the applicant for the

reimbursement of eligible wireless 911 service costs pursuant to section three hundred thirty-two of this article. Any action taken by the executive board to distribute moneys shall be by unanimous decision of the executive board.

(b) The department of state shall make recommendations to the executive board, at a minimum, on a quarterly basis regarding all requests for reimbursement. The executive board shall make final determinations with respect to such recommendations not later than the end of the following quarter.

4. (a) After such time as the standards required pursuant to subdivision four of section three hundred twenty-eight of this article have been promulgated, and subject to appropriation by the legislature, the department of state shall distribute moneys from the fund to the applicant for the reimbursement of eligible wireless 911 services costs pursuant to section three hundred thirty-two of this article.

(b) An applicant that has been denied moneys pursuant to paragraph (a) of this subdivision or that has been denied an extension of time to qualify for receipt of such moneys may appeal such denial to the board.

5. The department of state shall have the power to make, execute, and deliver contracts, conveyances, and other instruments necessary to effect the purposes and objectives of this subdivision. The department of state may grant an extension of time to a municipality to seek reimbursement for eligible 911 service costs for good cause shown.

* NB Repealed upon notification by the director of budget upon cessation of adverse effects

*** § 332. Allocations.** 1. Of the monies appropriated to the department of state from the miscellaneous special revenue fund - (339), local wireless public safety answering point account, the department of state shall allocate such monies annually for eligible wireless 911 service costs based on the population of an eligible municipality in proportion to other eligible municipalities, from federal census data as determined in the two thousand census. On or before August first, two thousand two, and annually thereafter, the department of state shall determine the

municipalities eligible to apply for reimbursement of eligible wireless 911 service costs. "Municipality" as used in this section shall have the same meaning as in section three hundred one of this chapter. A municipality shall be eligible to apply for reimbursement if a local public safety answering point has operated in such municipality at any time during the twelve month period immediately preceding the annual determination of eligible municipalities.

2. A municipality shall be eligible for one hundred percent of the total amount allocated to the municipality except that in any municipality where on the effective date of this subdivision a local public safety answering point serviced a city, town or village within the municipality, such city, town or village shall be entitled to share in such allocation pursuant to section three hundred thirty-one of this article. The municipality shall distribute its allocations to eligible local public safety answering points in accordance with an equitable distribution based upon eligible 911 service costs incurred.

3. Notwithstanding paragraph two of this section, of the monies appropriated to the department of state from the miscellaneous special revenue fund (339), local wireless public safety answering point account, seven and one-half percent in state fiscal year two thousand two--two thousand three, ten percent in state fiscal year two thousand three--two thousand four, and five percent in state fiscal year two thousand four--two thousand five of the total amount available shall be allocated exclusively for costs incurred in commencing the provision of wireless 911 service after January first, nineteen hundred ninety-three and prior to January first, two thousand two by local public safety answering points that received wireless 911 calls during such period. On or before August first, two thousand two the department of state shall determine the municipalities eligible to apply for reimbursement pursuant to this subdivision and shall allocate such moneys among the eligible municipalities on a per capita basis in accordance with federal census data as determined in the two thousand census. Such costs shall include capital expenditures related to the operation of local public safety answering points, including any reasonable costs incurred to facilitate the sharing of basic or enhanced wireless 911 information.

4. The department of state shall calculate the allocations and notify each eligible municipality by September fifteenth of each year of the amount of its allocation or allocations that shall be available for that year. Allocations for each year may be utilized by an eligible municipality in whole or in part for a period of thirty-six months after the department of state notifies the eligible municipality of its allocation, provided, however that an allocation can be combined with subsequent allocations. The department of state may grant an extension of time to a municipality to utilize its allocation for good cause shown. If after the three year period, any amount of the allocation is not expended, disbursed or encumbered, such allocations shall be available for the next calculation of allocations for all eligible municipalities.

* NB Repealed upon notification by the director of budget upon cessation of adverse effects

§ 333. Expedited deployment funding of local public safety answering points. 1. Only local public safety answering points designated and operated by a governmental entity, other than the state police, shall be eligible for expedited deployment funding.

2. To apply for expedited deployment funding, such local public safety answering points shall submit a written enhanced wireless 911 plan. An enhanced wireless 911 plan shall include the following information and such other information as may be required pursuant to standards adopted by the board:

- (a) a timeframe for planned enhanced wireless 911 implementation;
- (b) a list of all wireless service suppliers licensed to provide service in the county;
- (c) a financial plan, including a summary of projected costs related to equipment purchase, installation and approved maintenance necessary to provide enhanced wireless 911 service;
- (d) a list of specific projects eligible for expedited deployment funding contained in the financial plan;
- (e) a description of technologies to be used to provide enhanced

wireless 911 service;

(f) documentation supporting the local public safety answering point's ability to receive and utilize enhanced wireless 911 information within one hundred eighty days of the submission of the plan; and

(g) a resolution from the governmental entity supporting the local public safety answering point's request for expedited deployment funding.

3. The board shall have ninety days to review and approve such local public safety answering point's enhanced wireless 911 plan. The plan shall be determined by the board to be complete or incomplete within ninety days of receipt of the plan. If the board does not issue a determination of completeness or incompleteness within ninety days of receipt of the plan, the plan shall be deemed approved. Upon approval of the local public safety answering point's plan, the board shall submit recommendations for expedited deployment funding contained in an approved enhanced wireless 911 plan to the New York state dormitory authority on a monthly basis pursuant to the provisions of section sixteen hundred eighty-nine-h of the public authorities law.

4. (a) The dormitory authority shall make final determinations with respect to such recommendations not later than the end of the following month and shall convey such recommendations to the department of state.

(b) The department of state, in accordance with the final determinations by the dormitory authority, shall distribute monies appropriated for this purpose to the local public safety answering point for the payment of eligible wireless 911 service costs pursuant to this section and in accordance with the provisions of section sixteen hundred eighty-nine-h of the public authorities law.

(c) A local public safety answering point whose plan has been denied or who has been denied funding may appeal such denial to the board.

5. Following distribution of expedited deployment funds, the local public safety answering points shall submit receipts to accompany the approved vouchers demonstrating that such expenditures have been incurred. Any local public safety answering point which utilizes expedited deployment funding for purposes other than those authorized by

the board shall be provided with written notice by the board of such unauthorized expenditures. Upon receipt of the notice, the local public safety answering point shall cease making any expenditure involving expedited deployment funding. The local public safety answering point may petition and shall receive a hearing before the board within a reasonable time. At the board's discretion, the local public safety answering point shall be required to refund within thirty days any expedited deployment funding spent on unauthorized expenditures. Local public safety answering points which fail to cease making unauthorized expenditures or fail to comply with a request to refund expedited deployment funding shall be subject to a suspension of future funding by the board.

6. Money shall not be allocated for any item other than eligible wireless 911 service costs as defined in subdivision sixteen of section three hundred twenty-five of this article.

*** § 334. County of Onondaga enhanced 911 emergency telephone system.**

1. Notwithstanding the provisions of any law to the contrary, the county of Onondaga acting through its local county legislative body, is hereby authorized and empowered to adopt, amend or repeal local laws to impose a surcharge, in addition to the surcharge established and imposed under section three hundred three of the county law, in an amount not to exceed sixty-five cents per access line per month on the customers of every service supplier within such municipality to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 (E911) emergency telephone system to serve such county.

2. Any such local law shall state the amount of the surcharge, the date on which the service supplier shall begin to add such surcharge to the billings of its customers and, to the extent practicable, the date on which such E911 service is to begin. Such local law may authorize the service supplier to begin billing its customers for such surcharge prior to the date the E911 system service is to begin.

3. Any service supplier within a municipality which has imposed a surcharge pursuant to the provisions of this section shall be given a minimum of forty-five days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to or change in the surcharge amount.

4. The surcharge established pursuant to the provisions of this section shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area.

5. No such surcharge shall be imposed upon more than seventy-five exchange access lines per customer per location.

6. Lifeline customers, a public safety agency and any municipality which has enacted a local law pursuant to the provisions of this section shall be exempt from any surcharge imposed under this section.

* NB Repealed July 28, 2029

*** § 335. County of Tompkins enhanced 911 emergency telephone system.**

1. Notwithstanding the provisions of any law to the contrary, the county of Tompkins acting through its local county legislative body, is hereby authorized and empowered to adopt, amend or repeal local laws to impose a surcharge, in addition to the surcharge established and imposed under section three hundred three of the county law, in an amount not to exceed sixty-five cents per access line per month on the customers of every service supplier within such municipality to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 (E911) emergency telephone system to serve such county.

2. Any such local law shall state the amount of the surcharge, the date on which the service supplier shall begin to add such surcharge to the billings of its customers and, to the extent practicable, the date on which such E911 service is to begin. Such local law may authorize the service supplier to begin billing its customers for such surcharge prior to the date the E911 system service is to begin.

3. Any service supplier within a municipality which has imposed a surcharge pursuant to the provisions of this section shall be given a minimum of forty-five days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to or change in the surcharge amount.

4. The surcharge established pursuant to the provisions of this section shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area.

5. No such surcharge shall be imposed upon more than seventy-five exchange access lines per customer per location.

6. Lifeline customers, a public safety agency and any municipality which has enacted a local law pursuant to the provisions of this section shall be exempt from any surcharge imposed under this section.

* NB Repealed July 11, 2029

*** § 336. County of Broome enhanced 911 emergency telephone system.** 1. Notwithstanding the provisions of any law to the contrary, the county of Broome acting through its local county legislative body, is hereby authorized and empowered to adopt, amend or repeal local laws to impose a surcharge, in addition to the surcharge established and imposed under section three hundred three of this chapter, in an amount not to exceed one dollar and thirty cents per access line per month on the customers of every service supplier within such municipality to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 (E911) emergency telephone system to serve such county.

2. Any such local law shall state the amount of the surcharge, the date on which the service supplier shall begin to add such surcharge to the billings of its customers and, to the extent practicable, the date on which such E911 service is to begin. Such local law may authorize the service supplier to begin billing its customers for such surcharge prior

to the date the E911 system service is to begin.

3. Any service supplier within a municipality which has imposed a surcharge pursuant to the provisions of this section shall be given a minimum of forty-five days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to or change in the surcharge amount.

4. The surcharge established pursuant to the provisions of this section shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area.

5. No such surcharge shall be imposed upon more than seventy-five exchange access lines per customer per location.

6. Lifeline customers, a public safety agency and any municipality which has enacted a local law pursuant to the provisions of this section shall be exempt from any surcharge imposed under this section.

* NB There are 2 § 336's

* NB Repealed July 27, 2029

*** § 336. County of Madison enhanced 911 emergency telephone system.** 1. Notwithstanding the provisions of any law to the contrary, the county of Madison acting through its local county legislative body, is hereby authorized and empowered to adopt, amend or repeal local laws to impose a surcharge, in addition to the surcharge established and imposed under section three hundred three of this chapter, in an amount not to exceed sixty-five cents per access line per month on the customers of every service supplier within such municipality to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 (E911) emergency telephone system to serve such county.

2. Any such local law shall state the amount of the surcharge, the date on which the service supplier shall begin to add such surcharge to the billings of its customers and, to the extent practicable, the date

on which such E911 service is to begin. Such local law may authorize the service supplier to begin billing its customers for such surcharge prior to the date the E911 system service is to begin.

3. Any service supplier within a municipality which has imposed a surcharge pursuant to the provisions of this section shall be given a minimum of forty-five days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to or change in the surcharge amount.

4. The surcharge established pursuant to the provisions of this section shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area.

5. No such surcharge shall be imposed upon more than seventy-five exchange access lines per customer per location.

6. Lifeline customers, a public safety agency and any municipality which has enacted a local law pursuant to the provisions of this section shall be exempt from any surcharge imposed under this section.

* NB There are 2 § 336's

* NB Repealed December 20, 2029

*** § 337. County of Tioga enhanced 911 emergency telephone system. 1.** Notwithstanding the provisions of any law to the contrary, the county of Tioga acting through its local county legislative body, is hereby authorized and empowered to adopt, amend or repeal local laws to impose a surcharge, in addition to the surcharge established and imposed under section three hundred three of this chapter, in an amount not to exceed one dollar per access line per month on the customers of every service supplier within such municipality to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 (E911) emergency telephone system to serve such county.

2. Any such local law shall state the amount of the surcharge, the

date on which the service supplier shall begin to add such surcharge to the billings of its customers and, to the extent practicable, the date on which such E911 service is to begin. Such local law may authorize the service supplier to begin billing its customers for such surcharge prior to the date the E911 system service is to begin.

3. Any service supplier within a municipality which has imposed a surcharge pursuant to the provisions of this section shall be given a minimum of forty-five days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to or change in the surcharge amount.

4. The surcharge established pursuant to the provisions of this section shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area.

5. No such surcharge shall be imposed upon more than seventy-five exchange access lines per customer per location.

6. Lifeline customers, a public safety agency and any municipality which has enacted a local law pursuant to the provisions of this section shall be exempt from any surcharge imposed under this section.

* NB Repealed November 3, 2031

*** § 338. County of Albany enhanced 911 emergency telephone system.** 1. Notwithstanding the provisions of any law to the contrary, the county of Albany acting through its local county legislative body, is hereby authorized and empowered to adopt, amend or repeal local laws to impose a surcharge, in addition to the surcharge established and imposed under section three hundred three of this chapter, in an amount not to exceed ninety-five cents per access line per month on the customers of every service supplier within such municipality to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 (E911) emergency telephone system to serve such county.

2. Any such local law shall state the amount of the surcharge, the date on which the service supplier shall begin to add such surcharge to the billings of its customers and, to the extent practicable, the date on which such E911 service is to begin. Such local law may authorize the service supplier to begin billing its customers for such surcharge prior to the date the E911 system service is to begin.

3. Any service supplier within a municipality which has imposed a surcharge pursuant to the provisions of this section shall be given a minimum of forty-five days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to or change in the surcharge amount.

4. The surcharge established pursuant to the provisions of this section shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area.

5. No such surcharge shall be imposed upon more than seventy-five exchange access lines per customer per location.

6. Lifeline customers, residential access lines, a public safety agency and any municipality which has enacted a local law pursuant to the provisions of this section shall be exempt from any surcharge imposed under this section.

* NB Repealed June 30, 2032

ARTICLE 7

FINANCE

- Section 350. Application of article.
- 351. Definitions.
- 352. Fiscal year.
- 353. Submission of estimates.
- 354. Preparation and filing of tentative budget.
- 355. Contents of tentative budget.
- 356. Appropriation resolution.
- 357. Review of tentative budget.

- 358. Revision of tentative budget.
- 359. Public hearing; distribution of tentative budget.
- 360. Adoption of budget; appropriation resolution; tax.
- 361. Failure to make appropriations.
- 361-a. Expenses of boards of elections outside New York City; apportionment of.
- 362. General budgetary controls.
- 363. Supplemental appropriations.
- 364. Unencumbered balances.
- 365. Contingent funds.
- 366. Unanticipated revenues; unappropriated cash surplus.
- 368. Lapse of appropriations.
- 369. Audit and payment of claims.
- 370. Statements of financial condition.
- 371. Petty cash funds.
- 372. Tax and revenue anticipation fund.
- 373. Capital program.
- 374. Budget message.
- 375. Allotments of appropriations.
- 376. Local laws; resolutions.
- 377. Use of mechanical checksigner.
- 378. Publishing county audits.
- 379. Extension of fiscal year.
- 380. Financing transition period.
- 381. (Enacted without section heading).

§ 350. Application of article. This article shall apply to every county except a county wholly contained within a city and except a county containing a population of four hundred thousand or more as shown by the federal census of nineteen hundred fifty.

§ 351. Definitions. For the purposes of this article the following terms are defined as follows:

1. "Administrative unit" shall mean an office, department, division,

bureau, board or commission, or any other agency of county government.

2. "Authorized agency" shall mean a corporation, association, institution or agency authorized to receive and expend county moneys.

3. "Budget officer" shall mean the chief fiscal officer; provided that the board of supervisors may appoint a person other than the chief fiscal officer as budget officer, who shall serve during the pleasure of the board appointing him. The person so appointed may be another county officer, except that no member of the board of supervisors may be appointed budget officer other than the chairman of the board of supervisors or the chairman of the committee of the board of supervisors designated or created to review the tentative budget. The budget officer may receive, in addition to any other compensation which may be paid to him by the county as chief fiscal officer or otherwise, a salary as budget officer to be fixed by the board of supervisors pursuant to section two hundred one of this chapter. When a person other than the chief fiscal officer has been appointed as budget officer, the chief fiscal officer thereafter shall, in the event of a vacancy in the office of budget officer, including a vacancy by reason of the expiration of the term of the person appointed thereto, serve as budget officer unless and until another person shall be appointed as such officer as provided in this subdivision.

4. "Capital project" shall mean: (a) any physical public betterment or improvement or any preliminary studies and surveys relative thereto, or (b) land or rights in land, or (c) any furnishings, machinery, apparatus or equipment for any physical betterment or improvement when such betterment or improvement is first constructed or acquired, or (d) any combination of items (a), (b) and (c).

5. "Chief fiscal officer" shall mean the county treasurer, except:
(a) In the case of those counties having a comptroller, the comptroller; and
(b) In the case of the county of Onondaga, the county auditor.

6. "Receipts from delinquent taxes" shall mean the proceeds of (a) the

collection of all unpaid taxes, assessments or other charges levied or relevied, by the board of supervisors including interest and penalties thereon, (b) the sale of tax liens or of the property for such unpaid taxes, assessments or other charges, and (c) the redemption of such property where the lien or the property was sold to the county for such unpaid taxes, assessments or other charges, but shall not include the proceeds of any such collection, sale or redemption occurring during the fiscal year for which such taxes were originally levied or relevied by the board of supervisors.

7. "Sinking fund" shall mean a fund authorized or required by law to be established and maintained for the purpose of amortizing bonded indebtedness of a county.

8. "Unappropriated unreserved fund balance" shall mean the difference between the total assets for a fund and the total liabilities, deferred revenues, encumbered appropriations, amounts appropriated for the ensuing fiscal year's budget, and amounts reserved for stated purposes pursuant to law, including reserve funds established pursuant to the general municipal law for the fund, as determined through application of the system of accounts prescribed by the state comptroller pursuant to section thirty-six of the general municipal law.

§ 352. Fiscal year. The fiscal year of a county shall begin with the first day of January and end with the thirty-first day of December in each year.

§ 353. Submission of estimates. 1. The head of each administrative unit shall submit annually to the budget officer on or before the first day of October, an estimate of revenues and expenditures of such administrative unit for the ensuing fiscal year. The budget officer annually may require that such estimates be so submitted on or before a specified earlier date, provided that in no event shall such estimates be required to be submitted prior to the first day of September. The estimate for each administrative unit shall be subdivided according to

units of organization and shall show the source of revenues and shall itemize the character and object of expenditures. Estimates shall be submitted in such form and shall contain such additional information as the budget officer shall prescribe.

2. The head of each authorized agency shall submit annually to the budget officer, on or before the date fixed by or pursuant to subdivision one of this section, a request for an appropriation for such authorized agency for the ensuing fiscal year. Requests shall be submitted in such form and shall contain such additional information as the budget officer shall prescribe.

3. The budget officer annually shall notify the head of each administrative unit and authorized agency in writing of (a) the date fixed by or pursuant to subdivision one of this section on or before which the estimate of revenues and expenditures or request for an appropriation, as the case may be, must be submitted, and (b) the form of, and information to be contained in, such estimate or request. Such notice shall be given not less than twenty days prior to such date.

4. In the event that the head of an administrative unit fails to submit an estimate by the date specified by or pursuant to subdivision one of this section, the budget officer forthwith shall prepare an estimate for such administrative unit.

§ 354. Preparation and filing of tentative budget. 1. The budget officer, upon receipt of the estimates of the various administrative units and the requests for an appropriation of the several authorized agencies, shall proceed to make such review and investigation of such estimates and requests and conduct such hearings of heads of administrative units and authorized agencies, and officers and employees thereof, as he deems necessary. He may require the head of any administrative unit or authorized agency, or any officer or employee thereof, to furnish data and information and to answer inquiries pertinent to such review or investigation. Members of the committee of the board of supervisors designated or created to review the tentative

budget shall be entitled to investigate and make inquiry concerning the estimate of any administrative unit or the request for an appropriation of any authorized agency. Such members shall be entitled to attend all hearings conducted by the budget officer pursuant to this subdivision. At least twenty-four hours' written notice of any such hearing shall be given to such members by the budget officer, either personally or by mail.

2. Upon the completion of the review and investigation of the estimates of the various administrative units and the requests for an appropriation of the several authorized agencies, the budget officer shall prepare a tentative budget, accompanied by a budget message where required pursuant to section three hundred seventy-four. He shall cause to be printed or otherwise reproduced such number of copies of such tentative budget and such budget message, if any, as the board of supervisors shall direct. The tentative budget and the budget message, if any, together with the copies thereof, shall be filed by the budget officer with the clerk of the board of supervisors not later than the fifteenth day of November.

3. The board of supervisors by action taken pursuant to section three hundred seventy-six may require that the budget officer file the tentative budget and budget message, if any, with the clerk of the board of supervisors on or before a specified date prior to the date prescribed in subdivision two of this section, provided that in no event shall such filing be required to be made prior to the first day of October. A local law adopted pursuant to this subdivision shall not become effective until August first next succeeding its adoption.

§ 355. Contents of tentative budget. 1. The tentative budget as submitted to the board of supervisors shall contain the following:

(a) A statement of the several amounts recommended as necessary to be appropriated for conducting the business of the county and for other purposes contemplated by this chapter and otherwise by law for the ensuing fiscal year. Such statement shall be classified by funds and administrative units which shall be subdivided according to units of

organization and shall itemize the character and object of expenditure.

(b) A statement of the several amounts recommended to be appropriated for authorized agencies.

(c) A statement of the amount required for payment of interest on and amortization of or redemption of indebtedness of the county during the ensuing fiscal year.

(d) A statement of the amount recommended as necessary to be appropriated for the payment of judgments against the county payable during the ensuing fiscal year.

(e) A statement of the amounts needed to provide for uncollectible and uncollected real property taxes.

(f) A statement of the estimated amount of revenues to be received by the county during the ensuing fiscal year, other than the proceeds of the tax on real estate levied for such fiscal year. Such statement shall be classified to show receipts by funds, administrative units and sources of revenue.

(g) A statement of the fund balance for each fund estimated to be on hand at the close of the current fiscal year, together with a breakdown of such fund balance estimated for encumbrances, amounts appropriated for the ensuing fiscal year's budget, amounts reserved for stated purposes pursuant to law, including reserve funds established pursuant to the general municipal law, and the remaining estimated unappropriated unreserved fund balance for each fund, provided that the remaining estimated unappropriated unreserved fund balance for each fund shall not exceed a reasonable amount, consistent with prudent budgeting practices, necessary to ensure the orderly operation of county government and the continued provision of services, taking into account factors including, but not limited to, the size of the fund, cash flows, the certainty with which the amounts of revenues and expenditures can be estimated, and the county's experience in prior fiscal years.

(h) A statement of the amount of any sinking fund which is available and which is required to be applied to the payment of the principal of and interest on any indebtedness of the county falling due during the ensuing fiscal year.

(i) A statement for each reserve fund established pursuant to article two of the general municipal law, showing the amount therein, the purpose for which established and the amounts, if any, recommended to be

spent therefrom during the ensuing fiscal year to meet appropriations for such fiscal year. A requirement of law that an expenditure from any such reserve fund be subject to a permissive or mandatory referendum shall not prevent the inclusion of a recommendation for such expenditure in the tentative budget.

2. The tentative budget shall not include moneys received or estimated to be received by the county and held by it as agent or trustee for payment to the state or to any political subdivision, provided, however, that such moneys shall be included in the tentative budget if they are to be raised by tax levied by the board of supervisors.

3. The tentative budget shall be subdivided into the following:

(a) A schedule of recommended appropriations, containing the statements required by paragraphs (a) to (e), inclusive, of subdivision one of this section, so arranged as to show in parallel columns the following comparative information: (1) expenditures for the last completed fiscal year; (2) appropriations for the current fiscal year, reflecting supplemental appropriations to a date not more than forty-five days prior to the filing of the tentative budget with the clerk of the board of supervisors; (3) the amounts requested to be appropriated by administrative units and authorized agencies for the ensuing fiscal year; and (4) the budget officer's recommended appropriations for the ensuing fiscal year.

(b) A schedule of estimated revenues other than real estate taxes to be levied, containing the statements required by paragraph (f) of subdivision one of this section, so arranged as to show in parallel columns the following comparative information: (1) revenues for the last completed fiscal year; (2) estimated revenues for the current fiscal year as modified to a date not more than forty-five days prior to the filing of the tentative budget with the clerk of the board of supervisors; and (3) the budget officer's estimate of revenues for the ensuing fiscal year.

(c) A schedule of estimated fund balances and the amounts thereof to be appropriated in the ensuing fiscal year's budget.

(d) A schedule of reserve funds containing the statements required by paragraph (i) of subdivision one of this section.

(e) An exhibit showing the computation of the amount or amounts to be levied on real estate.

4. A supplemental statement shall be included at the end of the tentative budget which shall set forth the indebtedness of the county evidenced by bonds and notes, including indebtedness authorized and unissued, as of a date not more than forty-five days prior to the filing of the tentative budget with the clerk of the board of supervisors.

5. The tentative budget shall include any other matter which the board of supervisors by resolution or by action taken pursuant to section three hundred seventy-six may require or which the budget officer deems advisable.

§ 356. Appropriation resolution. The budget officer shall file with the tentative budget and the budget message, if any, a proposed appropriation resolution referring to the tentative budget and making provision for the conduct of the county government for the ensuing fiscal year. The appropriations set forth in such proposed resolution shall be classified by funds and administrative units and shall indicate the character and object of expenditure, in accordance with the format prescribed by the State Comptroller as part of a uniform system of accounts for counties.

§ 357. Review of tentative budget. 1. A standing committee of members of the board of supervisors shall be designated or created for the purpose of reviewing tentative budgets filed with the clerk of such board pursuant to section three hundred fifty-four.

2. Upon the filing of the tentative budget with the clerk of the board of supervisors the clerk shall transmit forthwith a copy thereof to the chairman of the committee designated or created to review the tentative budget. The committee, upon receipt of such copy, shall proceed to review the tentative budget. Within fifteen days after the receipt of such copy of the tentative budget the committee may file a report with

the clerk of the board of supervisors setting forth any proposed changes, alterations or revisions in the tentative budget. A copy of the report of the committee shall remain on file in the office of the clerk of the board of supervisors and shall be open to public inspection during business hours.

3. The board of supervisors by action taken pursuant to section three hundred seventy-six may extend or reduce the time provided in subdivision two of this section for review of the tentative budget and the filing of the report thereon, provided that in no event shall such time for such review and the filing of such report be reduced to less than ten days or extended to more than twenty days.

§ 358. Revision of tentative budget. 1. After the filing of the report of the committee designated or created to review the tentative budget or after the expiration of the time prescribed for the filing of such report, the board of supervisors, by resolution, may change, alter and revise the tentative budget, provided that:

(a) The statement of the amount estimated for any object or purpose for which an appropriation is required to be made by law shall not be reduced below the minimum so required.

(b) The board of supervisors shall enter in its minutes a statement of the basis for any increase in or addition of any statement of estimated revenues.

2. If the board of supervisors shall make any change in the tentative budget, provision shall be made that the total estimated revenues together with the amount of taxes to be levied shall equal the total estimated expenditures.

§ 359. Public hearing; distribution of tentative budget. Before the final adoption of the budget, the board of supervisors shall hold a public hearing on the tentative budget with such changes, alterations and revisions, as shall have been made therein by such board pursuant to section three hundred fifty-eight. The clerk of the board of supervisors

shall cause to be printed or otherwise reproduced at least one hundred copies of such tentative budget as so changed, altered and revised, but the board of supervisors, by resolution, may direct that a greater number of copies be so printed or reproduced. The time when and place where such hearing shall be held shall be fixed by resolution of the board of supervisors. The clerk of the board of supervisors shall cause a notice to be published stating the time, place and purpose of the public hearing and that copies of the tentative budget on which the public hearing will be held are available at his office and may be inspected or procured thereat by any interested person during business hours. There shall be included in the notice of the public hearing on the tentative budget, or in a separate notice published in the same manner and at the same time as such notice of hearing, a statement of the maximum salary, or the maximum rate of per diem compensation, or both, as the case may be, that may be fixed and payable during the ensuing fiscal year to the members of the board of supervisors and to the chairman respectively. The notice of public hearing shall be published at least once in the official newspaper or newspapers of the county, and in such other newspapers and for such other times as the board of supervisors, by resolution, may direct. At least five days shall elapse between the first publication of such notice and date specified for the hearing. The hearing shall be held on the date so specified at which time any person may be heard. The hearing may be adjourned from day to day, but not later than the twentieth day of December.

§ 360. Adoption of budget; appropriation resolution; tax. 1. After completion of the public hearing required by section three hundred fifty-nine the board of supervisors, by resolution, may further change, alter and revise the tentative budget, subject, however, to the conditions and restrictions imposed by section three hundred fifty-eight.

2. The tentative budget as changed, altered and revised shall be finally adopted by resolution of the board of supervisors not later than December twentieth. Immediately upon the final adoption of the budget,

the appropriation resolution as filed with the clerk of the board of supervisors pursuant to section three hundred fifty-six with such amendments as may be necessary to make it conform to the budget as finally adopted, shall be passed by the board of supervisors. The budget as finally adopted and the appropriation resolution as passed shall be entered in the minutes of the board of supervisors and printed in the annual volume of printed proceedings.

3. When the appropriation resolution shall have been passed the board of supervisors shall provide for the raising of the taxes required by such budget in the manner and within the time prescribed by law.

§ 361. Failure to make appropriations. In the event that the board of supervisors shall fail to finally adopt a budget for the ensuing fiscal year on or before December twentieth, the tentative budget, with such changes, alterations and revisions as shall have been made by resolution of the board of supervisors, shall constitute the budget for such ensuing fiscal year, and the appropriation resolution, with such amendments as may be necessary to make it conform to such budget, shall be deemed to have been passed by the board of supervisors as of such date. The board of supervisors shall provide for the raising of the taxes required by such budget in the manner and within the time prescribed by law.

§ 361-a. Expenses of boards of elections outside New York City; apportionment of. The board of elections in each county, outside of the city of New York, on or before the fifteenth day of December and not earlier than the first day of October, in each year, shall certify to the clerk of the legislative body of the county, the total amount of the expenses of such board of elections, including salaries for the preceding year, and, if the legislative body of any county shall so direct, shall certify to such clerk the portions of such expenses which under provisions of law are to be borne by any city or cities in said county and the portion thereof which is to be borne by the rest of such county and such clerk shall thereupon notify the proper local official

or officials, who, in spreading upon the assessment-rolls the taxes to be levied upon the taxable property in the city or any such cities, and in the rest of the county, shall include in the amount so spread the amounts certified by the board of elections to be borne by such city or cities, respectively, and in the amount spread upon the assessment-rolls of the taxable property in the several towns or other political subdivisions of the rest of the county the amount so certified by said board of elections to be borne by such towns or political subdivisions respectively. Whenever any additional expenses either for salaries or supplies in addition to the regular county-wide primary and election expenses are incurred by a board of elections incidental to any election in any city, town or village, such board of elections shall certify to the county legislative body a detailed statement of such expenses and said county legislative body may cause the amount thereof to be levied against such city, town or village or may certify the amount thereof to such city, town or village and such city, town or village shall upon such certification, include the amount so certified in the next budget and tax levy and shall pay the same to the county.

§ 362. General budgetary controls. 1. A separate account shall be kept of each appropriation by the chief fiscal officer. Each such account shall show the amount appropriated, the amount encumbered but remaining unexpended, the several amounts expended therefrom and the unencumbered balance.

2. Whenever any liability of any nature shall be incurred for or by an administrative unit, the head of such unit shall file in the office of the chief fiscal officer a written statement signed by him or his authorized agent setting forth the nature and amount of the liability, or an estimate thereof if the exact amount is unknown, and the appropriation against which it is chargeable; provided that the state comptroller may prescribe, as a part of a uniform system of keeping accounts for counties, that such written statements need not be filed in those cases where he shall determine that compliance with the requirements of this subdivision would be impractical.

3. No expenditure, or contract which in any manner involves the expenditure of money or the incurring of any pecuniary liability, shall be made or entered into by any administrative unit, officer or employee, unless an amount has been appropriated and is available therefor or has been authorized to be borrowed pursuant to the local finance law. No fund or appropriation account shall be overdrawn at any time; nor shall one fund or appropriation account be drawn upon to pay any claim chargeable to another. Nothing in this subdivision shall prevent the making of a contract or lease for a term exceeding one year when authorized by law; nor shall anything in this subdivision require a county which has entered into a contract or lease for a term exceeding one year to pay during the current fiscal year any amounts larger than those which become due and owing during that year under the terms of such lease or contract.

4. Whenever during a fiscal year it shall appear probable to the budget officer that the moneys available for such year will be insufficient to meet the amounts appropriated, he shall forthwith notify the board of supervisors of this fact, stating the probable amount of such deficiency in funds. The budget officer may include his recommendations as to the action which should be taken. The board of supervisors after such investigation as is deemed necessary may reduce any appropriation or appropriations by resolution so as to prevent the making of expenditures in excess of moneys available. Nothing in this subdivision shall permit the reduction of an appropriation below the minimum amount required by law to be appropriated, nor shall any appropriation be reduced by more than the unencumbered balance therein. This subdivision shall not apply to counties adopting the provisions of section three hundred seventy-five.

§ 363. Supplemental appropriations. The board of supervisors, during a fiscal year, by resolution, may make additional appropriations or increase existing appropriations, the funds therefor to be provided from any unencumbered balances in appropriations pursuant to section three hundred sixty-four of this article, the contingent funds pursuant to section three hundred sixty-five of this article, or unanticipated

revenues and unappropriated unreserved fund balance pursuant to section three hundred sixty-six of this article, or pursuant to the local finance law.

§ 364. Unencumbered balances. The board of supervisors by resolution pursuant to section three hundred sixty-three may at any time reappropriate for any lawful purpose all or any part of the unencumbered balance of an existing appropriation.

§ 365. Contingent funds. 1. The budget officer may, and shall when required by resolution of the board of supervisors, include in the tentative budget an amount recommended as necessary to be appropriated for a general contingent fund. The amount which may be appropriated for such purpose shall not exceed the sum of thirty-five thousand dollars plus a sum not exceeding three per centum of the amount by which the total amount of the estimated expenditures for general county purposes for the ensuing fiscal year, exclusive of the amounts appropriated to pay debt service, is in excess of five hundred thousand dollars.

2. The board of supervisors by resolution may at any time appropriate all or any part of the moneys in the general contingent fund for general county purposes pursuant to section three hundred sixty-three.

3. Whenever taxes to meet appropriations for a county purpose may be raised only upon taxable real estate in a district or area less than the area of the county, the budget officer may, and shall when required by resolution of the board of supervisors, include in the tentative budget an amount recommended as necessary to be appropriated for a contingent fund for such purpose. The amount appropriated for any such contingent fund:

(a) Shall not exceed ten per centum of the total of the amounts otherwise appropriated for the purpose for which such fund is established; and

(b) Shall be raised by a tax levied only upon such real estate as shall be liable to taxation for the purpose for which such fund is

established.

4. The board of supervisors by resolution pursuant to section three hundred sixty-three may at any time appropriate all or any part of the moneys in a contingent fund established pursuant to subdivision three of this section for the purpose for which the contingent fund was established. Moneys in the contingent fund shall be used for no other purpose.

§ 366. Unanticipated revenues; unappropriated cash surplus. 1. The board of supervisors by resolution pursuant to section three hundred sixty-three may at any time appropriate for any lawful purpose the unanticipated revenues or unappropriated unreserved fund balance within a particular fund, but only to the extent, in each case, that the total of all revenues of such fund recognized or reasonably expected to be recognized in the fiscal year, together with unappropriated unreserved fund balance, exceeds the total of all revenues of such fund as estimated in the budget, including appropriated fund balance.

2. Notwithstanding the provisions of subdivision one of this section, grants in aid from the state and federal governments, other gifts which are required to be expended for particular objects or purposes and insurance proceeds for the loss, theft, damage or destruction of real or personal property, when proposed to be used or applied to repair or replace such property, may be appropriated by resolution of the board of supervisors at any time for such objects or purposes.

§ 368. Lapse of appropriations. Each appropriation, to the extent that it shall not have been expended or encumbered, shall lapse at the close of the fiscal year for which made, except that an appropriation for a capital project shall continue in force until the purposes for which it was made shall have been accomplished or abandoned.

§ 369. Audit and payment of claims. 1. No claim, account or demand

against a county shall be audited or paid unless it is a lawful county charge.

2. Except as otherwise provided by law, every claim for the payment of money shall be audited by the board of supervisors and shall be in writing and itemized. The board of supervisors may require that claims be certified, or that they be verified. In the latter case the clerk, the chairman of the board or the chairman of the committee to whom referred shall have power to administer the oath of verification thereof. A written contract for the payment of money in stated amounts and at stated intervals shall be deemed a certified or verified claim, as required by the county. Fixed salaries, the principal or interest on bonded or other indebtedness, and the compensation for services of employees or officers regularly engaged by the county at agreed wages by the hour, day, week, month or year may be paid without prior audit by the board of supervisors.

3. All claims shall be consecutively numbered and have endorsed thereon their disposition. Such claims when audited shall be filed in the office of the clerk of the board of supervisors or other officer having custody thereof.

4. Payrolls shall be signed and certified or verified as to correctness in accordance with law and as directed by the board of supervisors.

5. The board of supervisors may by resolution authorize the payment in advance of audit of claims for public utility services, postage, freight and express charges. All such claims shall be presented at the next regular meeting for audit, and the claimant and the officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the board of supervisors.

As used in this subdivision, the term public utility services shall mean electric, gas, water, sewer and telephone services.

6. The board of supervisors may, by local law or resolution, enact

rules and regulations, not inconsistent with law, governing the: (a) approval of claims prior to audit; (b) form and certification of orders or warrants drawn on the county treasurer; (c) examination of the claimant and of his claim; (d) and such other matters deemed material.

§ 370. Statements of financial condition. 1. In a county where the chief fiscal officer or his deputy is not designated as budget officer, the chief fiscal officer shall submit to the budget officer on or before the tenth day of each month a statement of the financial condition of the county as of the last day of the preceding month. Such statement shall show the aggregate revenues received for general county purposes and revenues received for each appropriation account or fund where required by law to be expended for the purpose of such account or fund. Such statement shall also show for each appropriation account the amount appropriated, the amount encumbered but remaining unexpended, the aggregate expenditures and the unencumbered balance. The statement shall include such other information as the budget officer may request or the board of supervisors by resolution may direct. The board of supervisors by resolution may require that copies of such monthly statement be submitted to it and to other designated officers.

2. In a county where the chief fiscal officer or his deputy is designated as budget officer, the board of supervisors by resolution may require that statements of financial condition containing specified information be furnished by the chief fiscal officer at such times and given such distribution as such resolution directs.

§ 371. Petty cash funds. 1. The board of supervisors by resolution or by action taken pursuant to section three hundred seventy-six may establish a revolving petty cash fund for any administrative unit or officer in such amount as is deemed necessary. Any such petty cash fund shall continue in existence from year to year until abolished.

2. Expenditures from a petty cash fund may be made only for payment in advance of audit of properly itemized and verified or certified bills

for materials, supplies or services, other than employment, furnished to the county for the conduct of its affairs and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services, provided that moneys in any such fund also may be used for the purpose of making change when such is required in the performance of official duties, and further provided that moneys in any such fund established for the office of the sheriff, district attorney, or any county police officer or peace officer may also be used to advance travel funds to personnel of the sheriff's or district attorney's office or any county police officer or peace officer when required to travel on official business. Upon audit of bills such petty cash fund shall be reimbursed from the appropriate budgetary item or items in an amount equal to the amount audited and allowed. The clerk of the board of supervisors, or such other officer as shall have custody of audited claims, immediately shall notify the county treasurer in writing of the disallowance of any of such bills or any portion of any such bills, stating the amount in each case disallowed. Any of such bills or any portion of any of such bills as shall be disallowed upon audit shall be the personal liability of the official responsible for the use of the petty cash fund from which payment on account thereof was made, and such official shall forthwith reimburse such petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to such official after the disallowance of any such bills or any portion of any of such bills, the amount of such disallowances shall be withheld by the county treasurer from such salary payment and, if necessary, subsequent salary payments, and paid into such petty cash fund until an amount equal to the amount of such disallowances has been repaid to such petty cash fund.

3. The chief fiscal officer at any time may require the official responsible for the use of a petty cash fund to account for the moneys in such fund.

§ 372. Tax and revenue anticipation fund. 1. The board of supervisors of a county by resolution may establish a revolving fund to be known as

the tax and revenue anticipation fund. There may be paid into such fund in the fiscal year in which it is established an amount which shall not exceed thirty per centum of the total estimated expenditures as contained in the budget of the county for such fiscal year. In subsequent fiscal years, additional amounts may be paid into such fund, provided that any such payment shall not increase the total amount of such fund to an amount greater than thirty per centum of the total estimated expenditures as contained in the budget of the county for the fiscal year in which such payment is made. Such amounts may be provided by budgetary appropriation or from moneys of the county which are not required by law to be paid into another fund or account.

2. The moneys in such fund may be used only for the purpose of investment in non-interest bearing tax anticipation or revenue anticipation notes of the county, or renewals thereof. Any provisions of law to the contrary notwithstanding, all tax or revenue anticipation notes of the county, or renewals thereof, sold to the tax and revenue anticipation fund during a fiscal year shall be paid on or before the close of such fiscal year.

3. The moneys in such fund, pending investment as provided in subdivision two of this section, shall be deposited in one or more banks or trust companies designated in the manner provided by law, as depositaries of funds of the county. The moneys in any such fund so deposited shall be accounted for separate and apart from all other funds of the county, in the same manner as provided in subdivision ten of section six-c of the general municipal law. Any interest earned on the moneys so deposited shall be a general county revenue.

4. Such fund shall continue in existence from year to year, provided, however, that the board of supervisors by resolution may transfer all or part of the moneys in such fund to a reserve fund established pursuant to article two of the general municipal law.

§ 373. Capital program. 1. Where the board of supervisors of a county, by action taken pursuant to section three hundred seventy-six, provides

that this section shall apply to such county, the budget officer shall cause to be prepared for inclusion in the tentative budget a recommended capital program covering capital projects, if any, to be acquired or constructed during the ensuing fiscal year. Such program shall be arranged in such manner as to set forth clearly:

(a) The estimated expenditures for each capital project for the ensuing fiscal year and in the case of a capital project not to be completed during the ensuing fiscal year, the estimated amount to be expended therefor after the close of such year; and

(b) The proposed method of financing such capital program, separately indicating the amount of each project proposed to be financed by direct budgetary appropriation and the amount of each project proposed to be financed by the issuance of obligations, showing the proposed types of obligations together with the periods for which they are proposed to be issued.

2. There shall be included in the budget message, if any, a general summary showing the capital requirements for the ensuing fiscal year and such comments and recommendations with respect to the capital program as the budget officer may deem advisable.

3. At any time after the adoption of the budget the board of supervisors by the affirmative vote of two-thirds of its total membership may amend the capital program contained therein by adding, modifying or abandoning projects. No capital project shall be authorized or undertaken unless included in the budget as adopted or amended.

§ 374. Budget message. Where the board of supervisors of a county, by action taken pursuant to section three hundred seventy-six, provides that this section shall apply to such county, there shall be filed with the tentative budget a budget message explaining the main features of the tentative budget and a general summary thereof, with supporting schedules which shall exhibit the aggregate figures of the tentative budget in such manner as to show a balanced relationship between the total estimated expenditures and the total estimated income for the ensuing fiscal year, and which shall compare these figures with the

actual receipts and expenditures for the last completed fiscal year and the appropriations for the current fiscal year. The budget message shall contain such additional information or comments as are deemed advisable by the budget officer, or as the board of supervisors, from time to time, may require by resolution.

§ 375. Allotments of appropriations. 1. Where the board of supervisors of a county, by action taken pursuant to section three hundred seventy-six, provides that this section shall apply to such county, the head of each administrative unit shall submit to the budget officer, at the time specified by him, a work program for the ensuing fiscal year, which program shall include all appropriations for operation and maintenance and purchase of equipment and shall show the requested allotments of such appropriations for such administrative unit by quarterly periods for the entire fiscal year. The budget officer shall review the requested allotments in the light of the work program of the administrative unit and may revise, alter, or change the requested allotments before approving the same. The aggregate of the allotments for any administrative unit shall not exceed the amount appropriated for such administrative unit for the fiscal year. A copy of the allotments as finally approved by the budget officer shall be filed with the chief fiscal officer and expenditures shall be made only in accordance with such approved allotments as revised. Approved allotments may be revised during the fiscal year by the budget officer in the same manner as the original allotment was made.

2. If, at any time during the fiscal year the budget officer shall ascertain that the available revenues, including the proceeds of the tax on real estate, for such year will be less than the total appropriations, he shall reconsider the work programs and allotments of the several administrative units and make a revision thereof, so as to prevent the making of expenditures in excess of the amounts available therefor.

§ 376. Local laws; resolutions. 1. Whenever in this article the board

of supervisors is authorized by action taken pursuant to this section, to alter or abolish the requirements of any section of this article, or part thereof, or to make applicable to the county the provisions of any such section, or part thereof, not otherwise applicable, such action shall be by local law adopted in the manner prescribed in the municipal home rule law. Notwithstanding the provisions of this chapter or any general, special or local law, a local law adopted pursuant to this article shall not be subject to a mandatory or permissive referendum.

2. Notwithstanding the provisions of this chapter or of any general, special or local law, and except as expressly permitted by this article, no local law or resolution shall be adopted by a board of supervisors inconsistent with the mandatory provision of this article or the optional provisions thereof where made applicable; provided, however, that local laws may be adopted imposing additional requirements not inconsistent with any such provisions.

3. Notwithstanding the provisions of this chapter or of any general, special or local law, a roll call vote shall be taken when any resolution expressly authorized or required by this article is voted upon by the board of supervisors. Such roll call vote shall be entered in the minutes of the board.

4. Any local law by which an optional provision of this article is made applicable to a county may be repealed, whereupon such optional provision shall cease to be applicable to such county. Any other local law, or resolution, adopted pursuant to this article may be amended or repealed, provided that no such local law or resolution shall be amended so as to be inconsistent with the mandatory provisions of this article or the optional provisions thereof where made applicable. A resolution to amend or repeal a resolution previously adopted pursuant to an express authorization or requirement of this article shall be voted upon, and the roll call vote thereon shall be recorded, in the manner provided in subdivision three of this section.

§ 377. Use of mechanical checksigner. Each board of supervisors shall

have power to authorize checks drawn upon county funds to be signed with the facsimile signature of the officer or officers authorized by law to sign the same.

§ 378. Publishing county audits. Each board of supervisors may cause the abstract of county audits to be published in the official newspapers and such other newspapers for such number of insertions as it may direct.

§ 379. Extension of fiscal year. The fiscal year of each county expiring prior to December thirty-first, nineteen hundred fifty, shall be and hereby is extended to include such December thirty-first. Nothing in this article contained shall invalidate any contract or expenditure for a lawful purpose entered into or made during the period of such extension.

§ 380. Financing transition period. In counties which, upon the effective date of this section, operate on the basis of a fiscal year expiring prior to December thirty-first, nineteen hundred fifty, there may be included in the first tentative budget prepared pursuant to this article an amount sufficient to pay, in whole or in part, all accounts, claims and demands against the county and obligations of the county, duly audited or otherwise payable by the county for or during the period elapsing between the date upon which such fiscal year would have expired and January first, nineteen hundred fifty-one; provided, however, that a county may finance, in whole or in part, the payment of obligations and expenses falling due during such period by the issuance of serial bonds or capital notes pursuant to the local finance law.

§ 381. The legislative body of a county may, for the convenience of the county, designate certain named county officers and employees to apply for notary commissions and pay the necessary fees therefor from county funds. Such payment shall be deemed to be for a county purpose.

No fee shall be charged or collected by such officer or employee for any notarial act performed by him.

ARTICLE 7-A

COUNTY TUBERCULOSIS HOSPITALS

- Section 385. Establishment of county tuberculosis hospitals.
386. Board of managers; appointment; terms; expenses.
387. Board of managers; general powers and duties.
388. Superintendent; general powers and duties.
389. Chaplains in Rensselaer county.
390. Admission of county patients.
391. Admission of out of county patients.
- 391-a. (Enacted without section heading).
392. Visitation and inspection.
393. Hospital located at county home.
394. Discontinuance of hospital or county chest clinic services; procedure.
395. Applications to state commissioner of health.

§ 385. Establishment of county tuberculosis hospitals. 1. The board of supervisors of every county in the state containing a population of thirty-five thousand or more, as determined by the latest federal census, shall establish, as hereinafter provided, a county hospital for the care and treatment of persons suffering from the disease known as tuberculosis, unless there already exists in such county a hospital or institution provided by the county or other authority and caring for persons suffering from tuberculosis, which is approved by the state commissioner of health, or the board of supervisors of such county except in a county wherein a site for such hospital has been approved by the state commissioner of health prior to the taking effect of this article, shall have entered into a contract prior to November first, nineteen hundred twenty, for the care of its tuberculosis patients with an adjoining county having such county hospital or with a private sanatorium within its county or shall join prior to November first, nineteen hundred twenty, with one or more other counties in the

establishment and maintenance of such county hospital as hereinafter provided. Such county hospital, except a hospital established and maintained by two or more counties, shall be available for patients on or before the first day of July, nineteen hundred eighteen. All expenditures incurred by the state commissioner of health for and in connection with the location, construction and operation of such hospital, shall be a charge upon the county, and provision shall be made for the payment therefor by the board of supervisors of such county in the same manner as in the case of other charges against the county. At any time after such hospital has been in operation, the board of supervisors in such county may appoint a board of managers for such hospital, pursuant to the provisions of this article and thirty days after the appointment of such board of managers by such board of supervisors, such hospital shall be transferred to such board of managers, and such board of managers shall thereafter possess and exercise all the powers of the board of managers of a county hospital for tuberculosis under this article, and the state commissioner of health shall be relieved from any responsibility therefor except such responsibility as he exercises in regard to all county tuberculosis hospitals under the provisions of this article.

2. When deemed advisable by the board of supervisors and approved by the state commissioner of health, any such county may maintain more than one county hospital for the care and treatment of persons suffering from tuberculosis. The board of supervisors of any other county shall have power by a majority vote to establish a county hospital for the care and treatment of persons suffering from the disease known as tuberculosis.

3. When the board of supervisors of any county shall have voted to establish such hospital, the board of supervisors shall:

(a) Purchase or lease real property therefor, or acquire such real property, and easements therein, by appropriate proceedings, in the manner prescribed by the eminent domain procedure law, in any town, city or village in the county.

(b) Erect all necessary buildings and alter any buildings, on the property when acquired for the use of said hospital, provided that the location of the buildings and the plans and such part of the

specifications as shall be required by the state commissioner of health for such erection or alteration together with the initial equipment shall first be approved by the state commissioner of health. Any changes in such location or plans shall also be first approved by the state commissioner of health and the state commissioner of health and his duly authorized representatives shall have the power to inspect such county hospitals during the course of their construction for the purpose of seeing that such plans are complied with.

(c) Cause to be assessed, levied and collected such sums of money as it shall deem necessary for suitable lands, buildings and improvements for said hospital, and for the maintenance thereof, and for all other necessary expenditures therefor; or may finance expenditures for the erection of such hospital and for the purchase of a site therefor pursuant to the provisions of the local finance law.

(d) Appoint a board of managers for said hospital as hereinafter provided.

(e) Accept and hold in trust for the county, any grant or devise of land, or any gift or bequest of money or other personal property, or any donation to be applied, principal or income, or both, for the benefit of said hospital, and apply the same in accordance with the terms of the gift.

(f) Whenever it shall deem it in the public interest so to do, and notwithstanding the provisions of any other general or special act, change the location of such hospital and acquire a new site by purchase, lease or condemnation, as provided in this section, and establish the hospital thereon.

§ 386. Board of managers; appointment; terms; expenses. When the board of supervisors shall have determined to establish a hospital for the care and treatment of persons suffering from tuberculosis, and shall have acquired a site therefor, and shall have awarded contracts for the necessary buildings and improvements thereon, it shall appoint five citizens of the county, of whom at least two shall be practicing physicians, who shall constitute a board of managers of the said hospital. The term of office of each member of said board shall be five years, and the term of one of such managers shall expire annually; the

first appointments shall be made for the respective terms of five, four, three, two and one years. Appointments of successors shall be for the full term of five years, except that appointment of persons to fill vacancies occurring by death, resignation or other cause shall be made for the unexpired term. Failure of any manager to attend three consecutive meetings of the board shall cause a vacancy in his office, unless said absence is excused by formal action of the board of managers. The managers shall receive no compensation for their services, but shall be allowed their actual and necessary traveling and other expenses, to be audited and paid, in the same manner as the other expenses of the hospital, by the board of supervisors. Any manager may at any time be removed from office by the board of supervisors of the county, for cause after an opportunity to be heard.

§ 387. Board of managers; general powers and duties. The board of managers 1. Shall elect from among its members, a president and one or more vice-presidents. It shall appoint a superintendent of the hospital who shall be also the treasurer and secretary of the board, and it may remove him for cause stated in writing and after an opportunity to be heard thereon after due notice; and may suspend him from duty pending the disposition of such charges. Said superintendent shall not be a member of the board of managers and shall be a graduate of an incorporated medical college, with an experience of at least three years in the actual practice of his profession.

2. Shall determine the amount of time required to be spent at the hospital by said superintendent in the discharge of his duties.

3. Shall have the general superintendence, management and control of the said hospital, of the grounds, buildings, officers and employees thereof, of the patients therein and of all matters relating to the government, discipline, contracts and other affairs thereof; and make such rules and regulations as may seem to be necessary for carrying out the purposes of such hospital.

4. Shall maintain an effective inspection of said hospital and keep

itself informed of the affairs and management thereof; shall meet at the hospital at least once in every month, and at such other times as may be prescribed in the by-laws; and shall hold its annual meeting at least three weeks prior to the meeting of the board of supervisors at which appropriations for the ensuing year are to be considered.

5. Shall keep in a book provided for that purpose, a proper record of its proceedings which shall be open at all times to the inspection of its members, to the members of the board of supervisors of the county, and to duly authorized representatives of the state department of social welfare.

6. Shall make to the board of supervisors of the county annually, at such time as said supervisors shall direct, a detailed report of the operations of the hospital during the year, the number of patients received, the methods and results of their treatment, together with suitable recommendations and such other matters as may be required. Such report may be printed for general distribution.

7. Shall notwithstanding any other general or special law erect all additional buildings found necessary after the hospital has been placed in operation and make all necessary improvements and repairs within the limits of the appropriations made therefor by the board of supervisors, provided that the location of the buildings and the plans and such part of the specifications as shall be required by the state commissioner of health for such additional buildings, improvements or repairs shall first be approved by the state commissioner of health. Any change in such location or plans shall also be first approved by the state commissioner of health and the state commissioner of health and his duly authorized representatives shall have the power to inspect such county hospitals during the course of the construction of such additional building for the purpose of seeing that such plans are complied with.

8. Unless by an arrangement satisfactory to the board of managers and approved by the state commissioner of health such nursing service is otherwise provided by the county, shall employ a county nurse, or an additional nurse or nurses if it deems necessary, for the discovery of

tuberculosis cases and for the visitation of such cases and of patients discharged from the hospital and for such other duties as may seem appropriate; and shall cause to be examined by the superintendent or one of his medical staff suspected cases of tuberculosis reported to it by the county nurse, or nurses, or by physicians, teachers, employers, heads of families or others; and it may take such other steps for the care, treatment and prevention of tuberculosis as it may from time to time deem wise.

§ 388. Superintendent; general powers and duties. The superintendent shall be the chief executive officer of the hospital and subject to the by-laws, rules and regulations thereof, and to the powers of the board of managers:

1. Shall equip the hospital with all necessary furniture, appliances, fixtures and other needed facilities for the care and treatment of patients and for the use of officers and employees thereof, and shall in counties where there is no purchasing agent purchase all necessary supplies.

2. Shall have general supervision and control of the records, accounts, and buildings of the hospital and all internal affairs, and maintain discipline therein, and enforce compliance with, and obedience to all rules, by-laws and regulations adopted by the board of managers for the government, discipline and management of said hospital, and the employees and patients thereof. He shall make such further rules, regulations and orders as he may deem necessary, not inconsistent with law, or with the rules, regulations and directions of the board of managers.

3. Shall appoint such resident officers and such employees as are authorized by the board of supervisors for the efficient performance of the business of the hospital, and prescribe their duties; and for cause stated in writing, after an opportunity to be heard, discharge any such officer or employee at his discretion.

4. Shall cause proper accounts and records of the business and operation of the hospital to be kept regularly from day to day, in books and on records provided for that purpose; and see that such accounts and records are correctly made up for the annual report to the board of supervisors, as required by section three hundred eighty-seven of this article, and present the same to the board of managers, who shall incorporate them in their report to the said supervisors.

5. Shall receive into the hospital in the order of application, any person found to be suffering from tuberculosis in any form who is entitled to admission thereto under the provisions of this article, excepting that if at any time there be more applications for admission to said hospital than there are vacant beds therein, said superintendent shall give preference in the admission of patients to those who in his judgment, after an inquiry as to the facts and circumstances, are more likely to infect members of their households and others, in each instance signing and placing among the permanent records of the hospital a statement of the facts and circumstances upon which he bases his judgment as to the likelihood of transmitting infection, and reporting each instance at the next meeting of the board of managers; and shall also receive persons from other counties as hereinafter provided. Said superintendent shall cause to be kept proper accounts and records of the admission of all patients, their name, age, sex, color, marital condition, residence, occupation and place of last employment.

6. Shall cause a careful examination to be made of the physical condition of all persons admitted to the hospital and provide for the treatment of each such patient according to his need; and shall cause a record to be kept of the condition of each patient when admitted, and from time to time thereafter.

7. Shall discharge from said hospital any patient who shall wilfully or habitually violate the rules thereof; or who is found not to have tuberculosis; or who is found to have recovered therefrom; or who for any other reason is no longer a suitable patient for treatment therein; and shall make a full report thereof at the next meeting of the board of managers.

8. Shall collect and receive all moneys due the hospital, keep an accurate account of the same, report the same at the monthly meeting of the board of managers, and transmit the same to the treasurer of the county monthly on or before the tenth day of the month.

9. Shall before entering upon the discharge of his duties, give a bond in such sum as the board of managers may determine, to secure the faithful performance of such duties.

10. May attend such courses in the diagnosis and treatment of tuberculosis and in hospital administration at a state tuberculosis hospital as may be established and which he may be authorized to attend by the board of managers of his hospital. Subject to appropriation being made therefor, the necessary expenses in traveling to and from such state tuberculosis hospital for the purpose of taking such courses shall be a county charge.

§ 389. Chaplains in Rensselaer county. The board of supervisors of the county of Rensselaer is hereby authorized and empowered from time to time to designate as chaplains to the Rensselaer county tuberculosis hospital in such county, known as the "Pawling Sanitarium," not less than two and not more than three chaplains, no two of such chaplains to be of the same religious denomination, and to provide for their compensation and expenses.

§ 390. Admission of county patients. 1. Any person in the county in which the hospital is situated desiring treatment in such hospital, may apply in person to the superintendent or to any reputable physician for examination, and such physician, if he finds that said person is suffering from tuberculosis in any form, may apply to the superintendent of the hospital for his admission. Blank forms for such applications shall be provided by the hospital, and shall be forwarded by the superintendent thereof gratuitously to any reputable physician in the county, upon request. So far as practicable applications for admission

to the hospital shall be made upon such forms. The superintendent of the hospital, upon the receipt of such application, if it appears therefrom that the patient is suffering from tuberculosis, and if there be a vacancy in the said hospital, shall notify the person named in such application to appear in person at the hospital. If, upon examination of such patient, or of any patient applying in person for admission, the superintendent is satisfied that such person is suffering from tuberculosis, he shall admit him to the hospital as a patient. All such applications shall be filed and recorded in a book kept for that purpose in the order of their receipt. When said hospital is completed and ready for the treatment of patients, or whenever thereafter there are vacancies therein, admissions to said hospital shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided, in so far as such applicants are certified to by the superintendent to be suffering from tuberculosis. No discrimination shall be made in the accommodation, care or treatment of any patient because of the fact that the patient or his relatives contribute to the cost of his care and treatment in whole or in part, and no patient shall be permitted to pay for his care and treatment in such hospital a greater sum than the average per diem per capita cost of care and treatment therein and no officer or employee of such hospital shall accept from any clinic or hospital patient any fee, payment or gratuity whatsoever for his services.

2. Whenever a patient admitted to said hospital has local residence, as defined in the public health law, in the county in which the hospital is situated, he shall be a charge upon such county. If such patient admitted to said hospital has local residence in some other county or in the city of New York, he shall be a charge upon such other county or the city of New York, as the case may be, and the superintendent shall send a bill for such charge to the clerk of the board of supervisors of such other county or to the comptroller of the city of New York. Such charge shall be at a rate to be fixed by the board of managers, which shall not exceed the per diem per capita cost of care and treatment in said hospital, and if the county operating said hospital is currently receiving state aid for the care and treatment of tuberculosis patients pursuant to the public health law, such charge may be an amount for each

day of such patient's care equivalent to the balance of the total per diem per capita cost of operating such hospital during the preceding fiscal year, as computed and approved by the state commissioner of health pursuant to subdivision three of section fifty-four of the public health law. Such bill shall be audited and paid by the board of supervisors of said county, except that a bill so submitted to the city of New York shall be paid by such city after audit and upon warrant of the comptroller of such city. Any patient admitted to said hospital may pay for his care and treatment in whole or in part if he volunteers to do so.

§ 391. Admission of out of county patients. 1. Exclusive of the city of New York, and exclusive of counties served by state tuberculosis hospitals, any person in a county not having a county hospital for the care and treatment of persons suffering from tuberculosis may apply in person to the clerk of the board of supervisors of such county or to the state commissioner of health for admission to a tuberculosis hospital, providing that such person submit with such application a statement signed by a reputable physician that such physician has, within the ten days preceding the date of such application, examined such person and that, in his opinion, such person is suffering from tuberculosis or is suspected of having tuberculosis and is in need of care and treatment therefor. Upon receipt of such application, the clerk of the board of supervisors or the state commissioner of health, as the case may be, shall forward the same to the superintendent of any state, county or city hospital for the care and treatment of tuberculosis.

2. Whenever the superintendent of such a hospital shall receive an application for the admission of a patient in accordance with the provisions of subdivision one of this section, if it appear from such application that the person therein referred to is suffering from tuberculosis or is suspected of having tuberculosis and is in need of care and treatment therefor, the superintendent shall notify said person to appear in person at the hospital, provided there be a vacancy in such hospital and there be no pending application from a patient living in the county in which the hospital is located. If, upon personal

examination of the patient, the superintendent is satisfied that such patient is in need of care and treatment for tuberculosis, he shall admit him to the hospital. Every patient so admitted shall be a charge against the county in which he was living immediately prior to such admission. Such charge shall be at a rate to be fixed by the board of managers, which shall not exceed the per diem per capita cost of maintenance therein and any cost of transportation to or from the hospital, except that if the county operating said hospital is currently receiving state aid for the care and treatment of tuberculosis patients pursuant to the public health law, such charge shall be an amount for each day of such patient's care equivalent to the balance of the total per diem per capita cost of operating such hospital during the preceding fiscal year, as computed and approved by the state commissioner of health pursuant to subdivision three of section fifty-four of the public health law; and the bill therefor shall be audited and paid by the board of supervisors of the said county. However, if such patient has local residence, as defined in the public health law, in some county other than the one in which he was living immediately prior to such admission or in the city of New York, he shall be a charge upon such other county or the city of New York, as the case may be, and in this event any amounts for the cost of such care and treatment which shall have been paid by the county from which he was admitted shall be charged back and reimbursed to such county by the aforesaid other county or the city of New York in which the patient has local residence. Any patient admitted to a hospital in accordance with the provisions of subdivision one of this section may pay for his care and treatment in whole or in part if he volunteers to do so.

§ 391-a. Notwithstanding any inconsistent provisions of this article, or of any other general, special or local law, a county tuberculosis hospital may also admit for study and care persons with chronic nontuberculous diseases of the chest, subject to rules and regulations to be promulgated by the state commissioner of health with the advice and counsel of an advisory committee consisting of five members after consultation with the boards of managers of county tuberculosis hospitals; provided, however, that any person so admitted or the person

or agency who or which accepts responsibility for payment for the care and treatment of such person shall be charged such amount as fixed by the board of managers of the hospital but at a rate not in excess of the daily cost per patient of operation of the hospital as determined by the state commissioner of health. Three of the members of such advisory committee shall be superintendents of county tuberculosis hospitals to be chosen by such commissioner, and two of the members thereof shall be representatives of the medical society of the state of New York to be designated by such society.

§ 392. Visitation and inspection. The resident officer of the hospital shall admit the managers into every part of the hospital and the premises and give them access on demand to all books, papers, accounts and records pertaining to the hospital and shall furnish copies, abstracts and reports whenever required by them. All hospitals established or maintained under the provisions of this article shall be subject to inspection by any duly authorized representative of the state department of social welfare, the state department of health, of the state charities aid association and of the board of supervisors of the county; and the resident officers shall admit such representatives into every part of the hospital and its buildings, and give them access on demand to all records, reports, books, papers and accounts pertaining to the hospital.

§ 393. Hospital located at county home. Wherever a hospital for the care and treatment of persons suffering from tuberculosis exists in connection with, or on the grounds of a county home, the board of supervisors may, after this article takes effect, appoint a board of managers for such hospital and such hospital, and its board of managers, shall thereafter be subject to all the provisions of this article, in like manner as if it had been originally established hereunder. Any hospital for the care and treatment of tuberculosis which may hereafter be established by any board of supervisors shall be subject to all the provisions of this article. No hospital authorized under the provisions of this article shall hereafter be located on the grounds of a county

home.

§ 394. Discontinuance of hospital or county chest clinic services; procedure. 1. The board of supervisors of any county in which there is a county tuberculosis hospital or county chest clinic service established pursuant to the authorization in this article or any other general or special law shall continue the operations of such hospital or clinic service, except as hereinafter provided.

2. Notwithstanding the provisions of this article, or of any other general or special law, the board of supervisors of any county maintaining a county tuberculosis hospital or county chest clinic service may request the state commissioner of health to assume responsibility for the operation and maintenance of such hospital as a state tuberculosis hospital or state chest clinic service or to authorize the abolition of such county tuberculosis hospital or county chest clinic service. The state commissioner of health, upon receipt of such application, shall make such investigations as he may deem appropriate to protect the public health or other interests of the state. Following such investigation, he may certify in writing to the board of supervisors of such county that such county can be adequately served by a state tuberculosis hospital or a state chest clinic service and that in his opinion the continued operation of such county tuberculosis hospital or county chest clinic service is unnecessary. On receipt of any such certification the board of supervisors is hereby authorized to abolish such hospital or clinic service by resolution adopted by a majority vote of the members of such board. On the abolition of any such hospital or clinic service the board of supervisors may dispose of the property and equipment thereof or direct the same to such other public use as is deemed desirable within the limits prescribed by law. Such board may dispose of funds, or other property held in trust pursuant to paragraph e of subdivision three of section three hundred eighty-five as is permitted by law and the terms of any bequests relating thereto. The terms of office of the board of managers or other governing body and the superintendent or director thereof shall automatically terminate on the abolition of any such

hospital or chest clinic service. However, the state commissioner of health, following such investigation, may, with the approval of the governor, notify such county board of supervisors that, for the protection of the public health, such hospital or chest clinic service should be continued as a tuberculosis hospital or chest clinic service under state ownership and operation to serve, in addition to such county, such other counties as may require tuberculosis hospital or chest clinic service.

3. When the state commissioner of health determines that the interest of the public health would be furthered by the continuance of the service of such county tuberculosis hospital or county chest clinic service under state ownership, operation and administration, said county shall be required to submit, within a period of thirty days after notice to that effect, a description of all lands then owned by the county for such tuberculosis hospital or chest clinic service and any and all certificates or abstracts of title thereon, together with a description of the buildings and an inventory of all equipment, fixtures, supplies, furnishings, medical and household supplies, automotive equipment, and any other materials or property owned or possessed by the county for the maintenance, operation or use of such hospital or chest clinic service, and upon notice and on a date designated by the state commissioner of health, said county shall transfer to the state, without cost, the title to all of the property and appurtenances constituting such county tuberculosis hospital or county chest clinic service, including all lands, buildings, equipment, fixtures, supplies, furnishings, medical and household supplies, automotive equipment, and any other materials or property assigned to or for the maintenance, operation or use of such hospital or chest clinic service, as included in the inventory hereinbefore mentioned.

4. No outstanding bonded or other indebtedness shall be assumed by the state in the event of such transfer of title as aforesaid.

5. In the event that at any time subsequent to the taking of title by the state, the state commissioner of health determines that it is no longer economical or advisable for the state to continue the operation

of such hospital or chest clinic service then, upon the discontinuance of such hospital or chest clinic service by the state, the title to the land and buildings pertaining thereto shall, without obligation on the part of such county, revert to and be revested in such county.

§ 395. Applications to state commissioner of health. On and after January first, nineteen hundred forty-seven, whenever a person alleged to be suffering from tuberculosis is unable to gain admission to an appropriate tuberculosis hospital for necessary diagnostic or treatment services, such person may make application to the state commissioner of health for admission to an appropriate tuberculosis hospital for such services, treatment and care. The cost of such services and treatment and of the maintenance of such patient shall be subject to the provisions of section fifty-four and other applicable provisions of the public health law.

ARTICLE 7-B

COUNTY MEDICAL ASSISTANCE CLINICS

Section 396-a. County medical assistance clinics.

396-b. Powers of local legislative body.

396-c. Head of clinic; powers and duties.

396-d. Medical assistance.

396-e. Supervision of clinic.

396-f. Reimbursement.

§ 396-a. County medical assistance clinics. The local legislative body of each county may, by local law, establish a county clinic for the care and treatment of persons receiving medical assistance for the needy pursuant to title two of article five of the social services law. All expenditures incurred in connection with the location, construction and operation of such clinic shall be a charge upon the county and provision shall be made for the payment therefor by the local legislative body of such county in the same manner as in the case of other charges against the county.

§ 396-b. Powers of local legislative body. When the local legislative body of any county shall have voted to establish such clinic, the local legislative body shall:

(1) Purchase or lease real property therefor, or acquire such real property, and easements therein, by condemnation proceedings, in the manner prescribed by the eminent domain procedure law, in any town, city or village in the county.

(2) Erect all necessary buildings and alter any buildings, on the property when acquired for the use of said clinic, provided that the location of the buildings and the plans and such part of the specifications as shall be required by the state commissioner of social services and commissioner of health for such erection or alteration together with the initial equipment shall first be approved by the commissioner of social services and commissioner of health. Any changes in such location or plans shall also be first approved by the commissioner of social services and commissioner of health.

(3) Cause to be assessed, levied and collected such sums of money as it shall deem necessary for suitable lands, buildings and improvements for said clinic, and for the maintenance thereof, and for all other necessary expenditures therefor; or may finance expenditures for the erection of such clinic and for the purchase of a site therefor pursuant to the provisions of the local finance law.

(4) Accept and hold in trust for the county, any grant or devise of land, or any gift or bequest of money or other personal property, or any donation to be applied, principal or income, or both, for the benefit of said clinic, and apply the same in accordance with the terms of the gift.

(5) Whenever it shall deem it in the public interest so to do, and notwithstanding the provisions of any other general or special act, change the location of such clinic and acquire a new site by purchase, lease or condemnation, as provided in this section, and establish the hospital thereon.

§ 396-c. Head of clinic; powers and duties. The head of such clinic

shall be a physician licensed by this state and be subject to the approval of the local legislative body:

1. Shall equip the clinic with all necessary furniture, appliances, fixtures and other needed facilities for the care and treatment of patients and for the use of officers and employees thereof.
2. Shall have general supervision and control of the records, accounts, and buildings of the clinic and all internal affairs.
3. Shall appoint such other physicians, dentists, nurses, technicians and other resident officers and employees as are authorized by the local legislative body for the efficient performance of the business of the clinic.
4. Shall cause proper accounts and records of the business and operation of the clinic to be kept regularly from day to day, in books and on records provided for that purpose; and see that such accounts and records are correctly made up for the annual report to the local legislative body.
5. Shall receive into the clinic all persons who are eligible to receive medical assistance pursuant to the provisions of section three hundred sixty-six of the social services law and to provide such care, services and supplies which are necessary. Provided, however, that no person shall be received in such clinic without the prior authorization of the social services official responsible for such person's care.
6. Shall cause a careful examination to be made of the physical condition of all persons admitted to the clinic and provide for the treatment of each such patient according to his need; and shall cause a record to be kept of the condition of each patient when treated, and from time to time thereafter.
7. Shall discharge from said clinic any patient who for any reason is no longer eligible for treatment therein.

8. Shall collect and receive all moneys due the clinic, keep an accurate account of the same, and transmit the same to the treasurer of the county monthly on or before the tenth day of the month.

9. Shall before entering upon the discharge of his duties, give a bond in such sum as the local legislative body may determine, to secure the faithful performance of such duties.

§ 396-d. Medical assistance. Whenever a medical assistance clinic has been established as provided in this article, all medical assistance pursuant to title two of article five of the social services law may be given at such clinic under the supervision of the head of such clinic to those eligible persons electing to utilize the facilities of such clinic. The services of qualified physicians, dentists, nurses, optometrists, podiatrists and other related professional personnel shall be made available at such clinic.

The clinic shall have adequate facilities for the dispensing of drugs, sickroom supplies, eyeglasses, dentures, prosthetic appliances and shall provide physical therapy, rehabilitative services and laboratory and X-ray services.

Any professional medical personnel may be employed by the clinic on a part or full time basis and shall receive such compensation for their services as may be made available therefor by appropriation by the local legislative body of the county.

§ 396-e. Supervision of clinic. All clinics established as provided in this article shall be subject to the supervision of the state department of health.

§ 396-f. Reimbursement. Claims for state reimbursement for the expenses incurred in the maintenance and operation of such clinic which are directly connected with the furnishing of medical assistance for

needy persons shall be made in the manner set forth in section three hundred sixty-eight-a of the social services law and the nature and amount of such reimbursement shall be paid as provided in such section.

ARTICLE 7-C

DRUG CONTROL AUTHORITIES

Section 396-g. Creation; board; employees.

396-h. Powers of the authority.

396-i. Reports of the authority.

396-j. Acquisition of real property; financing of expenditures.

§ 396-g. Creation; board; employees. The local legislative body of each county is hereby authorized to create a county drug control authority. Such authority shall consist of not less than five nor more than nine members who shall be appointed by the county legislature or by the county executive in those counties where the county charter provides that members of county boards, commissions, authorities or agencies are to be appointed by the county executive, at least one of whom shall be a physician licensed to practice medicine in this state. Any person serving as a member of a county narcotic guidance council, drug abuse commission or mental health board shall be eligible to serve as a member of the board of a county drug authority created pursuant to this article. The chairman of the board shall be designated by the county legislature or by the county executive in those counties where the county charter provides that members of county boards, commissions, authorities or agencies are to be appointed by the county executive, from among the members so appointed. The compensation of the members shall be fixed by the county legislative body within the amount available therefor by appropriation. The board shall appoint a counsel, an administrative officer and such other officers, employees, agents and consultants as may be necessary, prescribe their duties, fix their compensation and provide for payment of their expenses, all within amounts appropriated therefor by the county.

§ 396-h. Powers of the authority. The authority, by and through its board, shall have the following functions, powers and duties:

1. To coordinate and assist in activities in the county relating to drug control;

2. To establish in-patient and out-patient treatment facilities for persons with substance use disorders. Such facilities shall include, but shall not be limited to:

a. detoxification centers and clinics for the out-patient treatment of persons with substance use disorders;

b. a treatment center where persons with substance use disorders may obtain professional counseling from physicians, psychologists, psychiatrists and where possible, other persons with substance use disorders;

c. half-way houses to provide continuing treatment for persons with substance use disorders.

3. To create a referral program whereby persons with substance use disorders and persons and agencies concerned with their treatment will make use of the aforementioned treatment facilities;

4. To encourage and, when so requested, assist cooperative efforts among local narcotic guidance councils and state agencies in developing solutions to the drug problem;

5. To establish one or more treatment districts within the county based on geography and population density; and to employ a referral counselor in each treatment district;

6. To encourage and foster, if possible, the use of former drug abusers and persons formerly addicted to drugs as staff personnel;

7. To assist narcotic guidance councils of a city, town or village

within the county in the development of preventative educational programs;

8. To act as agent for the county in accepting any public or private funds which may be made available to a county to control the problems of drug abuse;

9. To make a continuing evaluation of the preventative educational techniques and pharmacological and psychiatric treatment procedures used in the county;

10. To utilize former drug abusers and ex-addicts in educational counseling and make periodic evaluations of their effectiveness;

11. To establish youth centers to provide individual and group therapy and develop constructive work habits;

§ 396-i. Reports of the authority. The authority shall make an annual report to the county legislature. When it deems advisable, the authority may make interim reports to the county legislature with its recommendations, in order to afford the county legislature an opportunity to take immediate action thereon.

§ 396-j. Acquisition of real property; financing of expenditures. Real property required for any of the purposes set forth in this article shall be acquired by the county legislative body on behalf of the authority.

Nothing contained in this article, shall be construed to prevent the financing, in whole or in part, pursuant to the local finance law of any expenditure made to carry out the purposes of this article.

ARTICLE 8
OFFICERS; GENERAL PROVISIONS

- Section 400. Officers; manner of selection; term; vacancies.
- 401. Deputies.
 - 402. Oath of office.
 - 403. Official undertakings.
 - 404. Official seals.
 - 405. Procedure when new officer assumes duties of office.
 - 406. Reports of officers.
 - 407. Accounts of fees.
 - 408. Supplies and equipment.
 - 408-a. Advertising for bids; letting of contracts.
 - 409. Actions and proceedings in official capacity.
 - 410. Cost of removal proceedings before the governor.
 - 411. Holding more than one elective office.

§ 400. Officers; manner of selection; term; vacancies. 1. Elective. There shall be elected a sheriff, county clerk, district attorney and county treasurer. Except in the county of Lewis, coroners shall continue to be elected as now provided by law until the office is abolished or the number is increased or diminished pursuant to the provisions of this chapter. Unless otherwise provided in this chapter, the term of office of each such officer shall continue to be three years, except that the terms of office of sheriff, county clerk, county treasurer and coroner shall be four years from and including the first day of January next succeeding his election. There shall be elected a county judge, surrogate, and judge of the family court as now or hereafter provided by law. The term of office of each such judicial officer shall be ten years from and including the first day of January next succeeding his election.

1-a. District attorney in counties outside of New York city. The term of office of the district attorney of each county outside of New York city shall be for four years commencing on the first day of January following the general election for district attorney in each respective county.

2. Coroners. At least one hundred fifty days prior to any general

election and subject to a permissive referendum, the board of supervisors shall have power by local law to abolish the office of coroner and create the office of medical examiner. The terms of office of all coroners elected or appointed and holding office in the county at the time such local law becomes effective shall expire upon the appointment and qualification of the medical examiner and at the general election to be held in such year and thereafter no coroners shall be elected in the county.

3. At least one hundred fifty days prior to any general election and subject to a permissive referendum, the board of supervisors shall have power by local law to change the number of coroners to be elected to not less than one nor more than four. The board may divide the county into districts bounded by city or town lines and provide for the election of one coroner in each district. The terms of office of all coroners elected or appointed and holding office in the county at the time such local law becomes effective shall expire on the December thirty-first following. At the general election to be held in the year such local law becomes effective, one or more coroners shall be elected in the county as provided by such local law.

3-a. Coroner in Lewis county. All the powers and duties of the office of coroner of the county of Lewis are hereby transferred to the office of district attorney of such county, and the district attorney of such county shall exercise and perform all the powers and duties of the office of coroner of such county. The district attorney shall be entitled to such additional fees or compensation from the county for performance of duties as coroner as shall be fixed by the board of supervisors, and his reasonable and necessary expenses in the performance of the duties of such office shall be a county charge. The provisions of this section shall not have the effect under section ten of the municipal home rule law to permit any county, other than Lewis county as herein prescribed, to change, amend or supersede, by local law, any provisions of this chapter.

3-b. Coroner in Madison county. The office of coroner is hereby re-established in Madison county. All the powers and duties of the

office of coroner of the county of Madison are hereby transferred to the office of district attorney of such county, and the district attorney of such county shall exercise and perform all the powers and duties of the office of coroner of such county. The district attorney shall be entitled to such additional fees or compensation from the county for performance of duties as coroner as shall be fixed by the board of supervisors, and his reasonable and necessary expenses in the performance of the duties of such office shall be a county charge. The provisions of this section shall not have the effect under section ten of the municipal home rule law to permit any county, other than Madison county as herein prescribed, to change, amend or supersede, by local law, any provisions of this chapter.

4. (a) Appointive. There shall continue to be appointed in the manner prescribed by law a clerk of the board of supervisors, a county attorney, county superintendent of highways, sealer of weights and measures and county historian. The board of supervisors may by local law provide for the appointment of additional county officers, define their powers and duties not inconsistent with law, and fix the term of their office. No officer appointed for a fixed term shall be removed by the board during his term without written charges and the opportunity to be heard.

(b) The chief executive officer of a county public welfare department, whether referred to as commissioner or by other title, shall be appointed in accordance with the provisions of section one hundred sixteen of the social welfare law.

4-a. Medical examiner. The board of supervisors in any county in which the office of coroner is abolished shall appoint a medical examiner. A certificate of such appointment shall be filed and recorded in the office of the county clerk. The medical examiner, before entering upon the duties of his office, shall take and file the prescribed oath of office and furnish and file the required undertaking. The medical examiner shall serve at the pleasure of the board of supervisors and his appointment may be revoked at any time by resolution of the board of supervisors and the filing of a certificate of such revocation in the office of the county clerk. The medical examiner shall be a resident of

the county and a physician duly licensed to practice his profession in the state of New York and shall be a person determined by the board of supervisors as qualified to perform an autopsy and dissect dead bodies of human beings.

4-b. Coroner's physician. Except in counties where the office of coroner has been abolished, the board of supervisors may appoint one or more coroner's physicians or may provide by local law for the appointment of one or more coroner's physicians, and may fix the terms of their office. In any county in which the coroner or any of the coroners is not a physician duly licensed to practice medicine in this state, the board shall appoint one or more coroner's physicians.

Each coroner's physician appointed pursuant to this subdivision shall by virtue of his office be a deputy coroner and shall possess the powers and perform the duties of the coroner, during the absence or inability of the coroner to act, or in the event of a vacancy in the office of coroner.

5. Certificate of election or appointment. Upon filing in the office of the county clerk a certificate of election or appointment of any officer, together with the oath of office and official undertaking prescribed by law, the county clerk shall execute and deliver to such officer a certificate stating that he or she has duly qualified and is entitled to assume the duties of his or her office. On or before the tenth day of January in each year and thereafter within five days after any subsequent appointment is made, the clerk of the board of supervisors shall file in the office of the county clerk a certificate showing the names of all officers of the county appointed by the board and the amount of the official undertaking, if any, required in each case. On or before the fifteenth day of January in each year and thereafter within five days after any person is elected or appointed to any office within the county, the county clerk shall file in the office of the executive department of the state a certificate showing the name of each person so elected or appointed who has duly qualified and, within the same time periods, file the name of any person appointed to the office of director of real property tax services with the

commissioner of taxation and finance.

6. Notice of vacancy in office. Within ten days after any vacancy occurs as prescribed by section thirty of the public officers law, the county clerk shall give notice thereof to the governor when the power of appointment is vested in the governor and to the board of supervisors when the power of appointment is vested in said board.

7. Filling of vacancies. Except as hereinafter provided, a vacancy in an elective county office, shall be filled by the governor by appointment and for the office of sheriff 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 county judge, surrogate, or judge of the family court, 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 advice and 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. A vacancy in the office of coroner shall be filled by the board of supervisors. Such officer shall hold office until and including the thirty-first day of December succeeding the first annual election at which the vacancy can be filled by election. A person appointed to fill a vacancy in an office named in the constitution shall receive the same compensation that was fixed for the office for the most recent elective term. The board of supervisors shall fill any vacancy in an appointive county office for the unexpired term as prescribed by law.

8. Notwithstanding any provision of any general, special or local law, charter, code, ordinance, resolution, rule or regulation to the contrary, all elections for any position of a county elected official shall occur on the Tuesday next succeeding the first Monday in November and shall occur in an even-numbered year; provided however, this subdivision shall not apply to an election for the office of sheriff, county clerk, district attorney, family court judge, county court judge, surrogate court judge, or any offices with a three-year term prior to

January first, two thousand twenty-five.

§ 401. Deputies. 1. Except as otherwise provided in this chapter, the board of supervisors may authorize any officer of the county paid from county funds or the head of any department to appoint one or more deputies, who shall perform such duties not inconsistent with law as shall be assigned to them by the appointing officer. In the event an authorized officer or department head fails to appoint one or more deputies and the authorized officer or department head is disabled for a period greater than thirty days, the board of supervisors may appoint such a deputy who shall possess the powers and perform the duties of the principal until the disability is removed or until a successor is elected or appointed and has qualified.

2. If there be but one deputy, he shall possess the powers and perform the duties of his principal during the absence or inability of his principal to act. If there be more than one deputy, the principal shall designate in writing and file in the office of the county clerk and of the clerk of the board of supervisors the order in which they are to serve during his absence or inability to act.

3. In the event of a vacancy in the office of the principal, such deputy, or the deputy so designated, shall possess the powers and perform the duties of his principal until the disability is removed, or, in case of a vacancy, until a successor is elected or appointed and has qualified. If no designation shall have been made and filed, the senior deputy shall act.

4. In the event of a vacancy in the office of the principal, the board of supervisors may require such deputy to furnish an official undertaking in an amount fixed by such board and approved as provided in this chapter, and upon default thereof, said board of supervisors shall have the power to designate another employee in such office or department as the acting principal officer, who upon executing and filing such undertaking shall have and exercise the powers and duties of the office until a successor is elected or appointed and has qualified.

5. The provisions of this section shall not apply to the office of undersheriff, or to the office of coroner or to the office of coroner's physician.

6. The provisions of this section shall supersede inconsistent provisions of section nine of the public officers law.

§ 402. Oath of office. Every officer paid his compensation from county funds shall take and file an official oath in the manner prescribed in section ten of the public officers law. The refusal or neglect to take and file such oath within the time prescribed by section thirty of the public officers 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 take and file the required oath, he shall not perform any duties of the office, nor be entitled to any compensation.

§ 403. Official undertakings. The county clerk, the county treasurer, the district attorney, the sheriff, such county officers as shall be specially required by law, and such other county officers as may be required by local law or resolution of the board of supervisors, 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 the undertaking of the county clerk shall be approved by the board of supervisors if in session and if not in session by the county judge. The undertaking of the county clerk shall name the county and the people of the state of New York as obligees and shall include any liability with respect to the mortgage tax.

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.

§ 404. Official seals. The official seals of boards of supervisors of the several counties, county seal, county treasurer's seal and the seal of the register of deeds shall continue to be the official seals, respectively, of such boards, county treasurer, surrogate and register of deeds and used as such, respectively, when authorized by law. When any such seal shall be lost, destroyed, or become unfit for use, the board of supervisors of the county interested therein or not having such seal, shall cause a new seal or seals to be made at the expense of the county. A description of each of such seals, together with the impressions therefrom, shall be filed in the office of the county clerk and in the office of the secretary of state. In counties having two

county seats, a duplicate of the county seal shall be procured and kept at the county seat where the county clerk's office is not situated, at some place to be designated by the county clerk and may be used by him the same as at his office. In counties having but one court house and which is located more than five miles from the county clerk's office, a duplicate of the county seal shall be procured and kept at such court house and the county clerk may use the same at such court house. The seal kept by the county clerk in each county, as prescribed in the judiciary law, shall continue to be the seal of the county, and must be used by him where he is required to use an official seal.

§ 405. Procedure when new officer assumes duties of office. 1. When a newly elected or appointed county officer has qualified by taking and filing the official oath and undertaking required of him by law, the certificate furnished by the county clerk pursuant to section four hundred shall be his authority to demand of his predecessor the custody of all books, records, maps, papers, equipment, supplies, moneys and property of the county to which such officer is entitled and directed to have custody. Such inventories, statements or receipts, as may be required of such officer by local law or by resolution of the board of supervisors, shall be given. If the outgoing officer shall have died, the administrator or executor of his estate may also demand a receipt of the successor in office.

2. The outgoing sheriff, or the officer acting as sheriff, shall deliver the custody of all prisoners confined in the jail, together with all books, records, process, mandates, commitments and other papers pertaining to the office, to the new sheriff and duplicate receipts shall be given therefor. Uncompleted property executions and executions directed against wages, earnings or income of a judgment-debtor shall be delivered to the new sheriff.

3. The failure of any outgoing officer to deliver such custody within ten days after such certificate has been delivered and a demand made thereon, shall entitle the successor in office to maintain an action in the name of the county against said predecessor in office, or the

administrator or executor of his estate, or against any employee or other person having possession thereof, to obtain such custody and to recover any damages that may have been suffered by the county by reason of such detention, together with a penalty of five hundred dollars. The county attorney shall appear for such county officer suing on behalf of the county and the recovery together with the statutory costs shall be the property of the county and may be used for general county purposes.

§ 406. Reports of officers. 1. The county officer, who shall receive, or is authorized by law to receive any fines, penalties, fees, or other moneys belonging to the county or in which the county has an interest, shall on or before the first day of February of each year, make a verified or certified report thereof for the previous fiscal year, except that a county treasurer, if authorized by the board of supervisors, may, within the time period prescribed in section thirty of the general municipal law, submit a copy of the annual report he makes pursuant to section thirty of the general municipal law, provided, however, that if the time for the filing of the annual report has been extended by the state comptroller as provided in the said statute, then the time for submitting a copy of the report to the board of supervisors similarly shall be extended. The report shall state the nature and amount thereof in such detail as the board of supervisors may direct by local law or resolution. If no amount was received, the report shall so state. It shall include any fees or other moneys earned by such officer and payable to the county from the state or any unit of government within the county, or of any other person. It shall include a statement of the fines, penalties, fees, or other moneys received by such officer and paid to any unit of government within the county or to the state. Each county officer shall make such other reports as may be required by law or by the board of supervisors. Reports may include such activities and matters deemed of importance or of interest to the board of supervisors and the public.

2. Whenever any county officer is required by law or by the board of supervisors, to make any report, return, or statement and he shall refuse to make the same, or he shall neglect to make the same and such

neglect is not waived by the board of supervisors or other public officer entitled to receive the same, he shall forfeit to the county a penalty of one hundred dollars, to be recovered by the district attorney in an action brought in the name of the county. Upon application to the supreme court upon eight days' notice to the district attorney and upon good cause being shown, the court may grant an extension of twenty days for the making and filing of such report. If the district attorney refuses or neglects to make and file such report, the action shall be brought by the county attorney in the name of the county. The recovery together with the statutory costs shall be the property of the county and may be used for general county purposes. Whenever such report, return, or statement depends upon information to be given by some other public officer, no recovery shall be had, if such county officer makes and files such report, return, or statement, within ten days after receipt of such information. When such report, return or statement is to be filed with any state department, board or commission and there is a refusal or failure to make and file the same, such department, board or commission may certify the facts to the district attorney for appropriate action.

3. The action to recover such penalty shall not be a bar to removal from office, or any criminal prosecution.

§ 407. Accounts of fees. The county officer authorized to receive fees or other form of compensation belonging to the county shall keep a record showing the nature thereof, from whom received, date of receipt, amount and when paid to the county treasurer.

§ 408. Supplies and equipment. 1. Except as otherwise provided by law and when the office of county purchasing agent has not been created, each officer paid compensation from county funds shall have power, subject to rules of the board, to purchase necessary supplies and equipment for his respective office or department within the limits of the appropriation therefor.

2. The board of supervisors may authorize the purchase of supplies and equipment through the office of the clerk of the board.

3. The board of supervisors may authorize the purchasing agent or clerk of the board to purchase for and on behalf of the towns forms of vouchers, budgets, account books, loose leaf ledger sheets, envelopes, notices, reports and other uniform staple office supplies, subject to the provisions of section four hundred eight-a of the county law and section one hundred three of the general municipal law. By resolution the board of supervisors shall determine the manner of requisition and of payment in reimbursement.

§ 408-a. Advertising for bids; letting of contracts. 1. Every officer, board or agency of the county shall let all contracts for public work and all purchase contracts to the lowest responsible bidder after advertisement for bids where so required by section one hundred three of the general municipal law. The board of supervisors may require contracts involving an expenditure of less than the amount specified in such section to be let in the manner provided therein. The term "officer" as used in this section shall mean and include any officer paid compensation from county funds.

* 2. The board of supervisors may, in the case of any purchase contract or any contract for services, other than services subject to article nine of the labor law, of the county to be awarded to the lowest responsible bidder after advertisement for bids, authorize the inclusion of a provision whereby purchases may be made or such services may be obtained under such contract by any political subdivision or fire company (as both are defined in section one hundred of the general municipal law) or district. In such event, the board shall adopt rules prescribing the conditions under which, and the manner in which, purchases may be made or services may be obtained by such political subdivision, fire company or district.

* NB Effective until July 31, 2029

* 2. The board of supervisors may, in the case of any purchase contract or any contract for services, other than services subject to article eight or nine of the labor law, of the county to be awarded to

the lowest responsible bidder after advertisement for bids, authorize the inclusion of a provision whereby purchases may be made or such services may be obtained under such contract by any political subdivision or fire company (as both are defined in section one hundred of the general municipal law) or district. In such event, the board shall adopt rules prescribing the conditions under which, and the manner in which, purchases may be made or services may be obtained by such political subdivision, fire company or district.

* NB Effective July 31, 2029

§ 409. Actions and proceedings in official capacity. 1. No officer whose compensation is paid from county funds shall employ an attorney-at-law to appear and prosecute or defend any civil action or proceeding brought by or against him in an official capacity whenever under the provisions of this chapter or other law it is made the duty of the district attorney or county attorney to prosecute or defend the same.

2. All damages recovered against, or costs and expenses lawfully incurred by any officer whose compensation is paid from county funds in the prosecution or defense of any civil action or proceeding brought by or against him for an official act done or for failure to perform an official act shall be a county charge and shall be audited and paid in the same manner as other county charges. When the act upon which the action or proceeding is based was done in good faith, but without authority of law or authorization of the board of supervisors, the board of supervisors may audit and pay the same as other county charges.

§ 410. Cost of removal proceedings before the governor. The reasonable costs and expenses in proceedings before the governor for the removal of any county judge, surrogate, family court judge, district attorney, sheriff, county clerk or any elective county officer removable by the governor upon charges preferred against him, including the taking, transcribing and printing of the testimony therein, shall be a charge upon the county wherein said officer was elected or appointed.

§ 411. Holding more than one elective office. No county judge, family court judge, surrogate, district attorney, sheriff, county clerk or any elective county officer shall be eligible to hold at the same time any other elective county or town office, or that of city supervisor.

ARTICLE 9

CHAIRMAN OF THE BOARD OF SUPERVISORS

Section 450. Chairman of the board; powers and duties.

§ 450. Chairman of the board; powers and duties. 1. The chairman of the board of supervisors shall, at the time of his selection and throughout the term of his office, be a member of the board of supervisors and shall within twenty days after his selection take and file in the office of the county clerk an oath of office as such chairman and execute and file an official undertaking in such amount as may be required by the board. Such undertaking shall be approved by the board if in session and otherwise by the county clerk. Upon failure to take said oath or to execute and file said undertaking within the time therefor prescribed by law, the board of supervisors may declare a vacancy and select another chairman from its membership. He shall be ex-officio member of all committees and shall have the right to attend meetings of all boards, commissions or other bodies appointed by the board of supervisors or exercising county functions or expending county funds. He shall have the right to inspect all books, accounts, records or documents pertaining to the property, money or assets of the county or over which the county has control.

2. It shall be the duty of such chairman: (a) to become familiar with the property, functions and fiscal affairs of his county; (b) to see that the statutory and local laws and resolutions of the board of supervisors and directions of county officers empowered to make the same are faithfully executed and report to the board any neglect of duty; (c) to make recommendations to the board of supervisors on legislation,

rules and regulations and such other matters deemed material and advisable; (d) to advise department heads and officers and recommend matters deemed helpful in the performance of their duties.

3. The board of supervisors may delegate to such chairman the power to: (a) transfer employees temporarily from one department or office to another with the approval of the appointing officer or board; (b) determine what officer shall perform a particular power or duty not clearly defined by law; (c) determine what officers and employees may attend conferences and schools conducted for the betterment of county government; (d) execute and deliver documents and contracts authorized by such board; (e) perform such other administrative duties as the board may determine to be necessary to give full effect to the provisions of this chapter.

ARTICLE 10

CLERK OF THE BOARD OF SUPERVISORS

Section 475. Clerk of the board; term; duties.

§ 475. Clerk of the board; term; duties. 1. The board of supervisors shall appoint a clerk who shall serve during the pleasure of the board and until his successor is appointed and has qualified.

2. The clerk shall keep a record of all acts and proceedings of the board and be the custodian of the records, vouchers and other papers required or authorized by law to be deposited in his office. He shall have custody of all policies of insurance of all types carried on the corporate property of the county and shall keep a record properly indexed showing the property, name of insurance carrier, amount of insurance and date of expiration of all policies. He shall prepare the tax rolls, except when otherwise directed by the board of supervisors. He shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

ARTICLE 11
COUNTY ATTORNEY

Section 500. County attorney; term.

501. Duties.

502. Assistant county attorneys.

§ 500. County attorney; term. 1. The board of supervisors of each county shall appoint a resident attorney-at-law as county attorney for the term of office for which the then members of such board were elected. In any county having no resident attorney-at-law available, the board of supervisors may employ an attorney-at-law residing in another county.

2. The head of any county legal department created under the provisions of this chapter shall have and exercise all the powers and duties of the county attorney.

§ 501. Duties. 1. The county attorney shall be the legal advisor to the board of supervisors and every officer whose compensation is paid from county funds in all matters involving an official act of a civil nature. The county attorney shall prosecute and defend all civil actions and proceedings brought by or against the county, the board of supervisors and any officer whose compensation is paid from county funds for any official act, except as otherwise provided by this chapter or other law. Within the limits of the appropriation, the county attorney may employ counsel to assist in any civil action or proceeding brought by or against the county or any county officer in his official capacity. Upon the appointment of a county attorney no consent or order of the court shall be necessary to effect a substitution of attorneys.

2. Whenever the interests of the board of supervisors or the county are inconsistent with the interests of any officer paid his compensation from county funds, the county attorney shall represent the interests of the board of supervisors and the county. In such case the officer may employ an attorney-at-law at his own expense unless the provisions of

section eighteen of the public officers law are applicable.

3. The county attorney shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

4. The board of supervisors may include in such directions the rendering of advice and service to town boards and town officers when not in conflict with the interests of the county, board of supervisors or an officer whose compensation is paid from county funds.

5. The board of supervisors may create the position of confidential secretary to the county attorney. Such position shall be in the exempt class of the civil service. The county attorney shall appoint such confidential secretary, who shall serve at his pleasure.

§ 502. Assistant county attorneys. 1. The board of supervisors shall have power to authorize the county attorney to appoint one or more assistant county attorneys. Every appointment of an assistant county attorney shall be in a writing filed and recorded in the office of the county clerk. The person so appointed shall take the prescribed oath of office and furnish any required official undertaking. Any such appointment may be revoked by the county attorney at any time by filing a written revocation in the office of the county clerk.

2. The assistant county attorney shall perform such duties pertaining to the office as may be directed by the county attorney.

3. The assistant, during the absence or inability of the county attorney, shall perform the powers and duties of the office of county attorney.

4. In the event of a vacancy in the office of county attorney, the assistant shall perform the powers and duties of the office of county attorney until a successor is appointed and has qualified.

5. If more than one assistant county attorney shall be appointed, the county attorney 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 assistants shall exercise the powers and duties of the office in the event of a vacancy or the absence or inability of such county attorney to perform the duties of the office.

ARTICLE 12

COUNTY CLERK

Section 525. County clerk; duties.

526. Deputy county clerk.

527. Special court clerks.

528. Photo recording.

529. Consolidated lien index.

530. Court and trust fund register.

532. Retention and destruction of certain recorded instruments.

533. Liability of county for negligence of county clerk and employees of county clerk's office.

534. County clerk; appointment of notaries public.

§ 525. County clerk; duties. 1. The county clerk shall perform the duties prescribed by law as register, and be the clerk of the supreme court and clerk of the county court within his county. He shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

2. He shall provide at the expense of the county, all books, files and other necessary equipment for the filing, recording and depositing of documents, maps, papers in actions and special proceedings of both civil and criminal nature, judgment and lien dockets and books for the indexing of the same as directed or authorized by law.

§ 526. Deputy county clerk. 1. Within ten days after assuming the duties of the office, each county clerk shall appoint a deputy county

clerk by an instrument in writing filed and recorded in his office. The deputy county clerk shall perform such duties as may be assigned by the county clerk and during the temporary absence or inability of the county clerk, have and exercise all of the powers and duties of the office. In case of a vacancy in the office of county clerk, the deputy county clerk shall perform the duties of the county clerk until a successor is elected or appointed and has qualified.

2. The county clerk in like manner may designate one or more employees of his office to serve as acting deputy clerk during the absence or inability of such deputy county clerk to perform the duties of the office. If there be no deputy county clerk, or acting deputy county clerk, the county judge may in the same manner designate an acting deputy county clerk who shall serve until a successor is appointed by the county clerk and has qualified.

3. The county clerk may appoint and remove such additional deputies authorized to act generally for and in the place of their principal as shall be authorized by resolution of the board of supervisors.

§ 527. Special court clerks. The board of supervisors shall authorize the appointment by the county clerk of such special court clerks including naturalization clerks as may be necessary for the courts of record sitting in the county to function properly. Special court clerks shall have the same powers and duties as the county clerk for the transaction of business at court sessions attended by them.

§ 528. Photo recording. In any county in which documents to be recorded in the county clerk's office are copied by use of a photo copying process, such county clerk may cause the parts of such a document to be separated temporarily to facilitate such process, provided the document is restored to its original form immediately after the completion of such process.

§ 529. Consolidated lien index. 1. In counties having a population of less than five hundred thousand, the county clerk may install and maintain a single consolidated index, in lieu of all other indices required by law, for the purpose of indexing alphabetically all liens or encumbrances affecting real property recorded or filed in his office, except mortgages, lis pendens and judgments.

2. A county clerk may adopt a new indexing system utilizing electro-mechanical, electronic or any other method he deems suitable for maintaining the indexes.

§ 530. Court and trust fund register. Each county clerk shall keep a book to be known as a court and trust fund register to be used solely as a record of moneys and securities paid, transferred, or deposited, or ordered to be so paid, transferred, or deposited into the courts of which he is clerk. Upon the filing in his office of any judgment, order, or decree directing the payment, transfer, or deposit of moneys or securities into court, the amount thereof being stated, or determinable upon the happening of the contingency expressed in said judgment, order or decree; or upon the filing in his office of any report of a referee or other person, or any receipt, or any other paper or record, from which it appears that moneys or securities have been or should be deposited into court pursuant to any judgment, order, or decree, or any provision of law; or upon the receipt by any such clerk of moneys or securities which may be deposited into court, by any provision of law, without a court order, the clerk shall promptly enter in his court and trust fund register (1) the name of the court directing the deposit, or the source of the receipt if deposited without a court order, (2) the title of the action or proceeding, (3) the amount of money or nature and description of securities deposited or ordered to be deposited into court, if stated, (4) a statement of any contingency expressed in the judgment, order, or decree upon the happening of which the amount required to be deposited shall be determinable, (5) the names of the persons by whom and for whom the deposit is made, or ordered to be made, if stated, and the purpose for which the deposit is made, or ordered to be made, (6) the date and nature of each instrument, report, receipt,

record or other paper indicating moneys or securities deposited or to be deposited into court, and the date of filing the same. Such moneys and securities shall be paid to the county treasurer pursuant to article twenty-six of the civil practice law and rules upon receipt being given therefor. For failure to maintain such a register in accordance with the provisions of this section, a county clerk shall be liable to a penalty of two hundred fifty dollars, to be recovered by the state comptroller in an action brought in his name as such comptroller and such penalty, together with statutory costs, shall be paid to the state comptroller, except that the foregoing shall apply only if the judgment, order or decree directing payment into court shall contain, immediately following the caption of the particular matter to which it relates, in capital letters the words "Judgment Directs Payment Into Court" or other appropriate language of similar import, sufficient to apprise the county clerk or his assistant that entry in the court and trust fund register with regard thereto is required.

§ 532. Retention and destruction of certain recorded instruments.

After twenty years have elapsed from the date of recording a deed, lease, contract, agreement, mortgage or a release of part of mortgaged premises any such instrument so recorded which has not been returned to the person presenting such instrument for recording or to some other person authorized to receive the same, may be destroyed by the county clerk without the permission of the commissioner of education provided any such instrument is photographed, microphotographed or reproduced on film preserved for examination and use.

§ 533. Liability of county for negligence of county clerk and employees of county clerk's office. Notwithstanding any inconsistent provision of law, general, special or local, a county may by local law assume the liability to save harmless and protect its county clerk and employees of the county clerk's office from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence of said county clerk or employees, provided such act was committed in the discharge of their duties and within the scope of their employment.

Such county may by act of its legislative body arrange for purchase and maintain appropriate insurance with any insurance company authorized to do business in the state of New York for coverage against such liability.

§ 534. County clerk; appointment of notaries public. Each county clerk shall designate from among the members of his or her staff at least one notary public to be available to notarize documents for the public in each county clerk's office during normal business hours free of charge. Each individual appointed by the county clerk to be a notary public pursuant to this section shall be exempt from the examination fee and application fee required by section one hundred thirty-one of the executive law.

ARTICLE 13

COUNTY TREASURER

Section 550. County treasurer; duties.

551. Court and trust funds.

552. Liability of county for loss of court and trust funds.

553. Trustee of cemetery lots.

§ 550. County treasurer; duties. 1. The county treasurer shall perform the duties prescribed by law as the chief fiscal officer of the county. Such county treasurer shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

2. The county treasurer shall receive and be the custodian of all money belonging to the county or in which the county has an interest and shall keep a true account of all receipts and the expenditures in books provided by him at the expense of the county.

3. On or before the first day of March in each year the county treasurer shall furnish a statement of and pay over to the state comptroller all penalties or moneys belonging to the state. Any state

tax levied as part of the county tax shall be paid to the state comptroller on or before the fifteenth day of May in each year. The county treasurer, the county and the surety or sureties on the official undertaking of such county treasurer shall be liable to the state for all moneys collected and belonging to the state and for any state tax levied as a part of the county tax together with interest not exceeding ten per centum per annum, to reimburse the state for any borrowing occasioned by any failure to pay the same to the state.

4. On or before the tenth day of January in each year, the county treasurer shall transmit to the town clerk of each town within his county a statement of all moneys paid by said county treasurer to the supervisor of the town during the preceding year.

5. The county treasurer shall disburse all moneys received from the fish and wildlife service of the United States department of the interior pursuant to section seven hundred fifteen-s of the migratory bird conservation act on a proportional basis to those units of local government, including, but not limited to school districts and the county itself in appropriate cases, which have incurred the loss or reduction of real property tax revenues by reason of the existence of such areas. Where such moneys are to be paid to the supervisors of towns, in a case where any such wildlife refuge lands are located wholly within the boundaries of an incorporated village, such moneys shall be paid to the board of trustees of such village. Such moneys shall be used exclusively for town or village highway purposes, as the case may be. Where such moneys are paid to treasurers or other fiscal officers of a school district, such moneys shall be used exclusively for public school purposes. Upon request, a district superintendent of schools shall furnish to the county treasurer such data as he may require to effectuate the disbursement of moneys under this subdivision.

6. The board of supervisors may, by resolution, determine to enter into a contract to provide for the deposit of the periodic payroll of the county in a bank or trust company for disbursal by it in accordance with the provisions of section ninety-six-b of the banking law.

§ 551. Court and trust funds. 1. Upon demand being made in writing by any person interested therein either as beneficiary or as guardian, committee, conservator, next of kin or personal representative of any beneficiary, the county treasurer shall within ten days after the first day of July in each year make and file in the office of the clerk of his county, a special report in respect to any trust in which the person in behalf of whom the said demand is made may be interested, which shall contain a statement of all moneys or securities in his hands belonging to infants, or other persons, for whom invested and how invested with a particular description of such securities, containing a statement of the amount due thereon for principal and interest with a statement of his account for each infant up to the date of said report, the amount in his hands invested and uninvested and to whom the same belongs and if he has in his hands any money not invested such report shall state the amount thereof, the length of time the same has been in his hands uninvested and the reasons therefor and whether the moneys so uninvested are for principal and interest and the length of time any principal sum thereof shall have remained so uninvested during the year preceding the date of such report, which report he shall verify to be in all respects true.

2. Whenever required so to do by the state comptroller he shall commence and maintain an action at the expense of the county for the recovery of all moneys and securities paid into court, or that belong to any heir, litigant or party, or that stand to the credit of any action or proceeding, which have come into the hands of any county treasurer whose right to office already has expired, or hereafter shall expire, or which have been placed to his credit in any bank or depository, or with which he is in any way chargeable and which have not been delivered to his successor and for all increase, loss, penalty, damage or expense lawfully chargeable to such treasurer in connection therewith. A party to whom such county treasurer may have transferred or assigned any security or other property belonging to any fund held by him may be made a defendant in the same action and the rights of the several parties determined therein. Any action so brought at the direction of the state comptroller shall not be discontinued or compromised without the approval of the state comptroller.

3. Whenever any county treasurer, after service on him personally, or by leaving at his office, in his absence, with some person having charge thereof, or if such service cannot be made, by leaving with some person of suitable age and discretion at his place of residence, or at his last place of residence in the county, if he has departed therefrom, of a certified copy of an order or judgment of the court, directing the payment or delivery of any money, stocks, securities or other investments held by him pursuant to an order of the court, to any person or persons, shall fail or neglect so to do, or where any county treasurer has invested or loaned any moneys held by him contrary to an order of the court or of law and shall fail or neglect when required so to do, to pay over the amount of the moneys so invested to the person or persons entitled thereto, the court may, by order, direct that an action be brought upon the official bond of such treasurer, against him and his sureties for the amount so directed to be paid or delivered, or of the moneys so invested in inadequate or worthless security for the benefit of the person or persons in whose behalf the direction shall have been by such order given and whose name or names appear therein, or their assigns and thereupon such action may be brought for such purpose.

§ 552. Liability of county for loss of court and trust funds. Each county shall be responsible for all property or moneys deposited with the county treasurer of the county by virtue of any judgment, decree or order of a court of record in this state provided, however, that no county shall be held liable for any loss due to the depreciated value of an investment legal at the time of its purchase and which continued to be a legal investment during the period of the trust. An action to recover any loss to or of such fund may be brought against the county by any party aggrieved or by the state comptroller in a court of competent jurisdiction.

§ 553. Trustee of cemetery lots. Any person, persons or corporation owning or interested in a lot or lots in any cemetery in this state may create a trust in perpetuity for the maintenance of such cemetery lot or

lots, the preservation of a building, structure, fence or walk in such cemetery, the renewal or preservation of a tomb, monument, stone, fence, railing or other erection or structure on or around any of such lots, or the planting or cultivation of trees, shrubs, flowers or plants in or about the same, or for any of such purposes, by transferring, conveying, devising or bequeathing to the county treasurer of the county in which such cemetery is located, real or personal property, and designating such county treasurer as trustee in the instrument creating such trust. Such instrument may direct that the income derived from such property shall be applied to one or more of the purposes specified in this section. A county treasurer designated as trustee pursuant to this section must accept the property so transferred and, within five days after the receipt thereof, shall give notice by registered mail to the cemetery association or cemetery corporation or other entity owning the cemetery that such property has been received pursuant to this section for the purposes provided for in the instrument creating the trust and such treasurer shall cause the same to be invested in accordance with the terms of the trust, if any are prescribed, and otherwise shall invest and re-invest such property in securities in which savings banks are authorized to invest. The income derived from such property shall be collected by the county treasurer who shall be entitled to receive and deduct five per centum of such income for administering the trust. The balance of such income shall be paid by the county treasurer to the cemetery association or cemetery corporation or other entity owning the cemetery, and such cemetery association or cemetery corporation or other entity shall accept the same and apply the money so received, so far as the same may be applicable, in furtherance of the purpose for which such trust was created. In case the cemetery association or cemetery corporation should become extinct, then it shall be the duty of the supervisor of the town in which the cemetery is located, or the mayor of the village or city, if it is located in a village or city, respectively, to receive the income from such trust and expend it for the purposes provided for in the instrument creating the trust.

ARTICLE 14
COUNTY COMPTROLLER

Section 575. County comptroller; term; vacancy.

576. Deputy county comptroller.

577. Powers and duties.

§ 575. County comptroller; term; vacancy. The office of county comptroller may be created in any county upon the adoption of a proposition submitted at a general election. The board of supervisors of its own motion by local law adopted prior to September first in any year, may create the office of county comptroller. Any such local law shall be subject to a mandatory referendum. A copy of such local law duly certified by the clerk of the board shall be filed forthwith with the board of elections of the county which shall cause the proposition to be submitted at the next general election occurring not less than sixty days after the local law is filed with the board. Upon the filing with the board of elections prior to September first in any year of a petition duly signed and acknowledged or authenticated in the same manner as a primary petition, by electors of the county equal to at least five per centum of the total vote cast for governor in the county at the last general election at which a governor was elected, praying that the office of county comptroller be created in the county, the board of elections shall cause the proposition to be submitted to the electors of the county at the next general election following the filing of the petition. The proposition shall be substantially in the following form: "Shall the office of county comptroller be created in the county of ?" The proposition shall be submitted to the electors of the county in the manner provided by this chapter for the submission of a mandatory or permissive referendum. If the vote be in the affirmative, at the first general election held thereafter there shall be elected a county comptroller whose term shall be three years from and including the first day of January following his election. Until such office be abolished in the same manner as created, there shall continue to be elected a county comptroller for the term of three years. The county comptroller shall, before he enters upon the duties of his office, take the constitutional oath of office and execute to the county and file an official undertaking as provided in section eleven of the public officers law. Any vacancy in the office of county comptroller shall be

filled by the governor in the same manner as other elective county officers.

§ 576. Deputy county comptroller. The county comptroller within ten days after entering upon the duties of his office shall appoint a deputy comptroller. Such appointment shall be in writing under his hand and seal and be filed and recorded in the office of the county clerk. He shall perform such duties as may be assigned by the comptroller, and during the temporary absence of the comptroller he shall act as the comptroller and in the event of a vacancy in the office, he shall continue to act as such comptroller until a successor is elected or appointed and has qualified.

§ 577. Powers and duties. 1. The county comptroller shall: (a) have general superintendence over the fiscal affairs of the county; (b) audit all claims, accounts and demands that are lawful county charges with the same effect as if audited and directed to be paid by the board of supervisors; (c) keep books and records at the expense of the county showing all appropriations, funds and expenditures together with the name of the claimant and the amounts and nature thereof; (d) keep and preserve all claims, accounts and demands, number them consecutively and endorse thereon their allowance or disallowance in whole or in part; (e) keep a separate account with each county officer or department and special funds; (f) keep and preserve all contracts for the furnishing of heat, light, telephone, supplies or other services; (g) keep a record of all bonded indebtedness and other loans and conduct the sale of all bonds pursuant to the provisions of the local finance law; (h) procure bank statements from depositaries of county funds at least once a month and reconcile them with his books and that of the county treasurer; (i) subject to the provisions of the civil service law, certify the correctness of payrolls for the payment of salaries of officers and employees paid from county funds and deliver a certified transcript to the county treasurer as authorization for payment; provided that if the board of supervisors enters into a contract pursuant to subdivision six of section five hundred fifty of this chapter such certified transcript

shall be delivered to the appropriate bank or trust company; (j) at least once a year review all books and records, vouchers and other papers pertaining to the money, funds and property of the county and render a report thereon to the board of supervisors as to whether proper books and records have been kept and all moneys and property of the county accounted for; (k) cause to be printed within thirty days after the close of the fiscal year for distribution to the board of supervisors, county officers and the public, a verified statement in summary form showing the receipts of money from all sources, the expenditures and balances by funds, and bonded indebtedness together with the terms of payment and the balance unpaid and such other information as may be deemed proper or directed by the board of supervisors; (1) in the county of Nassau, examine and audit on his own motion or when directed to do so by resolution of the board of supervisors all accounts, contracts, books and records of the Nassau county industrial development agency as established by section nine hundred twenty-two of the general municipal law, and all bank statements from depositaries of such agency funds; (m) perform such additional and related duties as may be prescribed by law or directed by the board of supervisors.

2. The first elected county comptroller shall have power to employ at the expense of the county and as authorized by the board of supervisors such expert accountants as may be necessary to install a financial system for the county.

3. All warrants directed to the county treasurer for payment shall state the fund upon which it is chargeable. No fund shall be overdrawn nor shall any claim be charged to any other fund.

4. All vouchers shall be verified or certified as required by section three hundred sixty-nine of this chapter and approved by the county officer or head of the department incurring same.

5. He may require any county officer or head of a department to furnish an inventory of supplies and equipment on hand and any necessary purchases contracted for or contemplated.

ARTICLE 15
COUNTY AUDITOR

Section 600. County auditor; term; duties.

§ 600. County auditor; term; duties. 1. The board of supervisors shall have power to create the office of county auditor, who shall be appointed for the term for which the membership of such board appointing him was elected. Except as hereinafter provided, he 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. By local law or resolution, the board of supervisors may limit such audit to certain types or classes of claims, may fix rules governing the presentation to and the audit by such auditor and such other matters as may be deemed proper. Within such authorization 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. He shall not be removed during his term without written charges and the opportunity to be heard. The board may provide for the purchase of supplies and equipment through such auditor and may prohibit such auditor from auditing his own orders as purchasing agent and such other matters as shall be deemed advisable.

2. In any county having no county comptroller the board of supervisors, by local law or resolution may provide that it shall also be the duty of the county auditor to examine and audit, at times to be determined by the board of supervisors, the books, records, vouchers and other papers pertaining to the money, funds and property of any county officer or department specified in such local law or resolution and render a report thereon to the board of supervisors as to whether proper books and records have been kept and all money and property accounted for.

ARTICLE 16

COUNTY PURCHASING AGENT

Section 625. County purchasing agent; terms; duties.

626. Purchasing of products for county use.

§ 625. County purchasing agent; terms; duties. The board of supervisors shall have power to create the office of county purchasing agent, who shall be appointed for the term for which the membership of such board appointing him was elected. Except as otherwise provided by law, he shall make all purchases and contracts for supplies for the various county offices, buildings, institutions and grounds of the county, and shall let to public advertisement and bid all purchases when so required by section one hundred three of the general municipal law. He shall prescribe the form of requisitions, and of receipts for supplies delivered without requisition. No claim shall be audited and paid without the requisition or delivery receipt being attached thereto. He shall be the custodian of all vouchers, requisitions, receipts and other papers pertaining thereto which shall be open to public inspection. He shall upon dates to be fixed by the board and covering periods to be specified by it furnish to the county treasurer 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 statements as the board may direct. He shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

§ 626. Purchasing of products for county use. Notwithstanding the provisions of section one hundred three of the general municipal law, when purchasing products, the county purchasing agent may, wherever recycled products meet contract specifications and the price of such products is reasonably competitive, purchase such products. For the purpose of this section and until July first, nineteen hundred ninety-six, "recycled product" shall mean any product which has been manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and meets secondary material content requirements adopted by the office of general

services under subdivision one of section one hundred seventy-seven of the state finance law for products available to the county under state contract or, if no such contract for such product is available, any product which meets the secondary material content requirements adopted by the county with respect to a specific commodity procurement by the county. On and after July first, nineteen hundred ninety-six, "recycled product" shall mean, for the purposes of this section, any product which is manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and which meets the requirements of subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto. For the purpose of this section, "reasonably competitive" shall mean that the cost of the recycled product does not exceed a cost premium of ten percent above the cost of a comparable product that is not a recycled product or, if at least fifty percent of the secondary materials utilized in the manufacture of that product are generated from the waste stream in New York state, the cost of the recycled product does not exceed a cost premium of fifteen percent above the cost of a comparable product that is not a recycled product. Whenever the county purchasing agent shall purchase or cause the purchase of printing on recycled paper pursuant to this section, he or she shall require the printed material to contain the official state recycling emblem established pursuant to subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto if such paper has been approved by the department of environmental conservation as satisfying the requirements of such statute and regulations, or, if such paper has not been so approved, require the printed material to include a printed statement which indicates the percentages of pre-consumer and post-consumer recycled material content of such paper.

ARTICLE 17

SHERIFF

- Section 650. General duties of sheriff.
651. Appointment of person to act as sheriff in certain cases.
652. Undersheriff and staff of sheriff.

- 652-a. Appointment and promotion of deputy sheriffs.
- 653. Part time deputy sheriffs.
- 654. Deputizing local police officers or peace officers.
- 655. Emergency special deputies.
- 656. Emergency equipment and apparatus.
- 657. Emergency fund.
- 657-a. Fund for expenses of sheriff in transporting prisoners.
- 658. Verification of informations.
- 659. Jail records.
- 660. Services on behalf of the state.
- 661. When sheriff party to an action or proceeding.
- 662. Appointment of private college campus security officers at independent non-profit colleges.

§ 650. General duties of sheriff. 1. The sheriff shall perform the duties prescribed by law as an officer of the court and conservator of the peace within the county. He shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors or the county legislature.

2. Upon written request by the issuer thereof, the sheriff shall serve all civil process regardless of whether it has been issued by the court.

§ 651. Appointment of person to act as sheriff in certain cases. When a vacancy shall occur in the office of sheriff, and there be no undersheriff to perform the duties, the county judge shall designate and appoint some suitable and proper resident of the county to perform the duties of sheriff until a new sheriff is elected or appointed and has qualified. The designation shall be in writing and filed and recorded in the office of the county clerk. The county clerk shall notify the person so designated of such designation, and within ten days thereafter, an official undertaking shall be furnished in the same amount and approved in the same manner as that of the sheriff. If such undertaking be not furnished, the county judge shall designate another person in the same

manner.

§ 652. Undersheriff and staff of sheriff. 1. Within ten days after entering upon the duties of the office, the sheriff shall appoint an undersheriff to serve during his pleasure. During the absence or inability of the sheriff to act or when a vacancy shall occur in the office of the sheriff, the undersheriff shall, in all things, execute the duties of the office of sheriff until a new sheriff is elected or appointed and has qualified.

2. Within the limits of the appropriation, the sheriff may appoint as many regular deputy sheriffs as he may deem proper, but not exceeding one for every three thousand inhabitants of the county. The board of supervisors may, however, authorize the appointment of such additional regular deputy sheriffs as it may determine. A female correction officer or female deputy sheriff who is authorized to perform correctional duties and has completed training, as mandated by the state commission of correction, shall be in attendance in a correctional facility when females are confined in the correctional facility and shall, when deemed necessary by the sheriff or keeper of the jail to maintain the order and security of the facility, be in attendance in any housing unit where females are confined. A male correction officer or male deputy sheriff who is authorized to perform correctional duties and has completed training, as mandated by the state commission of correction, shall be in attendance in a correctional facility when males are confined in the correctional facility and shall, when deemed necessary by the sheriff or keeper of the jail to maintain the order and security of the facility, be in attendance in any housing unit where males are confined. The sheriff may also appoint keepers, guards, clerks and employees as may be authorized by the board of supervisors and such appointees shall serve during his pleasure. Any person may also be deputed by any sheriff or undersheriff by written instrument to do particular acts.

3. Each such appointment shall be in a writing filed and recorded in the office of the county clerk.

4. Before the appointment by a sheriff of any person as an undersheriff or a deputy, other than a person deputed to do particular acts, the sheriff shall require such person to, and such person shall, submit to the sheriff fingerprints of such person, in the form and manner prescribed by the division of criminal justice services, and it shall thereupon be the duty of the sheriff to compare, or cause to be compared such fingerprints with fingerprints filed with the division of criminal justice services; provided, however, that in any case where the fingerprints of any such person shall once have been submitted pursuant to this section and are on file in the office of the sheriff, no new submission thereof shall be required, nor shall the sheriff be required to make or cause to be made such comparison if such comparison shall have been made previously and certification thereof by such department is on file in his office.

§ 652-a. Appointment and promotion of deputy sheriffs. 1. In any county outside the city of New York where heretofore there has been established a procedure for the appointment and promotion of personnel within the office of the sheriff, the appointment and promotion of personnel within the office of the sheriff may continue to be made pursuant to that procedure through March thirty-first, nineteen hundred ninety-three, any other provision of law notwithstanding.

2. Nothing contained herein shall be construed to alter or restrict the authority of a county to change the method of appointment or promotion of deputy sheriffs by a duly adopted local law, nor shall anything contained herein be construed to alter any existing collective bargaining agreement between a county and an employee organization representing deputy sheriffs, nor to alter or restrict the power of any county or employee organization to contract with respect to an alternate method of appointment or promotion of deputy sheriffs.

§ 653. Part time deputy sheriffs. Within the limits of the appropriation, the sheriff may employ such number of part time deputies, as he may deem necessary, who shall be paid a salary or on a per diem

basis as the board of supervisors may determine. Such deputies shall be appointed in the same manner as regular deputies and shall perform only those duties and powers authorized by such sheriff. Whenever deemed necessary, a sheriff may deputize persons to serve civil process and execute civil mandates.

§ 654. Deputizing local police officers or peace officers. The sheriff may in his discretion deputize the police officers or peace officers of cities, towns, villages and special districts and agents of societies incorporated for the purpose of prevention of cruelty to animals, for the purpose of authorizing an arrest without a warrant outside the territorial limits of such city, town, village or special district, when such crime or infraction was committed within such territorial limits in the presence of such officer. Such officer shall not be deemed an officer, agent, servant or employee of the county.

§ 655. Emergency special deputies. For the protection of human life and property during an emergency, the sheriff may deputize orally or in writing such number of additional special deputies as he deems necessary. If he is unable to continue the services of such special deputies without compensation, he may pay the compensation of any such special deputies in such amount as the board of supervisors may determine for each day any such special deputy is actually engaged in assisting him in the performance of his duties, or in assisting any other sheriff who has declared a state of special emergency, pursuant to the provisions of section two hundred nine-f of the general municipal law, with the permission of the sheriff who deputized him. If the board of supervisors shall fail to fix the compensation of such special deputies, the sheriff may fix such compensation at not exceeding three dollars per hour for each such special deputy. The compensation of any special deputy so appointed shall be a county charge. The board of supervisors may direct the manner of payment including a direction of approval for such payment by the chairman of a designated committee of the board.

§ 656. Emergency equipment and apparatus. If, in the protection of human life and property, the sheriff shall deem it necessary to hire any equipment or apparatus together with the operator thereof, he may hire the same during the period of an emergency or catastrophe at a reasonable charge therefor. The same shall be audited and paid as a county charge in the manner prescribed by the board of supervisors, and in the discretion of such board, there may be a direction that the further hiring and payment be approved by the chairman of the board or of a designated committee of such board.

§ 657. Emergency fund. The board of supervisors shall have power to appropriate and set aside a fund for the purpose of paying in advance of audit expenditures of a sheriff in an emergency or catastrophe for services and expenses of special deputies and for the hiring of equipment and apparatus and the operator thereof. The board may authorize the sheriff to issue orders on the county treasurer for the payment thereof and may require a countersignature of the chairman of a designated committee of such board. It may further direct the rendering of an accounting of such expenditures with verified or certified vouchers attached and such other conditions and rules as the board may deem proper. The claimant and the sheriff shall be jointly and severally liable for any item of expenditure for other than a lawful county purpose disallowed upon a final audit to be recovered in an action brought by the board of supervisors in the name of the county.

§ 657-a. Fund for expenses of sheriff in transporting prisoners. The board of supervisors shall have power to, and may, provide a fund for the payment in advance of audit of properly itemized and verified bills for the expenses of the sheriff lawfully and necessarily incurred in the transportation of prisoners, and, by resolution, authorize the county treasurer to apply said fund in payment of such bills on the approval of the sheriff endorsed thereon; said bills so paid to be transmitted to the clerk of the board of supervisors and audited by it at its next regular session held subsequent to their payment. The sheriff and any

claimant receiving payment as aforesaid shall be jointly and severally liable for any item or items contained in a bill so paid in advance of audit which shall be disallowed and rejected by the board of supervisors upon final audit, to be recovered in an action brought by the board of supervisors in the name of the county.

§ 658. Verification of informations. Where a summons has been served by a sheriff or one of his staff, in lieu of arrest, in cases of violations of the vehicle and traffic law or of ordinances and orders enacted pursuant to that law, any sheriff or undersheriff may administer to any member of his staff any necessary oath in connection with the laying of such information to be presented to the court by such member of his staff in prosecution of the offense.

§ 659. Jail records. The sheriff shall cause such records to be kept at the jail as may be required by law.

§ 660. Services on behalf of the state. All fees or other form of compensation audited and paid by the state comptroller for services rendered to the people of the state including a reasonable allowance for removing persons from state and Indian lands, shall be the property of the county. All disbursements incurred in connection with such service when not a proper county charge shall be audited by the state comptroller and paid to the sheriff of the county.

§ 661. When sheriff party to an action or proceeding. 1. In an action or special proceeding to which the sheriff is a party, all mandates shall be directed to the county clerk of the county, who shall execute the same with all the powers and duties of a sheriff including the power to arrest under civil process and to accept undertakings for jail liberties, and shall be subject to the same liability as the sheriff for escape. The place of confinement of such sheriff shall be a house other than the jail or the home of the sheriff situate within the limits of

jail liberties, and such house shall be deemed the county jail for all purposes of confinement and liability for escape. Such clerk shall have power to prosecute such undertaking the same as a sheriff and may assign the undertaking to the party at whose instance such sheriff was arrested.

2. When the sheriff is the plaintiff in an action or special proceeding and another person is arrested under civil process at the instance of the sheriff, the county clerk shall confine such person in the county jail. The county clerk shall be liable in the same manner as the sheriff, except that he shall not be liable while the person is confined in the jail and in the custody of the sheriff.

§ 662. Appointment of private college campus security officers at independent non-profit colleges. 1. Notwithstanding any other provision of law to the contrary, the sheriff of any county, any part or all of which falls outside the limits of a city having a population of one million or more, may appoint as private college campus security officers security guards employed by an independent non-profit college upon the request of such independent non-profit college in accordance with the provisions of subdivision five of section sixty-four hundred fifty of the education law. The sheriff may appoint such campus security officers pursuant to this section only if more than fifty percent of the total acreage of real property owned by or under the control of such independent non-profit college is located within such sheriff's county of jurisdiction and outside the geographic boundaries of any city within such county and the county legislature or board of supervisors, pursuant to local law or resolution duly adopted, has authorized the sheriff to make such appointments. Any such security guards appointed as campus security officers shall be employees of the independent non-profit college requesting such appointment and shall not be officers, agents, servants or employees of the appointing sheriff or his county of jurisdiction nor be considered public officers, agents, servants or employees. Such campus security officers shall have only those powers set forth in subdivision five of section sixty-four hundred fifty of the education law.

2. The sheriff may condition appointment as private college campus security officers upon compliance by such campus security officers with written procedures established by the sheriff in order to ensure a coordinated and cooperative law enforcement effort and the payment of an administrative fee not to exceed fifty dollars per year per campus security officer and may revoke such appointments at any time for material non-compliance with the requirements of such written procedures or subdivision five of section sixty-four hundred fifty of the education law or for any other reason that shall disqualify a security guard from being such a campus security officer pursuant to the provisions of such subdivision.

ARTICLE 17-A

CORONER, CORONER'S PHYSICIAN AND MEDICAL EXAMINER

Section 670. Application of article.

671. General duties of coroner, or coroner and coroner's physician, or medical examiner; additional duties may be directed.

672. Mutual aid agreements for coroners' services.

673. Deaths concerning which a coroner, coroner and coroner's physician or medical examiner has jurisdiction to investigate.

674. Manner of investigation.

674-a. Manner of investigation when decedent is a donor of an anatomical gift.

675. Advice, consultation, assistance, examinations, analyses and reports.

676. Employment of stenographer.

677. Records; reports.

678. Disposition of money or property found on deceased.

679. Training requirements for coroners and coroner's deputies.

§ 670. Application of article. 1. The provisions of this article

insofar as they are (a) in conflict with or in limitation of a provision of any alternative form of county government heretofore or hereafter adopted by a county pursuant to section one of article nine of the constitution, or any administrative code, county government law, county charter or civil divisions act enacted by the legislature and applicable to such county as now in force or hereafter amended, or (b) in conflict with any local law heretofore or hereafter adopted by any county under an optional or alternative form of county government, or (c) in conflict with any special act of the legislature applicable to a county, or (d) in conflict with or limitation of a county charter or charter law adopted pursuant to article four of the municipal home rule law constituting the county charter law, or an administrative code or local law of a county which has adopted a county charter pursuant to such article, as now in force or as hereafter amended, shall not be applicable to such county.

2. In the exercise of its power to enact local laws, and in addition to any such power conferred by article two or article four of the municipal home rule law or other applicable law, the board of supervisors or other elective governing body of any county, other than a county wholly included within a city, may adopt and make applicable to such county, or to its officer performing the functions of a medical examiner, by whatever name designated, any provision of this article which is inapplicable to such county under the provisions of subdivision one of this section, provided that such power shall be exercised in the manner and subject to any veto, referendum or other requirement provided by applicable law.

§ 671. General duties of coroner, or coroner and coroner's physician, or medical examiner; additional duties may be directed. 1. The coroner, or if he is not a physician duly licensed to practice medicine in this state, the coroner and a coroner's physician, together, or in counties in which the office of coroner has been abolished, the medical examiner, (a) shall make inquiry into unnatural deaths within his county as prescribed by law; (b) shall make inquiry into all deaths whether natural or unnatural in

his or her county occurring to an incarcerated individual of a correctional facility as defined by subdivision three of section forty of the correction law, whether or not the death occurred inside such facility.

2. The coroner shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

3. In those counties in which the office of coroner has been abolished, the medical examiner shall perform such additional and related duties involving exercise of professional skills and training as may be prescribed by the board of supervisors and the district attorney.

§ 672. Mutual aid agreements for coroners' services. 1. Two or more counties are authorized to enter into written mutual aid agreements for the provision of services provided by the county coroner's office or office of the medical examiner in such counties. Each county shall be liable for acts or omissions of its employees or agents when acting pursuant to such an agreement in the same manner and to the same extent as if such acts or omissions occurred within the county; and such employees or agents shall have immunities and privileges for their acts or omissions when acting pursuant to such an agreement in the same manner and to the same extent as if such acts or omissions occurred within the county.

2. Nothing in this section shall be construed to alter the liability of any county that enters into a mutual aid agreement pursuant to this section to a third party claimant for any cause of action that arises out of such agreement or the joint and several liability of any county that enters into a mutual aid agreement pursuant to this section.

§ 673. Deaths concerning which a coroner, coroner and coroner's physician or medical examiner has jurisdiction to investigate. 1. A coroner or medical examiner has jurisdiction and authority to investigate the death of every person dying within his county, or whose

body is found within the county, which is or appears to be:

- (a) A violent death, whether by criminal violence, suicide or casualty;
- (b) A death caused by unlawful act or criminal neglect;
- (c) A death occurring in a suspicious, unusual or unexplained manner;
- (d) A death while unattended by a physician, so far as can be discovered, or where no physician able to certify the cause of death as provided in the public health law and in form as prescribed by the commissioner of health can be found;
- (e) A death of a person confined in a public institution other than a hospital, infirmary or nursing home.

2. Except as provided in subdivision one of section six hundred seventy-four of this article, when a coroner is not a physician duly licensed to practice medicine in this state, the jurisdiction and authority specified in this section must be exercised jointly by the coroner and a coroner's physician.

§ 674. Manner of investigation. 1. When a coroner or medical examiner is informed of the occurrence of a death within his jurisdiction as defined in section six hundred seventy-three of this article, he shall go at once to the place where the body is and take charge of it. If the coroner is not a physician duly licensed to practice medicine in this state, he shall at once notify and designate a coroner's physician to act with him. If no coroner's physician is available, he shall employ and designate a physician qualified to make postmortem examinations and dissections and to testify thereon, and the physician so employed shall be deemed a coroner's physician for the purpose of the investigation, and any statute referring to a coroner's physician shall be applicable to him so far as concerns that investigation. Such coroner's physician so notified or employed, and designated, shall also go to the place where the body is, and the coroner and such coroner's physician shall jointly take charge of the body. Notwithstanding any general, special or local law, the coroner, or coroner and coroner's physician, or the medical examiner, shall have authority to the extent required for the investigation to remove and transport the body upon taking charge of it.

Notwithstanding the foregoing, in a county with a population of less than two hundred thousand, a coroner who is not a physician duly licensed to practice medicine in this state may, with respect to deaths specified in paragraph (e) of subdivision one of section six hundred seventy-three of this article, take charge of, remove and transport the body, without first notifying and designating a coroner's physician when, in the opinion of the coroner, it would be impossible or impractical to at once notify and designate a coroner's physician to go to the place where the body is; provided, however, that the coroner shall notify and designate a coroner's physician to act with him in such case as soon as practicable, and in any event within twenty-four hours, after taking charge of the body.

2. The coroner, or the coroner and coroner's physician, or the medical examiner, shall fully investigate the essential facts concerning the death, taking the names and addresses of as many witnesses thereto as it may be practicable to obtain, and before leaving the premises shall reduce all such facts to writing. He or they shall take possession of any portable object which, in his or their opinion, may be useful in establishing the cause or means of death.

3. (a) In the course of the investigation, the coroner or coroner and coroner's physician, or the medical examiner, shall make or cause to be made such examinations, including an autopsy, as in his or their opinion are necessary to establish the cause of death, or to determine the means or manner of death, or to discover facts, the ascertainment of which is requested in writing by a district attorney, or a sheriff, or the chief of a police department of a city or county, or the superintendent of state police; provided, that if the coroner is not a physician duly licensed to practice medicine in this state, the determination whether an autopsy or any subsequent examination or analysis of tissue or organs is necessary shall be made by the coroner's physician, and any such autopsy, examination or analysis shall be made by him or at his direction, and provided further that, if so provided by local law of the county, written concurrence of the district attorney or the county health officer or the sheriff, or written concurrence of all or any of them, as the local law shall specify, shall be required for any

determination by a coroner's physician under this subdivision whether acting as such physician or as deputy coroner pursuant to subdivision four-b of section four hundred of this chapter, or for any determination by the medical examiner, that an autopsy or any subsequent examination or analysis of tissue or organs is necessary. The authority to make any examination as provided in this section includes authority to remove, retain and transport or send, for the purpose of the examination, any tissue or organs and any portable object.

(b) The coroner or coroner and coroner's physician, or the medical examiner, also shall make or cause to be made, quantitative tests for alcohol, and for any trace of a controlled substance, as defined in section three thousand three hundred six of the public health law, that the coroner, coroner's physician or medical examiner has reasonable cause to believe is present, on the body of every operator of a motor vehicle or a pedestrian sixteen years of age or older who was involved in and died as a result of a motor vehicle accident; provided, however, such tests shall not be made pursuant to the provisions of this paragraph if such coroner, coroner's physician or medical examiner has reason to believe that the decedent is of a religious faith which is opposed to such test on religious or moral grounds.

4. A coroner, coroner's physician or medical examiner shall have power to subpoena and examine witnesses under oath in the same manner as a magistrate in holding a court of special sessions.

5. Notwithstanding section six hundred seventy of this article or any other provision of law, the coroner, coroner's physician or medical examiner shall promptly perform or cause to be performed an autopsy and to prepare an autopsy report which shall include a toxicological report and any report of any examination or inquiry with respect to any death occurring within such coroner's, coroner's physician's or medical examiner's county to an incarcerated individual of a correctional facility as defined by subdivision three of section forty of the correction law, whether or not the death occurred inside such facility. For the purposes of this subdivision, in addition to anything else required by law, an autopsy report shall include all photographs of the body, microscopic slides, and post-mortem x-rays taken by or at the

direction of the person performing the autopsy, and all photographs, microscopic slides, and post-mortem x-rays reviewed by the person performing the autopsy in the course of their examination or in the course of their diagnosis of the cause of death and the means or manner of death.

§ 674-a. Manner of investigation when decedent is a donor of an anatomical gift. 1. Notwithstanding any provision of law to the contrary, if the decedent who is under the jurisdiction of the coroner or medical examiner as defined in this chapter is a donor of all or part of his body as defined in the public health law including properly executed consent, such body or part thereof being medically suitable for transplant and the donation having been executed pursuant to the provisions of the public health law, the coroner, the coroner's physician or the medical examiner who has notice of such donation shall only perform an autopsy and/or analysis of tissues or organs in a manner and within a time period compatible with the preservation for the purposes of transplantation of said donation.

2. A physician or surgeon authorized to remove the anatomical gift by the public health law may remove the donated part or parts of said donor's body for acceptance by a person authorized to become a donee by the public health law under the following circumstances:

a. after completion of an autopsy and/or analysis of tissues or organs of said donor by the coroner, the coroner's physician or medical examiner as provided in subdivision one of this section; or

b. after notice to the coroner or medical examiner, if such autopsy and/or analysis is not undertaken in the manner and within the time provided in subdivision one of this section. The coroner, medical examiner or representative thereof may be present during removal of the anatomical gift.

3. The physician performing a transplant from a donor under the coroner's or medical examiner's jurisdiction shall file with such

coroner or medical examiner a report detailing the condition of and the relationship to the cause of death of the part of the body that is the anatomical gift. If appropriate, such report shall include a biopsy or medically approved sample from the anatomical gift. Such report shall become part of the coroner's or the medical examiner's report.

§ 675. Advice, consultation, assistance, examinations, analyses and reports. 1. A coroner, coroner's physician or medical examiner shall have authority when necessary in his opinion to consult with and to request advice, consultation or other assistance from any officer of a department of the state government, from any medical examiner of any city or county, from any other coroner or coroner's physician of any county, or from the head of any public health laboratory, police laboratory or state or municipal laboratory or from any member of the staff of such laboratory designated for such purpose by the head thereof, or from any physician qualified to make postmortem examinations and to testify thereon; and to request from any such person such tests, examinations or analyses and reports with respect thereto as are necessary in his opinion, with respect to the body of the deceased or any part thereof or with respect to any other matter related to his investigation.

2. Subdivision one of this section does not empower a coroner, coroner's physician or medical examiner to incur charges against county funds except as authorized by the board of supervisors.

§ 676. Employment of stenographer. When the services of a stenographer shall not have been provided by the board of supervisors, or if a stenographer so provided is not available, the coroner, coroner's physician or medical examiner shall have power to employ a stenographer for the purpose of taking statements and reducing to writing the testimony of witnesses or of transcribing or reproducing any report or document required by his investigation. If the board of supervisors has not fixed any rate of compensation, such stenographer shall be paid for taking and transcribing minutes at the rate charged by official court

stenographers in the county.

§ 677. Records; reports. 1. The writing made by the coroner, or by the coroner and coroner's physician, or by the medical examiner, at the place where he takes charge of the body, shall be filed promptly in the office of the coroner or medical examiner. The testimony of witnesses examined before him and the report of any examination made or directed by him shall be made in writing or reduced to writing and thereupon filed in such office.

2. The report of any autopsy or other examination shall state every fact and circumstance tending to show the condition of the body and the cause and means or manner of death. The person performing an autopsy, for the purpose of determining the cause of death or means or manner of death, shall enter upon the record the pathological appearances and findings, embodying such information as may be prescribed by the commissioner of health, and append thereto the diagnosis of the cause of death and of the means or manner of death. Methods and forms prescribed by the commissioner of health for obtaining and preserving records and statistics of autopsies conducted within the state shall be employed. A detailed description of the findings, written during the progress of the autopsy, and the conclusions drawn therefrom shall, when completed, be filed in the office of the coroner or medical examiner.

3. (a) The coroner or coroners of each county, or the medical examiner, shall keep full and complete records, properly indexed, stating the name, if known, of every person whose death is investigated, the place where the body was found, the date of death, if known, and if not known, the date or approximate date as determined by the investigation, to which there shall be attached the original report of the coroner, or coroner and coroner's physician or physician employed, or medical examiner, and the detailed findings of the autopsy, if any. Such records shall be kept in the office of the county clerk except in those counties having a full-time coroner or medical examiner, in which case such records shall be kept in the office of the coroner or medical examiner.

(b) Such records shall be open to inspection by the district attorney of the county. Upon application of the personal representative, spouse or next of kin of the deceased to the coroner or the medical examiner, a copy of the autopsy report, as described in subdivision two of this section shall be furnished to such applicant. Upon proper application of any person who is or may be affected in a civil or criminal action by the contents of the record of any investigation, or upon application of any person having a substantial interest therein, an order may be made by a court of record, or by a justice of the supreme court, that the record of that investigation be made available for his inspection, or that a transcript thereof be furnished to him, or both.

4. The coroner, coroner's physician or medical examiner shall promptly deliver to the district attorney copies of all records pertaining to any death whenever, in his opinion, or in the judgment of the person performing the autopsy, there is any indication that a crime was committed.

5. The coroner, coroner's physician or medical examiner shall promptly report to the commissioner of motor vehicles, in a form and manner specified by the commissioner, the results of all quantitative tests for alcohol, and for any trace of a controlled substance, as defined in section three thousand three hundred six of the public health law, that the coroner, coroner's physician or medical examiner has reasonable cause to believe is present, performed upon bodies of victims of motor vehicle accidents pursuant to the requirements of subdivision three of section six hundred seventy-four of this chapter.

6. Notwithstanding section six hundred seventy of this article or any other provision of law, the coroner, coroner's physician or medical examiner shall promptly provide the chair of the correction medical review board and the commissioner of corrections and community supervision with copies of any autopsy report, toxicological report or any report of any examination or inquiry prepared with respect to any death occurring to an incarcerated individual of a correctional facility as defined by subdivision three of section forty of the correction law within their county; and shall promptly provide the executive director

of the justice center for the protection of people with special needs with copies of any autopsy report, toxicology report or any report of any examination or inquiry prepared with respect to the death of any service recipient occurring while such person was a resident in any facility operated, licensed or certified by any agency within the department of mental hygiene, the office of children and family services, the department of health or the state education department. If the toxicological report is prepared pursuant to any agreement or contract with any person, partnership, corporation or governmental agency with the coroner or medical examiner, such report shall be promptly provided to the chair of the correction medical review board, the commissioner of corrections and community supervision or the executive director of the justice center for the protection of people with special needs, as appropriate, by such person, partnership, corporation or governmental agency. For the purposes of this subdivision, in addition to anything else required by law, the copy of the autopsy report shall include all photographs of the body and post-mortem x-rays taken by or at the direction of the person performing the autopsy, and all photographs and post-mortem x-rays reviewed by the person performing the autopsy in the course of their examination or in the course of their diagnosis of the cause of death and the means or manner of death. Such copy of the autopsy report may also include images of all microscopic slides taken by or at the direction of the person performing the autopsy and images of all microscopic slides reviewed by the person performing the autopsy in the course of their examination or in the course of their diagnosis of the cause of death and the means or manner of death. If such images of microscopic slides are not included in the copy of the autopsy report provided pursuant to this subdivision, the copy of the autopsy report shall indicate that such images of microscopic slides have been omitted, and, upon request of the chair of the correction medical review board, the commissioner of corrections and community supervision or the executive director of the justice center for the protection of people with special needs, a coroner, coroner's physician or medical examiner shall promptly provide access to inspect such microscopic slides or, where practicable, provide images of such microscopic slides.

7. (a) Upon the written request of the commissioner of mental health, the commissioner of the office for persons with developmental disabilities, the director of the mental hygiene legal service, the executive director of the justice center for the protection of people with special needs or the director of a mental hygiene facility, as defined in subdivision two of section five hundred fifty of the executive law, at which the deceased was a patient or resident, the coroner, coroner's physician or medical examiner shall provide such person with a copy of all reports and records, including, but not limited to, autopsy reports and toxicological reports related to the deceased prepared by a person, partnership, corporation or governmental agency pursuant to any agreement or contract with the coroner or medical examiner with respect to the death of a patient or resident receiving services at such a mental hygiene facility.

(b) Upon the written request of the commissioner of mental health, or commissioner of developmental disabilities, or a director of a departmental facility as defined in section 1.03 of the mental hygiene law, or the executive director of the justice center for the protection of people with special needs, the coroner, coroner's physician or medical examiner shall transmit to the commissioner, or such director, or any member of the justice center medical review board, original autopsy slides, tissue materials and specimens taken from the body of a deceased patient or resident as defined in paragraph (a) of this section. Such original materials may be used and tested by such office of the department of mental hygiene, or such director, and justice center medical review board pursuant to its authority under section five hundred fifty-six of the executive law. Such slides, materials and specimens may be retained for a reasonable time, and shall be returned to the office of the coroner or medical examiner in good condition allowing for reasonable use for study and testing purposes.

8. The coroner, coroner's physician or medical examiner shall promptly, but in no event later than sixty days from the date of death, absent extraordinary circumstances, provide the office of children and family services with copies of any autopsy report, toxicological report or any report of any examination or inquiry prepared with respect to any death occurring to a child whose care and custody or custody and

guardianship has been transferred to an authorized agency, a child for whom child protective services has an open case, a child for whom the local department of social services has an open preventive services case, or a child reported to the statewide central register of child abuse and maltreatment. If the toxicological report is prepared pursuant to any agreement or contract with any person, partnership, corporation or governmental agency with the coroner or medical examiner, such report shall be promptly, but in no event later than sixty days from the date of death, absent extraordinary circumstances, provided to the office of children and family services by such person, partnership, corporation or governmental agency. Where the death involves a child reported to the statewide central register of child abuse and maltreatment, the reports referred to in this subdivision shall also be promptly, but in no event later than sixty days from the date of death, absent extraordinary circumstances, provided to the local child protective service investigating the report pursuant to section four hundred twenty-four of the social services law.

9. (a) When required for official purposes of the state department of health, the state commissioner of health or their designee may request copies of all reports and records related to a death, including, but not limited to, autopsy reports and toxicology reports. Upon receipt of the written request of the state commissioner of health or their designee, a coroner, coroner's physician or medical examiner, shall, within three business days of their completion, provide to such commissioner or their designee a copy of all reports and records, including, but not limited to, autopsy reports and toxicology reports related to the death.

(b) When required for official purposes of a health district as defined in section two of the public health law, the local health officer of such district may request copies of all reports and records related to a death, including, but not limited to, autopsy reports and toxicology reports when: (i) a death occurs within the local health district in which the local health official exercises jurisdiction; or (ii) a death occurs outside the local health district in which the local health officer exercises jurisdiction, provided that the decedent was a resident of such local health district when they:

(1) sustained a physical injury or toxicological exposure that was a

direct or contributing cause of death;

(2) received significant medical care or treatment for the disease or condition leading to death; or

(3) were pronounced dead or the body was found.

(c) Upon receipt of the written request of the local health officer, a coroner, coroner's physician or medical examiner, shall:

(i) when such death has occurred within the local health district in which the requesting local health officer exercises jurisdiction, provide to such local health officer a copy of all reports and records, including, but not limited to, autopsy reports and toxicology reports related to the death within three days of their completion; or

(ii) when such death has occurred outside of the local health district in which the requesting local health officer exercises jurisdiction, provide to such local health officer a copy of all reports and records, including but not limited to, autopsy reports and toxicology reports related to the death within the earlier of (1) seven days of their completion; or (2) seven days of receiving such written request; and

(iii) maintain such documents as part of the official case record.

(d) The requesting local health officer shall maintain a log of all requests made outside of their local health district and shall, within three business days of making the request, provide a copy of the written request to the local health officer with jurisdiction over the local health district from which the records were requested.

10. (a) The coroner, coroner's physician or medical examiner shall report to the division of veterans' services, in a form, and time frame developed by the department of health in a manner that is protective of privacy and contains aggregate, rather than individual data to the extent practicable, any death which appears to be caused by suicide by a person who, to the knowledge of the coroner, coroner's physician or medical examiner, is a veteran.

(b) For the purposes of this subdivision, veteran means a person who served in the United States army, navy, air force, space force, marine corps, coast guard, and/or reserves thereof, and/or in the army national guard, air national guard, New York guard and/or New York naval militia, and/or who served as a member of the commissioned corps of the national oceanic and atmospheric administration or the United States public

health service regardless of discharge status.

§ 678. Disposition of money or property found on deceased. 1. Money and other property found upon the body of the deceased, not required for the purposes of the investigation, shall be delivered to the county treasurer. Unless claimed in the meantime by the legal representatives of the deceased, articles held for the purposes of the investigation, except such writings of the deceased as may be relevant to the diagnosis of means or manner of death, shall be delivered to the county treasurer at the conclusion of the investigation.

2. Upon the delivery of money to the county treasurer he must place it to the credit of the county. If other property is delivered to him he must, within one year, sell it at public auction upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county.

3. If the money in the treasury be demanded within six years by the legal representatives of the deceased, the treasurer must pay it to them, after deducting the amount of expenses incurred in connection therewith, or it may be so paid at any time thereafter, upon the order of the board of supervisors; provided, however, that such money may be so paid at any time upon the written order of the surrogate of the county.

4. Before auditing and allowing the account of the coroner or medical examiner, the board of supervisors must require from him a statement in writing of any money or other property found upon persons whose deaths he has investigated, verified by his oath to the effect that the statement is true and that the money or property mentioned in it has been delivered to the legal representatives of the deceased, or to the county treasurer.

*** § 679. Training requirements for coroners and coroner's deputies.** Each coroner and coroner's deputy, whether elected or appointed pursuant

to section four hundred of this chapter, shall attend and successfully complete state-approved courses in medical-legal investigation. The cost of such courses shall be the responsibility of the coroner or coroner's deputy, provided however that the county may, at its discretion, reimburse the coroner or coroner's deputy for all or a portion of the cost of such courses. Such courses shall be prescribed, certified and accredited pursuant to rules promulgated by the department of health, in consultation with the department of state, the division of criminal justice services, the superintendent of state police, the commissioner of education, and the chair of the commission on forensic science. The department of health may also consult with qualified professional groups. Such rules shall also establish the frequency and duration for successful completion of any such courses by a coroner or coroner's deputy and may prescribe heightened levels of training for any newly elected or appointed coroner or coroner's deputy.

* NB Effective until December 19, 2026

* § 679. Training requirements for coroners and coroner's deputies. 1. Each coroner and coroner's deputy, whether elected or appointed pursuant to section four hundred of this chapter, shall attend and successfully complete initial state-approved courses in medical-legal investigation. The cost of such courses shall be the responsibility of the coroner or coroner's deputy, provided however that the county may, at its discretion, reimburse the coroner or coroner's deputy for all or a portion of the cost of such courses. Such courses shall be prescribed, certified and accredited pursuant to rules promulgated by the department of health, in consultation with the department of state, the division of criminal justice services, the superintendent of state police, the commissioner of education, and the chair of the commission on forensic science. The department of health may also consult with qualified professional groups. Such rules shall also establish the frequency and duration for successful completion of any such courses by the coroner or coroner's deputy and may prescribe heightened levels of training for any newly elected or appointed coroner or coroner's deputy.

2. (a) In addition to the training requirements of subdivision one of this section, each coroner and coroner's deputy, whether elected or appointed pursuant to section four hundred of this chapter, shall attend

and successfully complete a minimum of thirty credit hours in state-approved continuing medical legal investigation courses every three years. The cost of such courses shall be the responsibility of the coroner or coroner's deputy, provided however that the county may, at its discretion, reimburse the coroner or coroner's deputy for all or a portion of the cost of such courses. Such courses shall be prescribed, certified and accredited pursuant to rules promulgated by the department of health, in consultation with the department of state, the division of criminal justice services, the superintendent of state police, the commissioner of education, and the chair of the commission on forensic science. The department of health may also consult with qualified professional groups.

(b) Each coroner or coroner's deputy shall be exempt from the mandatory continuing education requirement for one year following the successful completion of the state-approved courses in medical-legal investigation required by subdivision one of this section.

(c)(i) Each coroner or coroner's deputy shall:

(A) on a form and date prescribed by the county, register triennially and attest to their respective county, and the department upon request, that they have successfully completed a minimum of thirty credit hours of continuing medical-legal investigation courses; and

(B) maintain records of compliance with such continuing education requirements for seven years and shall provide such documentation of compliance upon request by their respective county or the department of health.

(ii) Coroner and coroner's deputy attestations shall be filed in the office of the county clerk.

(d) A coroner or coroner's deputy who does not satisfy the mandatory continuing education requirements shall be barred from practice until they have met such requirements; provided, however, that their respective county may temporarily waive such requirements for extended active duty with the armed forces of the United States or state, or for no longer than one year for other good cause, acceptable to the respective county, which may prevent compliance.

* NB Effective December 19, 2026

ARTICLE 18

DISTRICT ATTORNEY

Section 700. District attorney; powers and duties.

701. Special district attorney.

702. Assistant district attorneys.

702-a. Appointment of special assistant district attorneys during a period of civil disorder.

703. Employment of counsel.

703-a. Employment of stenographer.

705. Prosecution fund.

706. Cost and expense of removed criminal trials.

707. Payments of expert fees in criminal cases in which the death penalty may be imposed.

§ 700. District attorney; powers and duties. 1. Except as provided in section seven hundred one of this chapter, it shall be the duty of every district attorney to conduct all prosecutions for crimes and offenses cognizable by the courts of the county for which he or she shall have been elected or appointed; except when the place of trial of an indictment is changed from one county to another, it shall be the duty of the district attorney of the county where the indictment is found to conduct the trial of the indictment so removed, and it shall be the duty of the district attorney of the county to which such trial is changed to assist in such trial upon the request of the district attorney of the county where the indictment was found. He or she shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

2. Within thirty days after the receipt of any fine, penalty, recovery upon any recognizance, monies and proceeds from the sale of property realized as a consequence of any forfeiture, or other money belonging to the county, the district attorney or the claiming authority shall pay the same to the county treasurer. Not later than the first day of February in each year, the district attorney shall make in duplicate a verified true statement of all such moneys received and paid to the county treasurer during the preceding calendar year and at that time

shall pay to the county treasurer any balance due. One statement shall be furnished to the county treasurer, one to the clerk of the board of supervisors and one to the state comptroller. A district attorney who is not re-elected shall make and file the verified statement and pay any balance of such moneys to the county treasurer within thirty days after the expiration of his term.

3. It shall be the duty of the district attorney to bring actions upon any forfeited recognizance taken in his county in any criminal action or proceeding unless otherwise directed by the court.

4. At the opening of the first term of county court held in each year he shall present to the court a verified statement of all actions brought by him upon forfeited recognizance, penalties or forfeitures, the judgments entered thereon and those collected. The statement shall indicate the amounts due the county and the amounts due the state. This provision shall apply to a former district attorney whose term has expired and was not re-elected.

5. The board of supervisors may create the position of confidential secretary to the district attorney who shall serve at his pleasure and shall be in the exempt class of the civil service.

6. The district attorney must maintain a written record of all indictments pending in the courts of the county in which he shall have been elected or appointed. Such record shall contain the name of each person indicted, the crime charged, the date on which the indictment was returned, the disposition of the indictment and such other information as the court may direct. At the expiration of his term, the district attorney must deliver this record to his successor in office.

7. The district attorney shall keep and preserve all records now or hereafter in his care or custody or under his control and all records, books and papers relating to the functioning of his office or the performance of his duties. No such record, book or paper shall be destroyed or otherwise disposed of, except pursuant to law. At the expiration of his term, the district attorney shall, within sixty days,

turn over all such records, books or papers to his successor in office.

8. The district attorney of a county having a population of more than one hundred thousand according to the last federal census and the district attorney of Essex county and any county having a population of more than forty thousand but less than one hundred thousand according to the last federal census, the board of supervisors of which has designated such office as a full-time position, shall give his whole time to his duties and shall not engage in the practice of law, act as an arbitrator, referee or compensated mediator in any action or proceeding or matter or engage in the conduct of any other profession or business which interferes with the performance of his duties as district attorney.

10. There is hereby established a program of state aid to all counties having a population of more than one hundred thousand according to the last federal census, to any county, the board of supervisors of which has designated the office of district attorney as a full-time position pursuant to subdivision eight of this section and to the city of New York for the salaries of district attorneys of such counties and the counties within such city at the rate of ten thousand dollars per annum. No such state aid shall be paid with respect to any district attorney who has not complied with subdivision eight of this section.

11. (a) In addition to the state aid provided in subdivision ten hereof, each county, the salary of the district attorney of which is determined pursuant to section one hundred eighty-three-a of the judiciary law, shall be entitled to receive state aid in an amount equal to the difference between: (i) the salary required to be paid to the district attorney of such county pursuant to such section one hundred eighty-three-a on October first, nineteen hundred ninety-four, not including any additional compensation which may have been provided by local law pursuant to such section one hundred eighty-three-a, and (ii) the salary required to be paid to such district attorney pursuant to such section one hundred eighty-three-a immediately prior to October first, nineteen hundred eighty-seven, or the salary actually paid immediately prior to such date, if higher, less the amount of any

additional compensation which may have been provided thereafter by any such local law prior to April first, nineteen hundred ninety-six. Provided, however, where the salary of the district attorney of a county first becomes determined pursuant to section one hundred eighty-three-a of the judiciary law on or after April first, nineteen hundred ninety-six, the state aid payable to such county pursuant to this paragraph shall equal thirty-one thousand dollars.

(b) In addition to the state aid provided in paragraph (a) of this subdivision, each county, the salary of the district attorney of which is determined pursuant to section one hundred eighty-three-a of the judiciary law, shall be entitled to receive state aid in the amount of forty-one percent of the difference between the amount required to be paid to such district attorney pursuant to section one hundred eighty-three-a of the judiciary law on and after January first, nineteen hundred ninety-nine and the amount required to be paid pursuant to such section immediately prior to such date, except that in the county of Dutchess the amount shall be forty-two percent of such difference in the county of Putnam the amount shall be forty percent of such difference in the county of Monroe the amount shall be thirty-nine percent of such difference and in the counties of Erie, Nassau, Suffolk and Westchester the amount shall be thirty-six percent of such difference.

(c) Commencing with the nineteen hundred eighty-seven calendar year, the comptroller shall annually determine the amount of state aid payable to each county pursuant to paragraphs (a) and (b) hereof for each calendar year and shall pay such amount on his audit and warrant to the chief fiscal officer of each such county during the month of September in each such year. Where a county first becomes entitled to state aid pursuant to paragraphs (a) and (b) hereof on a day other than January first, nineteen hundred ninety-nine or January first of any other year thereafter, the amount of state aid payable to such county in the year it first becomes entitled to such state aid shall be prorated accordingly.

13. In order to provide services to crime victims, witnesses, and other persons involved in the criminal justice system, and to support crime prevention programs, the district attorney may employ or contract with persons licensed and registered to practice or otherwise authorized

under article one hundred fifty-three, one hundred fifty-four, or one hundred sixty-three of the education law, or contract with entities authorized to provide the services specified in such articles, in connection with the provision of any services that such persons or entities are authorized to provide and that are authorized by the district attorney.

§ 701. Special district attorney. 1. Whenever the district attorney of any county and such assistants as he or she may have shall not be in attendance at a term of any court of record, which he or she is by law required to attend, or are disqualified from acting in a particular case to discharge his or her duties at a term of any court, a superior criminal court in the county wherein the action is triable may, by order:

(a) appoint some attorney at law having an office in or residing in the county, or any adjoining county, to act as special district attorney during the absence, inability or disqualification of the district attorney and such assistants as he or she may have; or

(b) appoint a district attorney of any other county within the judicial department or of any county adjoining the county wherein the action is triable to act as special district attorney, provided such district attorney agrees to accept appointment by such criminal court during such absence, inability or disqualification of the district attorney and such assistants as he or she may have.

2. If, for any reason, the appointment of a special district attorney cannot be effectuated pursuant to paragraph (a) or (b) of subdivision one of this section, the court shall then attempt to effect such appointment pursuant to the other such paragraph.

3. Where a special district attorney appointed under this section is a district attorney, he or she may direct the exercise of such powers and the performance of such duties by any assistant in his or her office in any case in which he or she serves as special district attorney to the same extent permitted by law in any case in which he or she serves as district attorney.

4. No appointment made under this section shall be for a period beyond the adjournment of the term at which made. Where, however, an appointment is required under this section for a particular case because of the disqualification of the district attorney, the appointment may be made for all purposes, including disposition. The special district attorney so appointed shall possess the powers and discharge the duties of the district attorney during the period for which he or she shall be appointed. The provisions of this section shall also apply to a county wholly contained within a city.

5. Where a special district attorney is appointed under this section, the board of supervisors of the county wherein such special district attorney serves, after having been notified and provided with an opportunity to be heard, shall pay the necessary disbursements of, and a reasonable compensation for, the services of the person so appointed and acting, as certified by the presiding judge or justice. Nothing contained herein shall prevent any county from entering into an agreement with any other county for the compensation of a special district attorney appointed pursuant to paragraph (b) of subdivision one of this section. In no event shall the compensation paid pursuant to paragraph (b) of subdivision one of this section exceed the compensation paid by the county in which such district attorney, or his or her assistants, serves.

6. (a) This subdivision shall apply to the attorney general in any circumstance where the attorney general acts in place of a district attorney. Nothing in this subdivision shall invalidate a court appointment of a district attorney or other attorney made prior to the effective date of this subdivision to serve in the place of the attorney general on a particular matter under any other subdivision of this section.

(b) Notwithstanding any other provision of law to the contrary, whenever the attorney general and such assistants as the attorney general may have, is disqualified from acting in a particular matter to discharge their duties at a term of any court, a superior criminal court in the county wherein the action is triable may upon articulable reasons

set forth by the attorney general for such appointment, by order:

(i) appoint some attorney at law having relevant experience and expertise, without regard to judicial department or other geographic limitations within the state, to act as special district attorney during the disqualification of the attorney general and such assistants as they may have; or

(ii) appoint a district attorney of any county to act as special district attorney, provided such district attorney agrees to accept appointment by such criminal court during such disqualification of the attorney general and such assistants as they may have.

(c) The special district attorney so appointed shall possess the powers and discharge the duties of the attorney general during the period, or for the duration of the matter, for which they shall be appointed.

(d) Where a special district attorney is appointed under this subdivision, the special district attorney may direct the exercise of such powers and the performance of such duties by any assistant or other staff in their office to assist such special district attorney to the same extent permitted by law.

(e) Any special district attorney appointed under this subdivision for a matter arising out of the attorney general's authority under section seventy-b of the executive law shall be responsible for the public report required by subdivision six of such section.

(f) Where a special district attorney is appointed under this subdivision, the department of budget, after having been notified and provided with an opportunity to be heard, shall pay the necessary disbursements of, and a reasonable compensation for, the services of the person so appointed and acting, as certified by the presiding judge or justice.

§ 702. Assistant district attorneys. 1. The board of supervisors shall have power to authorize the district attorney to appoint one or more assistant district attorneys. Every such appointment shall be in a writing filed and recorded in the office of the county clerk. The person appointed shall take the prescribed oath of office and furnish any required official undertaking. Any appointment may be revoked at any

time by the district attorney by filing a written revocation in the office of the county clerk.

2. The assistant shall perform such duties pertaining to the office as may be directed by the district attorney.

3. The assistant during the absence or inability of the district attorney shall perform the powers and duties of the office of district attorney.

4. In the event that more than one assistant is appointed, the district attorney 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 assistants shall exercise the powers and duties of the office in the event of a vacancy or the absence or inability of such district attorney to perform the duties of the office.

5. In the event of a vacancy in the office of district attorney, the assistant, or if more than one has been appointed, the assistant so designated, shall perform the powers and duties of the office of district attorney until a successor is appointed and has qualified.

6. Notwithstanding any provision of law with respect to requirements of residence, a district attorney of a county within a city having a population of one million or more may appoint one or more assistant district attorneys who are not residents of such county, but who reside within the geographical territory of such city.

7. Notwithstanding any provision of law with respect to the requirements of residence, a district attorney may appoint one or more attorneys employed by the department of taxation and finance as special assistant district attorneys with respect to any investigation or prosecution concerning, in whole or part, a violation of article thirty-seven of the tax law or of the penal law as it applies to the enforcement of any provision of the tax law.

§ 702-a. Appointment of special assistant district attorneys during a period of civil disorder. 1. Notwithstanding any provision of law to the contrary, a district attorney in any county, including any county within the City of New York, may, during a period of civil disorder, or as the result thereof, appoint one or more special assistant district attorneys, without compensation, and without regard to any requirements of law as to residence or limitation in number of such special assistant district attorneys.

2. Such district attorney shall, prior to the appointment of any such special assistant district attorney, file in the office of the county clerk of the county in which he was elected, a certificate of necessity stating that, during, or as a result of, a period of civil disorder, one or more special assistant district attorneys are required to supplement his staff, and setting forth the period of time such special assistant district attorneys shall be required.

§ 703. Employment of counsel. With the written approval of the county judge of a county in which an indictment has been found for a capital or other crime which presents unusual difficulty upon the trial thereof, the district attorney may employ counsel to assist him upon such trial. Such approval shall be filed in the office of the county clerk. The board of supervisors shall audit as other county charges a reasonable compensation and the necessary expenses of such counsel as certified by the presiding judge or justice.

§ 703-a. Employment of stenographer. Whenever the district attorney of any county in the performance of his duties shall be required to prosecute a contested criminal proceeding before a magistrate of a town or village, unless pursuant to law a stenographer be regularly employed by such magistrate or in the court over which he presides, said district attorney may employ a stenographer to take the testimony on such trial. The board of supervisors of each county shall fix the rate of compensation to be paid to such stenographer for such services rendered; and in addition thereto such stenographer shall be entitled to and shall

be allowed for a copy of testimony furnished to the district attorney the same rate per folio as is now allowed to the stenographers of the county court in their respective counties, and such stenographer shall receive the same compensation for all copies of the evidence in excess of three copies furnished by him to the district attorney. Such compensation shall be a county charge, and shall be audited and paid upon the affidavit of the stenographer and the certificate of the district attorney specifying the number of days of actual service and the number of folios furnished.

§ 705. Prosecution fund. The board of supervisors shall have power to appropriate and set aside a fund for the payment in advance of audit of expenditures incurred by the district attorney, or attorney general acting under section sixty-two of the executive law, necessarily incurred in the prosecution of criminal actions and proceedings arising in the county. The board of supervisors may provide for such district attorney or attorney general to issue orders upon the county treasurer for such payment, the countersignature of the chairman of a designated committee of such board, accounting of such expenditures with verified or certified vouchers attached thereto and such other conditions and rules as may be deemed necessary. The claimant, district attorney and the attorney general in actions or proceedings prosecuted by him shall be jointly and severally liable for any item of expenditure for other than a lawful county purpose disallowed upon a final audit, to be recovered in an action brought against them by the board of supervisors in the name of the county.

§ 706. Cost and expense of removed criminal trials. Whenever the trial of an indictment has been transferred from the county in which the indictment was found to some other county, the cost and expense of such trial shall be a charge upon the county in which the indictment was found. Whenever under the order of any court of competent jurisdiction, the pleadings and issue in any prosecution for any crime or misdemeanor, for which no indictment has been found, shall have been removed to any other county in this state for trial therein, in consequence of any

inability to obtain an unprejudiced or impartial jury in the county in which the venue was originally laid, the expenses of the trial of said prosecution shall be a charge upon the county from which the same was transferred. The cost and expense of trial of any prosecution, as shown by the certificate of the presiding judge or justice, shall be paid by the county from which the transfer of trial was made to the county treasurer of the county in which the trial was had.

§ 707. Payments of expert fees in criminal cases in which the death penalty may be imposed. 1. Notwithstanding any other provision of law to the contrary, upon a finding in an ex parte proceeding that expert services are reasonably necessary for the prosecution of the case whether in connection with issues relating to guilt or sentencing or that investigative services relating to a separate sentencing proceeding or mental retardation hearing pursuant to section 400.27 of the criminal procedure law are reasonably necessary, the trial court shall authorize the payment of fees and expenses for such services. Upon a finding that timely procurement of such services could not practicably await prior authorization, the court may authorize the provision and payment for such services nunc pro tunc.

2. Each appellate division shall establish the rates of fees and expenses to be paid for expert and investigative services pursuant to subdivision one of this section.

3. Any fee or expense to be paid pursuant to this section shall be a state charge payable on vouchers approved by the court which fixed the same after audit by and on the warrant of the comptroller.

4. Whenever a court disapproves, in whole or in part, a request for authorization or voucher, the district attorney may apply to a justice of an intermediate appellate court for an order approving the request or voucher.

PUBLIC DEFENDER

Section 716. Public defender; appointment; term; other employees.

717. Public defender; duties.

718. Appointment of other counsel.

719. Expenses.

720. Annual report.

721. Separability.

§ 716. Public defender; appointment; term; other employees. The board of supervisors of any county may create an office of public defender, or may authorize a contract between its county and one or more other such counties to create an office of public defender to serve such counties. A city may create an office of public defender in any county wholly contained within its borders and such city shall possess with respect to such office all the powers conferred upon a board of supervisors by the provisions of this article. The board or boards of supervisors may designate an attorney-at-law as public defender and shall fix his term and compensation. Subject to the approval of such board or boards, the public defender may appoint as many assistant attorneys, clerks, investigators, stenographers and other employees as he may deem necessary and as shall be authorized by such board or boards. The public defender shall fix the compensation of such aides and assistants within the amounts such board or boards may appropriate for such purposes. Notwithstanding any other provision of law relating to the creation of county offices, where the board of supervisors of any county has established an office of public defender by resolution, and thereafter such office is created by local law, such local law may authorize the payment of compensation and other expenses incurred in the operation of said office retroactive to the date of the adoption of said resolution.

§ 717. Public defender; duties. 1. The public defender shall represent, without charge, at the request of the defendant, or by order of the court with the consent of the defendant, each indigent defendant who is charged with a crime as defined in section seven hundred

twenty-two-a of the county law in the county or counties in which such public defender serves. When representing an indigent defendant, the public defender shall counsel and represent him at every stage of the proceedings following arrest, shall initiate such proceedings as in his judgment are necessary to protect the rights of the accused, and may, in his discretion, prosecute any appeal, if in his judgment the facts and circumstances warrant such appeal.

2. The public defender shall also represent, without charge, in a proceeding in family court or surrogate's court in the county or counties where such public defender serves, any person entitled to counsel pursuant to section two hundred sixty-two and section eleven hundred twenty of the family court act and section four hundred seven of the surrogate's court procedure act, or any person entitled to counsel pursuant to article six-C of the correction law, who is financially unable to obtain counsel. When representing such person, the public defender shall counsel and represent him at every stage of the proceedings, shall initiate such proceedings as in the judgment of the public defender are necessary to protect the rights of such person, and may prosecute any appeal when, in his judgment the facts and circumstances warrant such appeal.

§ 718. Appointment of other counsel. Nothing contained herein shall preclude a court on its own motion or upon application by the public defender or by the indigent defendant or person described in section two hundred sixty-two or section eleven hundred twenty of the family court act, or section four hundred seven of the surrogate's court procedure act, from appointing an attorney other than the public defender to represent such defendant or person or to assist in the representation of such defendant or person at any stage of the proceedings or on appeal. If such attorney is appointed, he shall serve without compensation, unless such compensation is otherwise provided for by law.

§ 719. Expenses. If a public defender serves more than one county, the expenses of salaries, maintenance and operation of his office shall be

shared by the participating counties in accordance with the provisions of the agreement establishing the office. Expenses incidental to individual cases shall be paid by the county for which the services were rendered. All expenses chargeable to a county hereunder shall be a county charge to be paid upon certification by the county treasurer out of an appropriation made for such purposes.

§ 720. Annual report. The public defender shall make an annual report to the board or boards of supervisors covering all cases handled by his office during the preceding year.

§ 721. Separability. If any provision of this article or the application of such provision to any person, body or circumstance shall be held invalid, the remainder of this article or the application of such provision to persons, bodies or circumstances other than those concerning which it shall have been held invalid shall not be affected thereby.

ARTICLE 18-B

REPRESENTATION OF PERSONS ACCUSED OF CRIME OR PARTIES BEFORE THE FAMILY COURT OR SURROGATE'S COURT

Section 722. Plan for representation.

722-a. Definition of crime.

722-b. Compensation and reimbursement for representation.

722-c. Services other than counsel.

722-d. Duration of assignment.

722-e. Expenses.

722-f. Annual reports.

§ 722. Plan for representation. The governing body of each county and the governing body of the city in which a county is wholly contained shall place in operation throughout the county a plan for providing counsel to persons charged with a crime or who are entitled to counsel

pursuant to section two hundred sixty-two or section eleven hundred twenty of the family court act, article six-C of the correction law, section four hundred seven of the surrogate's court procedure act or article ten of the mental hygiene law, who are financially unable to obtain counsel. Each plan shall also provide for investigative, expert and other services necessary for an adequate defense. The plan shall conform to one of the following:

1. Representation by a public defender appointed pursuant to county law article eighteen-A.

2. In criminal proceedings, representation by counsel furnished by a private legal aid bureau or society designated by the county or city, organized and operating to give legal assistance and representation to persons charged with a crime within the city or county who are financially unable to obtain counsel. In proceedings under the family court act, representation by a private legal aid bureau or society, or by any corporation, voluntary association, or organization permitted to practice law under the authority of subdivision five of section four hundred ninety-five of the judiciary law.

3. (a) Representation by counsel furnished pursuant to either or both of the following: a plan of a bar association in each county or the city in which a county is wholly contained whereby: (i) the services of private counsel are rotated and coordinated by an administrator, and such administrator may be compensated for such service; or (ii) such representation is provided by an office of conflict defender.

- (b) Any plan of a bar association must receive the approval of the office of indigent legal services before the plan is placed in operation. In the county of Hamilton, representation pursuant to a plan of a bar association in accordance with subparagraph (i) of paragraph (a) of this subdivision may be by counsel furnished by the Fulton county bar association pursuant to a plan of the Fulton county bar association, following approval of the office of indigent legal services. When considering approval of an office of conflict defender pursuant to this section, the office of indigent legal services shall employ the guidelines it has heretofore established pursuant to paragraph (d) of

subdivision three of section eight hundred thirty-two of the executive law.

(c) Any county operating an office of conflict defender, as described in subparagraph (ii) of paragraph (a) of this subdivision, as of March thirty-first, two thousand ten may continue to utilize the services provided by such office provided that the county submits a plan to the state administrator within one hundred eighty days after the promulgation of criteria for the provision of conflict defender services by the office of indigent legal services. The authority to operate such an office pursuant to this paragraph shall expire when the state administrator (or, on or after April first, two thousand nineteen, the office of indigent legal services) approves or disapproves such plan. Upon approval, the county is authorized to operate such office in accordance with paragraphs (a) and (b) of this subdivision.

(d) For purposes of this subdivision, any plan of a bar association approved hereunder pursuant to this subdivision, as provided prior to April first, two thousand nineteen, shall remain in effect until it is superseded by a plan approved by the office of indigent legal services or disapproved by such office.

4. Representation according to a plan containing a combination of any of the foregoing. Any judge, justice or magistrate in assigning counsel pursuant to sections 170.10, 180.10, 210.15 and 720.30 of the criminal procedure law, or in assigning counsel to a defendant when a hearing has been ordered in a proceeding upon a motion, pursuant to article four hundred forty of the criminal procedure law, to vacate a judgment or to set aside a sentence or on a motion for a writ of error coram nobis, or in assigning counsel pursuant to the provisions of section two hundred sixty-two of the family court act or section four hundred seven of the surrogate's court procedure act, or in assigning counsel to a defendant when a case has been calendared for consideration of resentencing pursuant to subdivision four of section six hundred one-d of the correction law or when a court is otherwise called upon to consider whether a proper term of post-release supervision was imposed as part of a determinate sentence, shall assign counsel furnished in accordance with a plan conforming to the requirements of this section; provided, however, that when the county or the city in which a county is wholly

contained has not placed in operation a plan conforming to that prescribed in this subdivision or subdivision three of this section and the judge, justice or magistrate is satisfied that a conflict of interest prevents the assignment of counsel pursuant to the plan in operation, or when the county or the city in which a county is wholly contained has not placed in operation any plan conforming to that prescribed in this section, the judge, justice or magistrate may assign any attorney in such county or city and, in such event, such attorney shall receive compensation and reimbursement from such county or city which shall be at the same rate as is prescribed in section seven hundred twenty-two-b of this article. When a case has been calendared for consideration of resentencing pursuant to subdivision four of section six hundred one-d of the correction law or when a court is otherwise called upon to consider whether a proper term of post-release supervision was imposed as part of a determinate sentence, the attorney appointed should be the attorney who appeared for the defendant in connection with the judgment or sentence or, if the defendant is currently represented concerning his or her conviction or sentence or with respect to an appeal from his or her conviction or sentence, such present counsel.

5. In classification proceedings under article six-C of the correction law or from an appeal thereof, representation shall be according to a plan described in subdivisions one, two, three or four of this section. If such plan includes representation by a private legal aid bureau or society, such private legal aid bureau or society shall have been designated to give legal assistance and representation to persons charged with a crime.

Upon an appeal in a criminal action, and on any appeal described in section eleven hundred twenty of the family court act, article six-C of the correction law or section four hundred seven of the surrogate's court procedure act, wherein the party is financially unable to obtain counsel, the appellate court shall assign counsel furnished in accordance with the plan, conforming to the requirements of this section, which is in operation in the county or in the city in which a county is wholly contained wherein the judgment of conviction,

disposition, or order of the trial court was entered; provided, however, that when such county or city has not placed in operation a plan conforming to that prescribed in subdivision three or four of this section and such appellate court is satisfied that a conflict of interest prevents the assignment of counsel pursuant to the plan in operation, or when such county or city has not placed in operation any plan conforming to that prescribed in this section, such appellate court may assign any attorney in such county or city and, in such event, such attorney shall receive compensation and reimbursement from such county or city which shall be at the same rate as is prescribed in section seven hundred twenty-two-b of this chapter. Assignment of counsel upon an appeal in a criminal action pursuant to this subdivision, or pursuant to paragraph b of subdivision one of section thirty-five of the judiciary law, includes authorization for representation by appellate counsel, or an attorney selected at the request of appellate counsel by the administrator of the plan in operation in the county (or city in which a county is wholly contained) where the conviction was entered, with respect to the preparation and proceeding upon a motion, pursuant to article four hundred forty of the criminal procedure law, to vacate a judgment or to set aside a sentence or on a motion for a writ of error coram nobis; compensation and reimbursement for such representation and expenses shall be governed by sections seven hundred twenty-two-b and seven hundred twenty-two-c of this article.

§ 722-a. Definition of crime. For the purposes of this article, the term "crime" shall mean a felony, misdemeanor, or the breach of any law of this state or of any law, local law or ordinance of a political subdivision of this state, other than one that defines a "traffic infraction," for which a sentence to a term of imprisonment is authorized upon conviction thereof.

§ 722-b. Compensation and reimbursement for representation. 1. All counsel assigned in accordance with a plan of a bar association conforming to the requirements of section seven hundred twenty-two of this article whereby the services of private counsel are rotated and

coordinated by an administrator shall at the conclusion of the representation receive for representation of a person in all cases governed by this article, including all representation in an appellate court, compensation at a rate of one hundred fifty-eight dollars per hour for time expended in court before a magistrate, judge or justice and one hundred fifty-eight dollars per hour for time reasonably expended out of court, and shall receive reimbursement for expenses reasonably incurred.

2. Except as provided in subdivision three of this section, compensation for time expended in providing representation pursuant to subdivision one of this section shall not exceed ten thousand dollars.

3. For representation on an appeal, compensation and reimbursement shall be fixed by the appellate court. For all other representation, compensation and reimbursement shall be fixed by the trial court judge. In extraordinary circumstances a trial or appellate court may provide for compensation in excess of the foregoing limits and for payment of compensation and reimbursement for expenses before the completion of the representation.

4. Each claim for compensation and reimbursement shall be supported by a sworn statement specifying the time expended, services rendered, expenses incurred and reimbursement or compensation applied for or received in the same case from any other source. No counsel assigned hereunder shall seek or accept any fee for representing the party for whom he or she is assigned without approval of the court as herein provided.

§ 722-c. Services other than counsel. Upon a finding in an ex parte proceeding that investigative, expert or other services are necessary and that the defendant or other person described in section two hundred forty-nine or section two hundred sixty-two of the family court act, article six-C of the correction law or section four hundred seven of the surrogate's court procedure act, is financially unable to obtain them, the court shall authorize counsel, whether or not assigned in accordance

with a plan, to obtain the services on behalf of the defendant or such other person. The court upon a finding that timely procurement of necessary services could not await prior authorization may authorize the services nunc pro tunc. The court shall determine reasonable compensation for the services and direct payment to the person who rendered them or to the person entitled to reimbursement. Only in extraordinary circumstances may the court provide for compensation in excess of three thousand dollars per investigative, expert or other service provider.

Each claim for compensation shall be supported by a sworn statement specifying the time expended, services rendered, expenses incurred and reimbursement or compensation applied for or received in the same case from any other source.

§ 722-d. Duration of assignment. Whenever it appears that the defendant is financially able to obtain counsel or to make partial payment for the representation or other services, counsel may report this fact to the court and the court may terminate the assignment of counsel or authorize payment, as the interests of justice may dictate, to the public defender, private legal aid bureau or society, private attorney, or otherwise.

§ 722-e. Expenses. All expenses for providing counsel and services other than counsel hereunder shall be a county charge or in the case of a county wholly located within a city a city charge to be paid out of an appropriation for such purposes. Provided, however, that any such additional expenses incurred for the provision of counsel and services as a result of the implementation of a plan established pursuant to subdivision four of section eight hundred thirty-two of the executive law, including any interim steps taken to implement such plan, shall be reimbursed by the state to the county or city providing such services. Such plans shall be submitted by the office of indigent legal services to the director of the division of budget for review and approval. However, the director's approval shall be limited solely to the plan's

projected fiscal impact of the required appropriation for the implementation of such plan, and his or her approval shall not be unreasonably withheld. The state shall appropriate funds sufficient to provide for the reimbursement required by this section.

§ 722-f. Annual reports. 1. A public defender appointed pursuant to article eighteen-A of this chapter, a private legal aid bureau or society designated by a county or city pursuant to subdivision two of section seven hundred twenty-two of this article, an administrator of a plan of a bar association appointed pursuant to subdivision three of section seven hundred twenty-two of this article and an office of conflict defender established pursuant to such subdivision shall file an annual report with the chief administrator of the courts and the office of indigent legal services. Such report shall be filed at such times and in such detail and form as the office of indigent legal services may direct.

2. (a) The county executive or chief executive officer of each county or, in the case of a county wholly contained within a city, such city shall file an annual report which specifies in detail and certifies to the office of indigent legal services the total expenditures of such county or city, identifying "local funds", as defined in paragraph (c) of subdivision two of section ninety-eight-b of the state finance law, state funds, federal funds and funds received from a "private source" as described in subdivision two of section ninety-eight-b of the state finance law, for providing legal representation to persons who were financially unable to afford counsel, pursuant to this article. Such annual report shall be made on a form developed for such purpose by the office of indigent legal services.

(b) Such annual report, detailing expenditures for the period January first through December thirty-first of the previous calendar year, shall be filed on or before the first day of March of each year.

ARTICLE 19
COUNTY SUPERINTENDENT OF HIGHWAYS

Section 725. County superintendent of highways; duties.

§ 725. County superintendent of highways; duties. The county superintendent of highways shall perform the duties prescribed by law relating to the construction, improvement and maintenance of highways and bridges in the county. He shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

ARTICLE 20

COUNTY COMMISSIONER OF PUBLIC WELFARE

Section 750. County commissioner of public welfare; duties.

§ 750. County commissioner of public welfare; duties. The county commissioner of public welfare shall perform the duties prescribed by law in the administration of welfare assistance. He shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

ARTICLE 21

COUNTY SEALER

Section 775. Director of weights and measures; duties.

§ 775. Director of weights and measures; duties. The director of weights and measures shall perform the duties prescribed by law for the enforcement of honest weights and measures. He shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

ARTICLE 22

COUNTY SERVICE OFFICER

Section 800. County service officer; term; duties.

§ 800. County service officer; term; duties. The board of supervisors may create the office of county service officer and appoint such officer for the term for which the membership of such board was elected. The county service officer shall assist members of the armed forces and veterans and their dependents in obtaining any benefits and awards to which they may be entitled under any federal, state or local legislation. He shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.

ARTICLE 23

PROVISIONS APPLICABLE TO CERTAIN COUNTIES

- Section 825. District attorneys in certain counties.
826. Regional markets.
827. Enforcement of environmental conservation law in certain counties.
828. Highway construction by local assessment in certain counties.
829. Teachers' training in certain counties.
830. Expenses of district superintendents of schools in certain counties.
831. Soldier burial plots in Dutchess county.
832. Burial contracts in Erie county.
833. Rifle range in Erie county.
834. Social welfare appropriations in Essex county.
- 834-a. Advance payment of portion of welfare charges to hospitals and day care centers.
835. Jefferson county hospital for contagious diseases.
836. Soldier burial plots in Niagara county.
837. Niagara frontier bridge.
838. Traffic signals in Onondaga county.
839. Deputy comptroller in Oneida county.
840. Memorial day in Nassau and Suffolk counties.
841. Aviation fields in Nassau county.

- 842. Harbor improvements in Suffolk county.
- 843. Advancing school taxes in Suffolk county.
- 844. Hurricane or storm damage in Suffolk county.
- 845. Lake George fish screens in Warren county.
- 849. Appropriations for conservation purposes in Washington county.
- 850. State office buildings and other public improvements in certain counties.
- 852. Loans of money or credit to hospitals or health related facilities in Suffolk county.
- 853. Oneida County-tribal detention agreement.
- 854. Madison county-tribal detention agreement.

§ 825. District attorneys in certain counties. The district attorneys of Erie, Monroe and Onondaga counties may each appoint in and for his county, in the manner provided in section seven hundred two of this chapter and with like powers, such number of assistants as shall be fixed and determined by resolution of the board of supervisors. All of the persons so appointed shall be called assistant district attorneys. Each of said assistant district attorneys shall receive such salary as shall be fixed and determined by said board of supervisors. The district attorney shall designate in the order appointing such assistants the salary which each of such assistants shall receive, subject, however, to the limitations prescribed by such resolution of the board of supervisors. Said assistants shall severally take the constitutional oath of office before entering upon the duties thereof; and the district attorney shall be responsible for their acts. Said district attorney may designate, in writing, to be filed in the office of the clerk of said county, one of his said assistants to be the acting district attorney in the absence from said county or other inability of said district attorney; and the assistant so designated shall, during such absence or inability of said district attorney, perform the duties of the office. Such designation may be revoked by said district attorney in writing, to be filed and recorded in the office of the county clerk. The district attorney of Monroe county and his assistants shall conduct, on the part of the people, all preliminary examinations in the police court of the

city of Rochester, and subject to the right of a complainant to appear personally or by attorney, all other prosecutions for crime therein; and may conduct prosecution therein for violations of the penal ordinances of said city, and appeals therefrom and in such event one-half of the salary of such first assistant shall be a charge upon the city of Rochester and assessed back upon said city by the board of supervisors of Monroe county except that the Monroe county Board of Supervisors may by resolution make such charge a general county charge to be borne by the entire county of Monroe; but the corporation counsel of said city shall have the power to prosecute any person for the violation of an ordinance and to conduct proceedings therefor, or an appeal therefrom. The district attorneys of the counties of Erie and Onondaga may also appoint a person to act as interpreter at all sessions of the grand juries of such counties and of the city of Buffalo, whose compensation shall be fixed by the court in and for which such grand jury may be impaneled. The district attorney of the county of Monroe, whenever he is authorized so to do by the board of supervisors of such county, may appoint necessary interpreters who shall act as interpreters at all sessions of the grand jury in such county and for all county departments except the courts. The district attorneys of the counties of Erie and Monroe shall each be entitled to receive, in addition to their salary, all costs collected by them in actions and proceedings prosecuted and defended by them. The county judge, or the special county judge, of the county of Monroe, or any supreme court justice, shall have power, on the application of the district attorney of Monroe county, to order and direct the county treasurer of Monroe county to pay to the district attorney any sum of money expended or incurred by him in the performance of his duties in his office, and the county judge of the county of Rensselaer, or any supreme court justice, shall have power, on the application of the district attorney of Rensselaer county, to order and direct the county treasurer of Rensselaer county to pay to the district attorney any sum of money expended or incurred by him in the performance of his duties in his office, and the county judge of the county of Albany, or any supreme court justice, shall have power, on the application of the district attorney of Albany county, to order and direct the county treasurer of Albany county to pay to the district attorney of such county any sum of money expended or incurred by him in

the performance of his duties in his office, and the county judge of Columbia county, or any justice of the supreme court, shall have power, on the application of the district attorney of Columbia county, to order and direct the county treasurer of Columbia county to pay to the district attorney of such county any sum of money expended or incurred by him in the performance of his duties in office. The district attorney of Niagara county shall have charge of and conduct on the part of the people all preliminary examinations in the police courts of the cities of Lockport, North Tonawanda and Niagara Falls, either in person or by his assistant and the several justices of the peace of said county. In lieu of the necessary traveling expenses and other disbursements incurred in the performance of these additional duties, either by himself or by his assistant or stenographer, the district attorney of Niagara county shall receive such amount as may be fixed by the board of supervisors of Niagara county payable monthly by the county treasurer of Niagara county, and the assistant district attorney shall receive an amount to be fixed by the board of supervisors of Niagara county, at not less than five hundred dollars per annum, payable monthly by the county treasurer of Niagara county, and the district attorney's stenographer shall receive an amount to be fixed by the board of supervisors of Niagara county at not less than four hundred dollars per annum, payable monthly by the county treasurer of Niagara county. Until such amount is so fixed by the board of supervisors it shall be as above stated.

§ 826. Regional markets. The board of supervisors of a county located within any regional market district heretofore or hereafter created by law may purchase, acquire, or accept by gift lands for regional market purposes. Such lands may be situate anywhere within such regional district. Adequate appropriations may be made for the erection of necessary buildings, improvements, market facilities and equipment. The boards of supervisors of the counties within such district may agree upon the sharing in the cost of such sites, buildings, improvements, market facilities and equipment and the title shall be taken in the name of the county where situate. Such improvements shall be deemed for the benefit of the sharing counties in proportion to their respective

contributions. The purchase, improvement or construction of such market facilities by counties within such regional market district is hereby declared to be a lawful county purpose. Such real and personal property may be leased or sold to any market authority or other public corporation, or governmental agency created by law for such regional district. The chairman of the board of supervisors of the county holding the record title shall execute all necessary leases, conveyances, or other documents, on behalf of and only pursuant to resolutions duly adopted by all of the boards of supervisors of the counties interested therein.

§ 827. Enforcement of environmental conservation law in certain counties. In those counties wherein the state owns a park, forest preserve, reforested area, hatchery, nursery, game refuge, or wherein the state has established and controls fire prevention apparatus and structures, public hunting, trapping and fishing grounds, marine fisheries, or other lawful objects established and controlled by the state in furtherance of the preservation of the natural resources and wild life of the state, the board of supervisors shall have power to appropriate not exceeding one thousand dollars in any one year for the purpose of aiding the state in the enforcement of the provisions of the environmental conservation law. Such appropriation shall be expended by the county pursuant to a contract made with the department of environmental conservation in the manner provided in section two hundred twenty-five of this chapter or paid to the state and expended by the department of environmental conservation pursuant to the provisions of the environmental conservation law. The county of Erie may appropriate not exceeding four thousand dollars for this purpose. Nothing herein shall be deemed to allow the payment of extra compensation to any officer in the performance of official duties for which a compensation is otherwise provided by law. Nothing herein shall be deemed to modify or impair the power of a county to enforce the provisions of the environmental conservation law or its own ordinances, rules and regulations upon grounds or structures owned and controlled by the county.

§ 828. Highway construction by local assessment in certain counties.

The governing body of any county containing a population of less than two hundred thousand and adjoining a city of the first class may authorize the establishment of a plan for the grades of streets, avenues and boulevards; the alteration of such plan of grades, or any plan thereof, which shall have been established by law; the laying out, opening, grading, construction, closing and change of line, or of the width of any one or more of such streets, avenues and boulevards or any other streets, avenues and boulevards, within said county, or any part or parts thereof, and of the courtyards, sidewalks and roadways; to provide for the estimation and award of the damages to be sustained, and for the assessment on property intended to be benefited thereby, and fixing assessment districts therefor, the levying, collection and payment of such damages, and of all other charges and expenses to be incurred, or which may be necessary in carrying out the provisions of this section; the laying out of new or additional streets, avenues or boulevards according to a general scheme or plan for the improvement of highways in said town, the acceptance by town officers of conveyances of land for public highways, naming and changing of names of streets and avenues within the said county, the opening, laying out, grading, construction, closing and change of line of any street, avenue or boulevard within the county, provided, however, that nothing shall be done hereunder in respect to or concerning any street, avenue or boulevard situated within an incorporated village, without the consent of the board of trustees of such incorporated village. The provisions, however, for the defraying of expenses thereof by assessment as herein provided, shall only be exercised on the petition of the property owners who own more than one-half of the frontage on any such street, avenue or boulevard, or on the certificate of the supervisor, justices of the peace, and town clerk of the town in which said street, avenue or boulevard is located, or two-thirds of such officers, that the same is in their judgment proper and necessary for the public interest; or in case the said street, avenue, or boulevard, in respect to which such action is proposed to be taken, shall lie in two or more towns, on a like certificate of such town officers of each of said towns, or two-thirds of all of them; provided, however, that before proceeding to

make any such certificate, the said officers, or such number of them as aforesaid, shall give ten days' notice by publication in one of the weekly papers of said county and by posting in six public places in said town, or in each of said towns, of the time and place at which they will meet for the purpose of considering the same, at which meeting the public and all persons interested may appear and be heard in relation thereto; and provided that no such street or avenue shall be laid out, opened or constructed upon or across any lands heretofore acquired by the right of eminent domain, and be held in fee for depot purposes by any railroad. In the event that the town maintains a website, one of the posting requirements may be fulfilled by posting such information on the website.

Should the governing body of any such county at any time deem it for the public interest to acquire title to lands and premises required for any street, highway or boulevard heretofore or hereafter laid out, widened, altered, extended or otherwise improved, it may acquire the same by dedication, or by condemnation under the eminent domain procedure law, provided, however, that no land shall be acquired for any street, highway or boulevard in a village, without the consent of the board of trustees of such village. Such board may direct, by a two-thirds vote of the total voting power of the board, that the title to any piece or parcel of land lying within the lines of any such street, highway or boulevard shall be vested in the county upon the date of recovery of such dedication or as provided in the eminent domain procedure law. Thereafter, the property so acquired shall upon vesting be held, appropriated, converted and used to and for such purpose accordingly, in like manner as are other public streets in said county. In such cases interest at the rate specified in section three-a of the general municipal law upon the sum or sums to which the owners, lessees, parties or persons are justly entitled as provided in the eminent domain procedure law. Upon the vesting of title, the county or any person or persons acting under its authority, may subject to compliance with the eminent domain procedure law immediately, or at any time thereafter take possession of the same, or any part or parts thereof, without any suit or proceeding at law for that purpose. The title acquired by the county, to lands and premises required for a street, shall be in trust, and such

lands and premises appropriated and kept open for, or as part of a public street or highway, forever, in like manner as the other streets in the county.

§ 829. Teachers' training in certain counties. In order to provide an adequate number of teachers to be available for employment in the public schools in the county, the board of supervisors of any county in which is located a college or university having a department for fitting pupils to be teachers and commonly known as a pedagogical department, may, from time to time, appropriate moneys for salaries of the teaching staff in such department, or to be applied toward the payment of such salaries, and may raise such moneys by tax on the taxable property within the county.

§ 830. Expenses of district superintendents of schools in certain counties. In the counties of Westchester, Suffolk, Monroe and Erie, the board of supervisors may appropriate and provide for the payment upon verified vouchers of expenses of the district superintendent of schools therein for furniture, printing, office supplies, telephone service, clerical assistance, or such other expenditures as may be authorized by such board.

§ 831. Soldier burial plots in Dutchess county. The legislature of the county of Dutchess may authorize the purchase of burial plots and provide for marker settings and perpetual care and maintenance of such plots in one or more of the cemeteries of the county of Dutchess for deceased veterans, who, at the time of death, were residents of the county of Dutchess and who (i) were discharged from the armed forces of the United States either honorably or under honorable circumstances, or (ii) had a qualifying condition, as defined in section one of the veterans' services law, and received a discharge other than bad conduct or dishonorable, or (iii) were a discharged LGBT veteran, as defined in section one of the veterans' services law, and received a discharge other than bad conduct or dishonorable. The expense thereof shall be a

county charge.

§ 832. Burial contracts in Erie county. The board of supervisors of the county of Erie shall have power exclusively, and it shall be its duty to contract annually with one or more undertakers for the care, removal and burial of bodies of persons dying within said county, where there are no known relatives, friends or personal representatives of such deceased persons in the state liable or willing to become responsible for the expense thereof and for the conveyance and delivery of such bodies to and from the public morgue of such county and the performance of any other acts incidental thereto. Each undertaker, with whom such a contract shall be made, shall execute and deliver to the county a bond in such amount, with such sureties and upon such conditions as the board shall require.

§ 833. Rifle range in Erie county. The board of supervisors of Erie county is hereby authorized to purchase land, construct and maintain thereon a rifle, machine gun and pistol range primarily for the use of New York national guard, New York guard and New York naval militia. The acquisition of the site, construction and maintenance to be subject to approval of the chief of staff in accordance with existing rules and regulations. Such board may appropriate annually such sums as it may deem proper. The board may cause such moneys to be raised by taxation and levied and collected as other taxes in such county or funds may be made available therefor pursuant to the local finance law.

§ 834. Social welfare appropriations in Essex county. 1. The board of supervisors of Essex county may annually appropriate such sums as it may deem proper, not exceeding the sum of five thousand dollars in any one year, for the support and maintenance of the Junior Achievement Foundation of Essex County, Incorporated, a county organization incorporated to receive and administer funds and permanent endowments for the definite training of children; provided, however, that the total amount of moneys so appropriated in any one year shall not exceed

one-half of the total cost of such work in the county during the year. The board of supervisors may by resolution direct the county treasurer to pay the amount of such appropriations to the treasurer of such corporation, but before any such payment shall be made, the treasurer of such corporation shall file with the county clerk an undertaking for the faithful performance of his duties, which undertaking must have endorsed the approval of the county judge both as to form and sufficiency of sureties. On or before the first day of November in each year the treasurer of such corporation shall render to the board of supervisors a verified written statement showing in detail the amount of moneys received by the corporation during the preceding year and the nature and amount expended for the support and maintenance of the work. The board of supervisors shall annually raise by tax a sum sufficient to pay the amount of moneys appropriated pursuant to the provisions of this subdivision.

2. The board of supervisors of such county may annually appropriate such sums as it may deem proper, not exceeding the sum of five thousand dollars in any one year, for contributions to and the support and maintenance of the Essex County Social Service Committee, Incorporated, a county organization incorporated to receive and administer funds and permanent endowments for the educational, moral and social betterment of the the citizens of Essex county and to co-ordinate and assist in the efforts of existing organizations performing such objects in a manner satisfactory to the committee; provided, however, that the total amount of moneys so appropriated in any one year shall not exceed one-half of the total cost of such work in the county during the year. The board of supervisors may by resolution direct the county treasurer to pay the amount of such appropriations to the treasurer of such corporation, but before any such payment shall be made, the treasurer of such corporation shall file with the county clerk an undertaking for the faithful performance of his duties, which undertaking shall have endorsed thereon the approval of the county judge both as to form and sufficiency of sureties. On or before the first day of November in each year the treasurer of such corporation shall render to the board of supervisors a verified written statement showing in detail the amount of moneys received during the preceding year and the nature and amount of the sums

expended for the support and maintenance of the work. The board of supervisors shall annually raise by tax a sum sufficient to pay the amount of moneys appropriated pursuant to the provisions of this subdivision.

§ 834-a. Advance payment of portion of welfare charges to hospitals and day care centers. Where a contract has been entered into between a social services district and a hospital, pursuant to section three hundred sixty-seven of the social services law, or between a social services district and a day care center for day care furnished children on behalf of the social services district, or between a social services district and a nursing home or health related facility for care furnished patients in the nursing home or health related facility on behalf of the social services district, the board of supervisors of the county may, by resolution, determine that not to exceed seventy-five per centum of the total claim submitted to the county or the social services district by such hospital or such day care center or such nursing home or health related facility for charges and services under such contract for each month shall be paid, in advance of audit, subject to subsequent adjustment of accounts between the hospital or the day care center or the nursing home or health related facility and the county or social services district following audit.

§ 835. Jefferson county hospital for contagious diseases. The board of supervisors of the county of Jefferson is hereby authorized to maintain and operate a hospital in such county for the treatment and control of communicable diseases and may annually appropriate such sums as it may deem proper and necessary for the support, operation and maintenance of such hospital. The expenses thereof shall be raised by taxation levied and assessed against the taxable property in the county of Jefferson.

§ 836. Soldier burial plots in Niagara county. The board of supervisors of the county of Niagara may provide for the perpetual care and maintenance of burial plots and burial places of deceased members of

the armed forces who shall have been heretofore or may hereafter be buried in any cemetery located in the county and the expense thereof shall be a county charge. Upon the adoption of such proposition the board shall designate some person or commission to have charge of the work and may fix a compensation to be paid for the services to be hereafter rendered in the work. The cost and expense of the work may be appropriated from funds in the county treasury not otherwise appropriated or may be provided by the issuance of notes pursuant to and within the limitations prescribed by the local finance law.

§ 837. Niagara frontier bridge. The boards of supervisors of Erie and Niagara counties, or either of them, may each agree and undertake to provide and make available, and to appropriate annually such sums as they may deem proper to aid the Niagara frontier bridge commission in the maintenance of the two bridges erected by it across the Niagara river to Grand Island, and for the purpose of thereby improving and extending the highway system of the state and of the counties of Erie and Niagara. Such annual appropriation hereby authorized to be made by the board of supervisors of Erie county shall not exceed the sum of two hundred thousand dollars for any one year, and such annual appropriation hereby authorized to be made by the board of supervisors of Niagara county shall not exceed the sum of fifty thousand dollars for any one year. Each board of supervisors may by resolution direct the county treasurer to pay the amount of such appropriations to the treasurer of the Niagara frontier bridge commission. Each board of supervisors may cause such moneys to be raised by taxation and levied and collected as other taxes in such county.

§ 838. Traffic signals in Onondaga county. The board of supervisors of Onondaga county may annually appropriate such sums as it may deem proper for the installation and maintenance of traffic signals upon highways in the county, but the total amount of money so appropriated in any one year shall not exceed one-half of the total cost of such work in the county during the year. The board of supervisors of such county shall annually raise by tax a sum sufficient to pay the amount of money

appropriated pursuant to the provisions of this subdivision or shall finance the cost of such installations, in whole or in part, by the issuance of tax anticipation notes or budget notes pursuant to the local finance law.

§ 839. Deputy comptroller in Oneida county. The county comptroller of the county of Oneida may, after entering upon the duties of his office, designate two of the assistants or clerks in his office deputy comptrollers. Such designation shall be in writing and shall be signed by the county comptroller and filed in the office of the county clerk. Such county comptroller shall also designate in writing and file in the office of the county clerk and the clerk of the board of supervisors the order in which such deputy comptrollers are to serve during his absence or inability to act. Before any such deputy so designated pursuant to the provisions of this section enters upon the performance of his duties, he shall take the constitutional oath of office. Either of such deputy comptrollers in the county of Oneida may perform such duties of the comptroller as may be assigned to him by an order of the comptroller to be entered in his office and shall also perform all the duties of the comptroller when the comptroller shall be absent from his office, or shall be incapable of performing the duties thereof, or when the office shall become vacant, until it shall be filled.

§ 840. Memorial day in Nassau and Suffolk counties. The board of supervisors of the counties of Nassau and Suffolk may each appropriate annually an amount not to exceed two hundred dollars for the purpose of defraying the expenses of the proper observance of Memorial or Decoration day at the Long Island National Cemetery, Pinelawn, New York, and such observance is hereby declared a county purpose. The boards may raise money therefor by tax in the same manner as other county charges are levied and collected. The boards may appropriate such moneys to a committee of several veterans' (or other patriotic) organizations as may be determined by the boards, which shall be known as "The Long Island National Cemetery Memorial Committee" and such moneys shall be used and expended by such committee for the proper observance of such day, and in

such event the head of such committee, and the disbursing officer thereof, shall file a report thereof with each of the said boards not later than thirty days after the observance of Memorial or Decoration day, showing the money received from each county pursuant to this provision of law and the vouchers for the disbursement thereof.

§ 841. Aviation fields in Nassau county. The board of supervisors in Nassau county may appropriate annually and provide for the expenditure of such sums as it may deem proper not to exceed the sum of five thousand dollars for the purpose of furnishing suitable and proper comfort and care of persons who, in the interest and promotion of aviation and the public welfare, may depart from or arrive at any flying field located within the county.

§ 842. Harbor improvements in Suffolk county. The board of supervisors of Suffolk county may provide for widening, deepening or dredging any bay, harbor, inlet or channel or for the construction of bulkheads, groins, jetties, docks or other similar improvements to the water or waterways within its boundaries at the expense of the county and may appropriate moneys available for general town or county improvements in aid of federal or state projects for such purposes.

§ 843. Advancing school taxes in Suffolk county. In Suffolk county the county treasurer shall advance to the several school districts within said county, in anticipation of the collection of the school tax levies therein, and to provide funds for meeting the expenses in the said several districts prior to the receiving of moneys from the collection of school taxes, from funds in his hands available, such advancements only to be made upon a verified copy of the annual budget voted at the preceding school meeting and verified report of the trustees or board of education of each district applying for such advancement showing the amount of moneys on hand and a list of unpaid current bills of said district, such advancements to be made in installments in the months of September, October, November and December, and not exceeding fifteen per

centum in September, fifteen per centum in October, ten per centum in November, and ten per centum in December, of the total amount of the annual budget of such district to which such advancement be made. The county treasurer of Suffolk county is hereby authorized to reimburse the county of Suffolk for such advancements as soon as the funds collected in the various school districts are available therefor.

§ 844. Hurricane or storm damage in Suffolk county. The board of supervisors of the county of Suffolk may provide for the improvement or reconstruction of beaches or shore front within the county, to repair damage caused by hurricane or storm, and to provide suitable protection to prevent future damage to lands or property by the ocean or other waters, including the filling in and grading necessary for such purpose, and including dredging material from inland waterways and moving earth material on the beaches to fill and close new inlets heretofore or hereafter formed in such beaches by a hurricane or storm; purchasing, filling and placing sand bags, opening up old road beds or constructing new traveling surfaces on the sand to permit traffic along the beaches; transporting workmen, materials and equipment, dredging material to construct new dunes on the beaches by embankment alone, purchasing of material and rental of equipment to construct roadways over new fills or along the beaches; to aid in transportation of materials and equipment; purchasing or renting equipment for clearing debris from navigable waters; constructing dikes, bulkheads, jetties and groins or other similar devices on the beaches and supplying the necessary equipment, materials and labor therefor; constructing barriers filled with brush, wire, snow fence or any other suitable material, extending along the shore, with jetties of the same or similar materials extending offshoreward and supplying the necessary labor, equipment and materials necessary therefor; any and all engineering and supervision in connection with the carrying out of all work covered herein; clearing out roadways to expedite traffic, and may acquire real property or an interest therein for such purpose by purchase, dedication, gift, devise or bequest or by condemnation in the manner provided by law for acquisition of real property for highway or county road purposes.

§ 845. Lake George fish screens in Warren county. The board of supervisors of the county of Warren may by resolution, appropriate and pay out such sums of money as it may deem necessary for the purpose of providing for and maintaining a suitable screen or screens in the outlet of Lake George to prevent the escape of fish from such lake.

§ 849. Appropriations for conservation purposes in Washington county.

1. The board of supervisors of Washington county is hereby authorized and empowered to enter into an agreement or agreements with the board of supervisors of one or more adjoining counties possessing equivalent powers for the joint construction or acquisition, maintenance and control of facilities for the promotion and conservation of fish, game and other natural resources, and may annually appropriate and expend such sums as may be necessary pursuant to such agreement. The agreement may provide for the method of acquisition or construction of the facility, the management and operation thereof; the method of fixing the proportionate share of each county and of making contributions; the custody of moneys; the audit of claims; the duration of the agreement; and such other matters as may be appropriate in the circumstances. The agreement shall have a maximum duration of ten years, but such limitation shall not prohibit successive agreements. Nothing herein contained shall prevent the financing of the county's share of a project pursuant to the provisions of the local finance law.

2. The board of supervisors of Washington county is hereby authorized and empowered to annually appropriate moneys to defray such portion of the cost of maintenance of a fish screen in Ticonderoga creek between Lake George and Lake Champlain, heretofore constructed and now maintained by the Lake George Screen Committee, Incorporated, as such board may see fit. Moneys so appropriated shall be held in the custody of the county treasurer and paid out by him only upon order of the board of supervisors after due and proper audit and allowance. The board of supervisors is hereby authorized to enter into such agreement with the Lake George Screen Committee, Incorporated, as may be deemed necessary to effectuate the provisions of this subdivision.

3. Nothing herein contained shall be deemed to supersede, alter or abridge the powers and duties of the department of conservation, or any division, agency or officer of said department, or to deprive said department, or any division, agency or officer thereof of jurisdiction now or hereafter conferred upon it in relation to conservation matters.

§ 850. State office buildings and other public improvements in certain counties. 1. Notwithstanding any other provision of law, general, special or local, every county is hereby authorized and empowered:

(a) To acquire by purchase, gift or dedication, or by condemnation in the manner provided by the law under which such county is authorized to acquire property for public purposes, or if there be no such law, in the manner provided by and subject to the provisions of the condemnation law, property in any such city within the county as a site for an office building or buildings and appurtenances, suitable for the primary use of state departments, agencies and employees, and other public improvements and appurtenances, which site may be located within a larger area previously acquired and cleared under an urban renewal program.

(b) To acquire property from the state or a city within the county as such a site, by lease for a term not exceeding forty years, or by a quitclaim deed conveying all the right, title and interest of the people of the state or city in and to such property, and to agree that if the county shall fail, within five years from the date of such conveyance, to construct an office building or to construct, reconstruct or otherwise provide a public improvement on such property as may be required by the terms of a contract entered into with the state commissioner of general services in accordance with the provisions of this section, or if any office building so constructed on such property ceases to be used primarily for state purposes, then and in either event, such property shall revert to the people of the state with right of re-entry thereupon or shall be conveyed to the people of the state in fee simple; provided, however, that as a condition precedent to the exercise of such right of re-entry the state shall pay to the county such amount as may be specified in a contract or lease entered into between the state commissioner of general services and the county in

accordance with the provisions of this act, which amount may equal (i) the purchase price of the county for such property, (ii) the depreciated costs of the county for all buildings, public improvements and appurtenances constructed thereon pursuant to any such contract or lease, and (iii) all other costs of the county incurred pursuant to such contract or lease incident to such property and the construction of such office buildings and the construction, reconstruction or provision of public improvements and appurtenances, including the cost of the original fixtures, furnishings, equipment, machinery and apparatus, if any, included in such work or purchased by the county. Upon the exercise by the state of such right of re-entry, the county shall establish a sinking fund and any payment made by the state upon exercise of such right of re-entry shall, to the extent necessary, be paid into such fund which shall be maintained solely for the liquidation of the principal of and interest on any indebtedness contracted or incurred by the county in relation to the property which so reverts to the people of the state of New York.

(c) To enter into a contract or contracts with the state commissioner of general services on behalf of the state providing for the construction on such property of one or more office buildings, suitable for the primary use of state departments, agencies and employees, and for the construction, reconstruction or other provisions of other public improvements and appurtenances.

(d) To clear such property, close and open streets and public ways, and demolish existing structures as may be required by any such contract with the state commissioner of general services and to construct one or more such office buildings and to construct, reconstruct or otherwise provide for other public improvements and appurtenances in accordance with plans and specifications approved by the state commissioner of general services and incorporated in any such contract.

(e) To designate the state commissioner of general services as its agent in connection with the construction of one or more such office buildings and the construction, reconstruction or provision of other public improvements and appurtenances by the county pursuant to any such contract with the state commissioner of general services, provided that in such case, construction, reconstruction or other contracts in connection therewith shall be let by the state commissioner of general

services to the lowest responsible bidder, after public advertisement, in the manner provided in section eight of the public buildings law.

(f) To purchase through the state office of general services, in accordance with section one hundred four of the general municipal law, such furnishings, equipment, machinery and apparatus, not included in the construction plans and specifications, as may be specified by contract with the state commissioner of general services for installation in an office building, public improvement or appurtenances, and to install, alter or improve the same in accordance with such contract.

(g) To lease to the state, for possession upon the completion of work, all office buildings and public improvements and appurtenances constructed, reconstructed or provided pursuant to any such contract with the state commissioner of general services, together with the original furnishings, equipment, machinery and apparatus installed therein pursuant to paragraph (f) of this subdivision, and to lease the property upon which such office buildings, public improvements and appurtenances are constructed, reconstructed or provided if such property is owned by the county or to sublease such property to the state if leased to the county, for a term not exceeding forty years and upon such terms and conditions including a fair and reasonable annual rental as may be agreed upon between the county and the state commissioner of general services.

(h) To sublease from the state an office building or public improvement, or space therein, for the use of county departments, agencies, or employees.

(i) To convey to the state title to all such office buildings and public improvements and appurtenances, and to the property upon which the same are constructed, reconstructed or provided if such property is owned by the county, in fee simple at the expiration of the term of any such lease or upon the earlier payment in full of the total amount specified in any such contract or lease with the state commissioner of general services, without additional charge therefor.

(j) To make appropriate provision in any contract or lease with the state as to liability on account of loss or damage caused by fire, explosion or other catastrophe and as to whether any property, office building, public improvement, appurtenance, furnishings, equipment,

machinery and apparatus shall be insured against loss or damage from such causes, for the payment of the cost of such insurance and for the application of (i) any payments made by the state in respect of such liability, or (ii) the proceeds of any such insurance received by the county. If, under the terms of such contract or lease, any payments so made by the state or the proceeds of any such insurance so received by the county are not used to rebuild or repair the property, office building, public improvement, appurtenance, furnishings, equipment, machinery or apparatus destroyed or damaged, the county shall establish a sinking fund and shall, to the extent necessary, pay any such payments so made by the state or the proceeds of any such insurance so received into such fund which shall be maintained solely for the liquidation of the principal of and interest on any indebtedness contracted or incurred by the county in relation to the property, office building, public improvement, appurtenance, furnishings, equipment, machinery or apparatus so destroyed or damaged.

(k) To make all agreements, necessary or convenient in respect thereof, with a city within such county which joins with the county and the state commissioner of general services in a contract entered into pursuant to the provisions of this section, and to share with such city any benefits accruing to the county from such contract or from general provisions of law which become applicable because of the acquisition of property upon which the office building or buildings, public improvements, or appurtenances, are constructed, reconstructed or provided pursuant to the terms of such contract.

(l) From time to time, to authorize, issue and sell obligations, pursuant to the local finance law, to pay the costs of acquiring property, of constructing office buildings, of constructing, reconstructing or otherwise providing other public improvements and appurtenances, including in each case architectural and engineering fees, and of purchasing original furnishings, equipment, machinery and apparatus therefor pursuant to this section. The acquisition of such property, the construction of such office buildings, the construction, reconstruction or other provision of other public improvements and appurtenances and the purchase of such original furnishings, equipment, machinery and apparatus are hereby declared county purposes.

(m) To make provision in any contract or lease, or both, with the

state relative to the county and its officers and employees being indemnified and saved harmless from any and all manner of claims, damages, loss, injury, suits, actions and proceedings and the performance, payment, and compliance with, all orders and judgments that may be rendered, obtained or made against the county and arising out of, connected with, or, because of, anything done or undertaken hereunder or pursuant hereto by, or, in behalf of, or, in the name of, the county. There shall be included in such indemnification any expenses, fees and costs of the county in respect of the foregoing and not otherwise reimbursed to it pursuant to any contract or lease.

(n) To enter into a contract or contracts in accordance with the provisions of this section, with the state commissioner of general services and with a city within such county which contract or contracts may provide for:

(i) The acquisition by such county of land suitable for the establishment thereon of a portion of a complex, the remainder of which complex is to be established upon the contiguous site of an office building or buildings suitable for the primary use of state departments, agencies and employees.

(ii) The construction by the county on its land of a building or buildings and public improvements and appurtenances for the uses and purposes of the county and such city.

(iii) The designation by the county of the state commissioner of general services to act as its agent for the joint design, development, construction, reconstruction and provision of the portions of the complex containing common facilities, in accordance with plans and specifications approved by the state commissioner of general services and the county.

(iv) The payment by the state in the first instance, whenever state funds therefor are made available, of any and all costs and expenses of the design, development, construction, reconstruction and development of the portions of the complex containing the common facilities, subject to payment to and reimbursement of the state by the county of its proportionate share of the said costs and expenses, at the time and in the amounts specified in the contract.

(v) The granting, acceptance and exchange of easements, licenses and rights-of-way, in, on, over and under any land, building or public

improvement in connection with the construction or use of the complex.

(vi) The operation, maintenance and repair by the state and county and such city of the common facilities of the complex and for the payment and reimbursement by the state and county and such city of all costs of such operation, maintenance and repair.

(vii) The defense against claims by third parties arising out of the ownership, operation and control of the common facilities, by insurance or otherwise.

(viii) The repair and reconstruction of any building, common facility, public improvement and appurtenances within the complex damaged or destroyed by fire, explosion or other catastrophe.

(ix) The lease by such county and the state of stores and restaurants within the common facilities for the convenience of state and municipal employees and the public at large upon such terms and conditions, including consideration and length of term as such county and the commissioner of general services deem proper.

2. For purposes of this section:

(a) The term "property" is defined to include lands, waters, rights in lands or waters, structures, franchises and interests in land, including lands under water and riparian rights, and any and all other things and rights usually included within the definition of real property and includes also any and all interests in such property less than full title, such as easements permanent or temporary, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable.

(b) The term "public improvement" or "public improvements" is defined to include but not limited to a courthouse, an archives and records center, a museum, a laboratory, a park, a garden, a recreation area, restaurants, shops, the installation of trees, shrubs and other landscaping, a monument, fountain, sculpture, a plaza, substructure and parts thereof, mechanical, pedestrian or vehicular accessways, a parking garage, a parking lot, a pedestrian walkway or overpass or underpass, an arterial highway or connection, a crossroad or access road, a transportation terminal or shelter, a meeting hall, a civil defense shelter against radioactive fallout or blast, and other public structures and facilities intended for the use of state or municipal

employees and the public at large.

(c) The term "appurtenances" is defined to include but is not limited to fixtures, equipment, machinery and apparatus which are an integral part of an office building or public improvement and service units and other connections and installations for power, water, sewer, gas, electrical, telephone, heating, air conditioning, ventilating, snow melting, and other utility services.

(d) The term "governmental-building complex" or "complex" is defined to mean any building or group of buildings together with their common facilities, related public improvements and appurtenances, constructed by the state and any county and such city as an integrated unit for the primary use of state and municipal offices, departments, agencies, employees and the public at large.

(e) "Common facility" or "common facilities" is defined to mean public improvements or appurtenances for the joint use and benefit of occupants of a governmental complex.

3. Except as otherwise provided in relation to any amount paid by the state upon the exercise of a right of re-entry upon property which reverts to the people of the state of New York, or in relation to any payment made by the state on account of loss or damage caused by fire, explosion or other catastrophe, or in relation to any proceeds of insurance, any moneys received by a county from the state in accordance with the provisions of any contract or lease entered into between the county and the state commissioner of general services pursuant to this section shall be applied to and actually used for payment of all costs of operation, maintenance and repair, if required by such contract or lease to be performed by the county, and for payment of any interest on and amortization of or redemption of any county obligations issued pursuant to paragraph (l) of subdivision one of this section, or such moneys shall be deposited in a special fund to be used solely for such payments. The application and use of such payments, or the deposits required therefor, shall not prohibit the county from using any such moneys, in excess of such payments or deposits in any one year, for any lawful county purpose.

§ 852. Loans of money or credit to hospitals or health related facilities in Suffolk county. Notwithstanding any general, special or local law or charter provision to the contrary, the county legislature of the county of Suffolk shall have the power and is hereby authorized, pursuant to section seven of article seventeen of the constitution, to lend its money or credit to or in aid of any corporation or association within its boundaries, regulated by law as to its charges, profits, dividends, and disposition of its property or franchises, for the purpose of providing such health related facility or hospital facilities for the prevention, diagnosis or treatment of human disease, pain, injury, disability, deformity or physical condition, and for facilities incidental or appurtenant thereto as may be prescribed by law.

In pursuance of the authority granted herein the county legislature of the county of Suffolk shall have the power and is hereby authorized from time to time to issue its bonds, notes or other obligations in such principal amounts as it shall deem necessary, after taking into account other monies which may be available for the purposes set forth herein. Such bonds, notes or obligations shall be issued for the purpose of making loans to such corporations or associations which are eligible borrowers, paying interest on such bonds, notes or other obligations; establishment of reserves to secure such notes, bonds, or other obligations, and paying all other obligations and expenditures incidental to and necessary or convenient for the making of such loans. In connection with the making of loans and commitments therefore, the county of Suffolk shall make and collect such fees and charges including but not limited to reimbursement of all costs of financing by the county of Suffolk, service charges, insurance premiums and other reasonable costs. Such bonds, notes or obligations shall be issued in accordance with the applicable provisions of this chapter and the local finance law and applicable local laws.

The county legislature of the county of Suffolk shall also be authorized to enact local laws governing the conditions under which such loans, commitments and guarantees shall be made.

The county legislature of the county of Suffolk shall also be

authorized to guaranty loans for the purposes set forth herein made by banking corporations and lending institutions, in conformity with applicable laws.

The expenditure of funds, issuance of bonds, notes or obligations or guarantee of loans by the county of Suffolk pursuant to the provisions of this act and the provisions of section seven of article seventeen of the constitution shall be deemed a lawful county purpose.

*** § 853. Oneida County-tribal detention agreement.** Notwithstanding any other inconsistent provision of law, the agreement executed between the county of Oneida and the Oneida Indian Nation executed on May twenty-third, two thousand twenty-four, including, without limitation, the provisions contained therein relating to confinement at the Oneida county correctional facility of incarcerated adults remanded by the Oneida Indian Nation court, shall, upon its effective date, be deemed approved, ratified, validated and confirmed by the legislature. It is the intention of the legislature in enacting this section to ensure that the agreement be fully enforceable in all respects as to the rights, benefits, responsibilities and privileges of all parties under the agreement.

* NB Repealed May 23, 2033

*** § 854. Madison county-tribal detention agreement.** Notwithstanding any other inconsistent provision of law, the agreement executed between the county of Madison and the Oneida Indian Nation executed on May twenty-eighth, two thousand twenty-four, including, without limitation, the provisions contained therein relating to confinement at the Madison county correctional facility of incarcerated adults remanded by the Oneida Indian Nation court, shall, upon its effective date, be deemed approved, ratified, validated and confirmed by the legislature. It is the intention of the legislature in enacting this section to ensure that the agreement be fully enforceable in all respects as to the rights, benefits, responsibilities and privileges of all parties under the agreement.

ARTICLE 24

PROVISIONS APPLICABLE TO NEW YORK CITY

- Section 900. Devolution of powers and duties on the county of Bronx.
901. Office of the sheriff.
902. Certain office hours.
903. Official seals and signatures.
904. Court and trust fund register and liability of officers.
905. Liability of commissioner of finance and surety for loss of court and trust funds.
906. Liability of city of New York for loss of court and trust funds.
907. Certain publications in county of Bronx.
908. Appointment and salary of county clerks.
909. Additional general duties of county clerks.
910. Official undertakings of county clerks.
911. Appointment and salaries of counsel to the county clerks.
912. Subordinate employees in offices of county clerks; salaries.
913. Official undertakings of subordinates in offices of county clerks.
914. Duties of deputy county clerks.
915. Fees of county clerks.
916. Accounts of money to be kept in offices of county clerks.
917. Transcripts of accounts in offices of county clerks; violations.
918. General provisions pertaining to records in offices of county clerks.
919. Block indices in offices of county clerks.
- 919-a. Block indices in the office of the county clerk in the county of Richmond.
920. Alphabetical indices in offices of county clerks.
921. Current minute books and indices in office of county clerk of New York county.
922. Judgment docket in office of county clerk of New York

county.

- 923. Current docket books and filing for Bronx county.
- 924. Photo recording.
- 925. Certificate of searching records and copies.
- 926. Election of district attorneys; term and vacancies.
- 927. General duties of district attorneys.
- 928. Salary of district attorneys.
- 929. Official undertaking of district attorneys.
- 930. Assistant district attorneys; salaries.
- 931. Employees of the district attorneys in counties contained within the city of New York.
- 932. Exemption of district attorneys from payment of certain fees.
- 933. Appropriations for extraordinary criminal actions.
- 934. Cost of removed criminal trials.
- 935. Disposition of property by district attorney of New York county.
- 937. County detectives in counties within city of New York.
- 938. County detective in counties of Bronx and Kings.
- 939. Medical assistants in counties of New York and Kings.
- 940. Commissioner of finance as trustee of cemetery lots.
- 940-a. Food and lodging for certain jurors.
- 941. Liability for torts.
- 942. Duty to furnish facilities for courts of record.
- 943. Representation of indigent persons accused of crime.

§ 900. Devolution of powers and duties on the county of Bronx. 1. The county of Bronx shall possess all the rights and be subject to all the obligations of the counties now included within the city of New York, except as otherwise provided by law.

2. All acts and parts of acts specially applicable to the county of New York or that portion of the borough of the Bronx formerly part of the county of Westchester, annexed to the city of New York by chapter nine hundred thirty-four of the laws of eighteen hundred ninety-five, and now in force in the borough of the Bronx shall continue in full

force and effect in the county of Bronx, as though the county had been in existence at the time of the passage of such acts, and as though the name of the county of Bronx had appeared in such acts and parts of acts wherever the name of the county of New York or the county of Westchester appears in such acts or parts of acts.

3. The surrogate, district attorney and county clerk of the county of Bronx shall have all the powers and perform all the duties as required by the constitution and the laws of this state prescribing the duties and powers of such officers.

§ 901. Office of the sheriff. 1. The commissioner of correction of the city of New York shall have custody of the civil jails and persons lawfully committed to his custody and such jails shall be kept by him, or by keepers appointed by him, for whose acts he shall be responsible.

2. The provisions of section two hundred eighteen and the provisions of article seventeen of this chapter shall apply to the sheriff, except when inconsistent with the provisions of this article, the charter, administrative code or a local law adopted pursuant thereto. In the interpretation of this section, a board of supervisors shall be deemed to mean the officer or agency vested with power under the New York city charter, or by other law, to act pursuant to this article.

§ 902. Certain office hours. 1. The offices of the county clerk in the counties constituting the city of New York shall remain open for the transaction of business from nine o'clock in the forenoon to four o'clock in the afternoon every day except Saturdays, Sundays and holidays and except in the months of July and August when said offices shall remain open for the transaction of business from nine o'clock in the forenoon to two o'clock in the afternoon except Saturdays, Sundays and holidays.

2. Whenever the last day on which any paper shall be filed or act done or performed in any such office expires on Saturday, Sunday, public

holiday or a day when such office is closed for the transaction of business, the time therefor is hereby extended to and including the next business day such office is open for the transaction of business.

3. Notwithstanding the foregoing provisions of this section, the motor vehicle section of a county clerk's office may, by order of the mayor, be kept open on Saturdays during the month of January.

§ 903. Official seals and signatures. 1. The seals heretofore kept by the respective county clerks of the counties comprising the city of New York shall continue to be the seals of said counties. The seal kept by the county clerk as prescribed in the judiciary law, shall continue to be the seal of the county and must be used by him when he is required to use an official seal. The seal heretofore adopted by the county judges of the county of Bronx shall continue to be the official seal of such county and of the supreme court of such county. This provision shall not be applicable in cases where special provisions are otherwise made by law.

2. The signature and seal of a county clerk upon a certificate of official character of a notary public or the signature of a county clerk upon a certificate of authentication of the signature and acts of a notary public or commissioner of deeds or upon a certificate of comparison or of search may be a facsimile, imprinted, stamped, photographed or engraved thereon.

3. The county clerk may designate from among the permanent members of his staff, one or more individuals who shall be permitted to sign his name and affix his official seal upon documents of certification, attestation, and comparison, as well as upon certificates attesting to the official character of notaries public and the signatures of public officers and upon judgments, orders, commissions and other documents requiring the official signature and seal of the county clerk.

§ 904. Court and trust fund register and liability of officers. The

county clerks of the counties comprising the city of New York shall perform the same duties and shall be subject to the same penalties imposed by the provisions of this chapter upon other county clerks of the state with relation to court and trust fund registers and the delivery of property or moneys to the commissioner of finance in pursuance of any judgment, decree or order of a court of record of this state.

§ 905. Liability of commissioner of finance and surety for loss of court and trust funds. The commissioner of finance of the city of New York and his surety or sureties shall be liable in the same manner as county treasurers are made liable under the provisions of this chapter for the loss of court and trust funds.

§ 906. Liability of city of New York for loss of court and trust funds. The city of New York shall be responsible for all property or moneys deposited with the commissioner of finance by virtue of any judgment, decree or order of a court of record in this state provided, however, that the city shall not be held liable for any loss due to the depreciated value of an investment legal at the time of its purchase and which continued to be a legal investment during the period of the trust. An action to recover any loss to or of such fund may be brought against the city by any party aggrieved or by the state comptroller in a court of competent jurisdiction.

§ 907. Certain publications in county of Bronx. Every citation, order, proclamation, summons or notice, except a notice required to be published by the provisions of the public lands law, which is required by any provision of law to be published in any newspaper published in a county shall, where such publication is required or ordered in Bronx county, be published in at least two newspapers published within such county. No publication shall be deemed a compliance with any law requiring it unless such publication shall have been made in at least two such newspapers.

§ 908. Appointment and salary of county clerks. 1. The county clerks of the counties comprising the city of New York shall be appointed and removable in pursuance of section thirteen of article thirteen of the constitution.

2. Each of the county clerks of the counties comprising the city of New York shall receive an annual salary of not less than the minimum annual compensation received by a justice of the supreme court of the state of New York elected from the same judicial district in which the county for which the county clerk serves is located.

3. Said salaries shall be in lieu of all other fees or forms of compensation for services rendered in the performance of the duties of the office.

4. Notwithstanding any of the provisions of this section or of any other law, the salaries of any such county clerks may be increased by the chief administrator of the courts upon the recommendation of the administrative board of the courts, provided that if the salaries of any such county clerks are thus increased above the salaries provided for in this section, such salaries may likewise be decreased to any salaries not lower than the salaries provided for in this section.

§ 909. Additional general duties of county clerks. The county clerk of each of the counties within the city of New York shall be clerk of the supreme court within his respective county, and shall have power to select, draw, summon and empanel grand and petit jurors in the manner and under the conditions now or hereafter prescribed by law, and shall have such other powers and duties as shall be prescribed from time to time by law. The powers conferred and the duties imposed upon county clerks by section six hundred sixty-one of this chapter shall be exercised and performed by the county clerk of the appropriate county and the county clerk shall, in the exercise and performance thereof, be subject to the same liabilities and responsibilities, as are prescribed

in said section.

Nothing herein contained shall prohibit the county clerk of Kings county from performing any duty not in conflict with the aforesaid duties which has been or may be imposed by federal law, or from receiving or retaining fees or other compensation provided by such law for the performance of such duty.

§ 910. Official undertakings of county clerks. Each county clerk shall before entering upon or assuming the duties of his office, give a bond to the people of the state of New York in the sum of twenty-five thousand dollars, with not less than two sufficient sureties, to be approved by the comptroller of the city of New York, conditioned that he will faithfully discharge the duties of his office and all trusts imposed upon him by law by virtue of his office. In case of any official misconduct or default on the part of such clerk, or in case any person or corporation is injured or damaged by reason of any error, inaccuracies or mistakes in a return of a search certified as correct by such clerk, an action upon such bonds may be begun and prosecuted to judgment by the attorney general, who shall, after first paying therefrom the expenses of the litigation, cause the proceeds of such judgment to be paid over, as shall be lawful and equitable, to the person or corporation injured or damaged by such official misconduct or by reason of any such error, inaccuracy or mistake in a certified return of a search. Such bond shall be filed in the office of the comptroller of the city of New York.

§ 911. Appointment and salaries of counsel to the county clerks. The clerk of each of the counties within the city of New York may appoint a counsel who shall be an attorney and counselor-at-law with not less than ten years' experience, and who shall receive an annual salary to be fixed by the county clerk of his county within the amount provided by the board of estimate.

Notwithstanding any of the provisions of this section or of any other

law, the salaries of any counsel to such county clerks may be increased by the board of estimate of the city of New York, provided that if such board increases the salaries of any such counsel above the salaries provided for in this section, such board shall likewise have the power to decrease any such salaries to any salaries not lower than the salaries provided for in this section.

§ 912. Subordinate employees in offices of county clerks; salaries. In counties within the city of New York, the appointment of every deputy, assistant, clerk, employee or subordinate shall be made in writing and filed in the office of the clerk making the appointment before such deputy, assistant or other person shall enter upon the discharge of his duties. The number, duties and salaries of all such persons shall be fixed by the clerk of each such county, respectively, subject to revision by the board of estimate of the city of New York.

g. Notwithstanding any of the provisions of this section or of any other law, the number of deputy county clerks in Bronx, Kings and Queens counties or the salaries of any officers or employees provided for in this section may be increased by the board of estimate of the city of New York, provided that if such board increases either the number or salaries of any such deputy county clerks, officers or employees above the number or salaries provided for in this section, such board shall likewise have the power to decrease any such number or salaries to any number or salaries not lower than the number and salaries provided for in this section.

§ 913. Official undertakings of subordinates in offices of county clerks. The county clerk of each such county may in his discretion require any deputy, assistant, clerk, employee or subordinate appointed by him to give a bond and may determine the amount thereof.

§ 914. Duties of deputy county clerks. The deputy county clerks of each of the counties comprising the city of New York shall, subject to

the provisions of the public officers law, have all the powers and fulfill all the duties of the county clerk in his absence and shall be subject to the same obligations and conditions prescribed for the county clerk while he is performing his duties.

§ 915. Fees of county clerks. All moneys to which the clerks of the counties comprising the city of New York are entitled, by virtue of their office, or which they may receive for any and all official services rendered by them, or by any of their assistants, clerks, employees, or subordinates shall belong to and be for the benefit of the city of New York, and shall be collected by such clerks and accounted for and paid over on the first day of each month into the treasury of the city of New York.

§ 916. Accounts of money to be kept in offices of county clerks. It shall be the duty of clerks of the counties comprising the city of New York to keep an exact and detailed account of all moneys actually received by them or their subordinates for any services rendered in their official capacity, and of all moneys which such county clerks or their subordinates shall be entitled to demand and receive for any such services. Said county clerks shall deposit monthly with the commissioner of finance any and all such sums of money so received. Such account shall show when every such service shall have been performed, its nature and the money charged therefor, and shall at all times, during office hours, be open to the inspection, without any fee or charge therefor, of all persons desiring to examine the same, and such accounts shall be deemed a part of the records of the office in which they shall be kept, and shall be preserved therein as other books of record are until they have been audited by the comptroller of the city of New York and his approval given to their destruction but in any event for not less than ten years.

§ 917. Transcripts of accounts in offices of county clerks; violations. 1. A transcript of the account shall be made in such form as

shall be prescribed by the comptroller of the city of New York. Such transcript shall contain a statement of all moneys either received by such clerks and their subordinates or which they are entitled to demand and receive for services performed by them in their official capacity since making the last preceding transcript and return, specifying the total amount received from or charged to each person and corporation, and the character of the services rendered. It shall be transmitted to such comptroller within ten days from the expiration of each calendar month, verified by the oath of such clerks or their deputies.

The verification shall be positive and not upon information and belief.

The comptroller may examine the county clerks or any of their subordinates under oath, touching the amount of moneys paid to and received by such clerks and their subordinates in their official capacity, and touching any statements contained in or required by this article to be contained in such certified transcript and return. An order for such examination must be granted by a justice of the supreme court whenever an application shall be made therefor by such comptroller, and such examination shall take place before such justice.

2. It shall be unlawful for the clerks of the counties comprising the city of New York or any of their subordinates to receive for their own use any moneys belonging to the city of New York, or to neglect to render to the comptroller of the city of New York an account of the moneys which they have received or are entitled to receive in their official capacity or pay over the same as in this article required, or to make a false statement in the certified transcript and return or to swear falsely upon the examination by the comptroller.

3. Any violation hereof by such clerks or any such subordinates shall be a misdemeanor. In addition thereto, such clerks or such subordinates shall also forfeit any sum that may be due them on account of salary, and shall be liable to the city of New York, in a civil action at the suit of the city, for all moneys received and not accounted for and paid over into the treasury of such city pursuant to the requirements of this

article.

§ 918. General provisions pertaining to records in offices of county clerks. 1. The clerk of each of the counties within the city of New York is authorized and empowered to do such further acts for rearrangement, care, repair, restoration, preservation, indexing and convenient examination of the records, documents, maps and papers filed or recorded in his office as in his judgment will best serve the public interest.

2. The clerk of the county of Richmond is hereby authorized, in his discretion, to destroy copies and originals of chattel mortgages, bills of sale and conditional bills of sale filed in his office, after the expiration of ten years from the date of filing.

3. All books, records, maps and other public papers which are now public records in the offices of the county clerks of New York, Kings, Bronx, Queens and Richmond shall continue to be public records. The county clerk may cause copies thereof to be made by photocopying or other process, in his discretion, whenever by reason of age, use, exposure or any casualty, such copies shall in his judgment be desirable. All copies of any records filed in any such office, when certified by any such clerk to be accurate copies thereof, shall for all purposes have the same force and effect as the original. Unless otherwise ordered by the appellate division pursuant to section eighty-nine of the judiciary law, the original shall be placed in a suitable enclosure and preserved, properly endorsed and indexed, for such examination as may be directed by an order of court in any proceeding in which the accuracy of the copy is questioned.

4. Any other laws to the contrary notwithstanding, the county clerk in each of the counties within the city of New York is authorized and empowered to maintain separate judgment docket volumes containing the printed transcript or transcripts, in strict alphabetical order of judgment made, entered and docketed in the civil court of the city of New York against individuals, corporations, and other entities on behalf of the parking violations bureau, the environmental control board, the

taxi and limousine commission, the department of consumer and worker protection, the office of administrative trials and hearings when acting in accordance with subdivision c of section 7-551 of the administrative code of the city of New York and the commissioner of jurors of the city of New York, provided that the judgments made, entered and docketed in the civil court of the city of New York against individuals, corporations, and other entities on behalf of the department of consumer and worker protection shall be limited to final decisions and orders that either (a) award restitution, or monetary damages, to a consumer or worker; or (b) award such restitution, or monetary damages, to a consumer or worker, together with civil penalties or equitable relief. These volumes may be maintained in the form of computer print outs which shall contain the date of judgment, the name and address of the judgment debtor or debtors, the amount of the judgment and other information which the county clerk may deem necessary to sufficiently describe the parties to the action or proceeding or nature or the manner of the entry of the judgment. The county clerk may, in in such clerk's discretion, in lieu of such volumes, maintain the aforementioned data in a micrographic or computer retrievable format. With respect to judgments on behalf of the parking violations bureau such volumes or other format shall be maintained pursuant to this subdivision for only those individuals, corporations, and other entities having vehicles registered in the counties within the city of New York.

5. Any other laws to the contrary notwithstanding, the department of consumer affairs may file a certified copy of the final decision or order of such department, provided that such final decision or order either: (a) awards restitution, or monetary damages, to a consumer or worker; or (b) awards such restitution, or monetary damages, to a consumer or worker together with civil penalties or equitable relief, with the county clerk of any county within the city of New York where a respondent resides or has a place of business, or, if the respondent is a non-resident of the city of New York and no longer has a place of business within the city of New York at the time such department seeks to file such certified copy, the department of consumer affairs may file such certified copy of such final decision or order with the county clerk of the county in which the department of consumer affairs is

located. Such consumer or worker may file a certified copy of such final decision or order provided that such person has been assigned such final decision or order or a portion of such final decision or order authorizing restitution, imposing monetary damages or providing equitable relief to such person. The filing of such final decision or order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The final decision or order may be enforced by and in the name of the department, or by a person who has been assigned such decision or order or a portion thereof, in the same manner and with like effect as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

§ 919. Block indices in offices of county clerks. 1. New York, Bronx, Kings and Queens counties. a. The county clerks of the counties of New York, Bronx, Kings and Queens shall continue to index under the proper block numbers all instruments now required by law to be recorded in the books of notices of lis pendens. Such block index of notice of lis pendens shall be entitled "the block index of notice of lis pendens" and shall be ruled for entering therein the date of filing, the nature of the action, the nature of the instrument, the court and index number, the first named defendant, the first named plaintiff, the lot number or street address, if any, the microfilm number and the proceedings had.

b. The county clerk of each of such counties shall also continue to index under the proper block numbers all statutory notices of liens or claims on land other than lis pendens which may be filed or recorded in his office, which index shall be entitled "the block index of liens" and shall be ruled for entering therein the date of filing, the nature of the instrument, the owner of the premises affected by the notice, the name and address of the lienor by whom the claim is made, the amount, the lot number or street address, if any, and the proceeding had.

c. On and after July first, nineteen hundred sixty-four, the use of land maps in the offices of the clerks of the counties of New York, Bronx, Kings and Queens shall be discontinued, and the land maps previously in use shall remain on file for the purpose of reference. On

and after such date, the tax maps for the boroughs of Manhattan, Bronx, Brooklyn and Queens shall be substituted for the land maps theretofore in use for the counties of New York, Bronx, Kings and Queens, and reference shall be had to such tax maps and to the block numbers designated thereon for the purpose of indexing instruments required to be indexed in the block index of notice of lis pendens or in the block index of liens. Such tax maps shall be conclusive as to the location of block boundaries and block number designations. The tax map for each borough may be referred to as the land map for the particular county which it affects.

d. Except in the counties where existing land and tax blocks are presently identical, on and after July first, nineteen hundred sixty-four, the indices of all blocks theretofore existing in the block index of notice of lis pendens and in the block index of liens shall be closed except for the purpose of completing the indexing of instruments filed prior to such date. New block indices shall thereupon be opened for the block index of notice of lis pendens and for the block index of liens, which new indices shall be numbered to conform with the block numbers designated on the tax map of the borough for the particular county to which it relates and which shall thenceforth be used for all entries relating to land in such blocks. The date of closing shall be entered at the end of each block index so closed and a reference shall be made to the block number of the corresponding block in the new block index. All such new block indices shall be endorsed on the covers thereof so as to show the date of the opening thereof.

e. Whenever the boundaries of any block on the tax map shall thereafter be changed or altered and renumbered according to law, the block indices of notice of lis pendens and of liens of such block theretofore existing comprising the land in the changed or altered block so renumbered as aforesaid shall, except for the purpose of completing the indexing of instruments filed prior to such change or alteration and renumbering be closed and discontinued and new block indices of notice of lis pendens and of liens shall be opened for every such renumbered block, which new index shall thenceforth be used for all entries relating to land in such block. The date of closing shall be entered at

the end of each block index so closed and a reference shall be made to the number of every new, changed or altered block to be used in place thereof. The date of opening shall be entered at the beginning of every new block index, with a reference to the number of every block before in use for the land contained in such new block.

f. Every instrument presented to a county clerk for filing and required to be indexed in the block index of notice of lis pendens or in the block index of liens in order to entitle the same to be filed shall have endorsed thereon the number of every block on the current tax map in which the land affected by such instrument is situate.

g. The county clerk of each of such counties, so long as he deems it expedient, may prepare alphabetical indices of the parties to the instruments mentioned in this subdivision, or to any of them, filed in his office, and of the owners of land against which liens have been filed and of judgment debtors whose names appear on record. The particular form of such alphabetical indices shall be as such county clerk shall determine, and shall cover such periods and be brought down to such dates as he shall direct in respect to his own office.

h. Whenever any instrument entitled to be filed and indexed under the provisions of this subdivision shall be presented for record, there shall forthwith be endorsed thereon the date, hour and minute of its receipt and the same shall be entered in the proper index under the proper block number thereof in accordance with the items set forth in paragraph a or paragraph b hereof.

i. The entries made in the block indices of notice of lis pendens and of liens in conformity with the requirements of this subdivision shall for the purpose of notice be deemed and taken to be a part of the record of the instrument to which such entries respectively refer, and shall be notice to subsequent purchasers or incumbrances to the same extent and with like effect as the filing of such instruments in the office of such county clerks now is or may be notice.

j. In cases where any instrument shall have been filed with an

erroneous designation, such county clerk on presentation of proper proof thereof shall enter such instrument in the proper index under the proper block number of every block, the designation of which shall have been erroneously stated. He shall at the same time make a note of such entry and of the date thereof in every place in which such instrument may have been erroneously indexed, opposite the entry thereof, and also upon the instrument itself, if the same be in his possession or produced to him for the purpose, and the record of such instrument shall be constructive notice as to the property in any block not duly designated at the time of such filing only from the time when the same shall be properly indexed.

§ 919-a. Block indices in the office of the county clerk in the county of Richmond. a. The county clerk of the county of Richmond shall continue to index under the proper block numbers all instruments now required by law to be recorded in the books of notices of lis pendens. Such block index of notice of lis pendens shall be entitled "the block index of notice of lis pendens" and shall be ruled for entering therein the date of filing, the nature of the action, the nature of the instrument, the court and index number, the first named defendant, the first named plaintiff, the lot number or street address, if any, the microfilm number and the proceedings had.

b. Such county clerk shall also continue to index under the proper block numbers all statutory notices of liens or claims on land other than lis pendens which may be filed or recorded in his office, which index shall be entitled "the block index of liens" and shall be ruled for entering therein the date of filing, the nature of the instrument, the owner of the premises affected by the notice, the name and address of the lienor by whom the claim is made, the amount, the lot number or street address, if any, and the proceeding had.

c. On and after July first, nineteen hundred eighty-one, the use of land maps in the office of the county clerk of the county of Richmond shall be discontinued, and the land maps previously in use shall remain on file for the purpose of reference. On and after such date, the tax

map for the borough of Staten Island shall be substituted for the land map theretofore in use for the county of Richmond, and reference shall be had to such tax map and to the block numbers designated thereon for the purpose of indexing instruments required to be indexed in the block index of notice of lis pendens or in the block index of liens. Such tax map shall be conclusive as to the location of block boundaries and block number designations. Such tax map may be referred to as the land map for the county of Richmond.

d. Unless existing land and tax blocks are presently identical, on and after July first, nineteen hundred eighty-one, the indices of all blocks theretofore existing in the block index of notice of lis pendens and in the block index of liens shall be closed except for the purpose of completing the indexing of instruments filed prior to such date. New block indices shall thereupon be opened for the block index of notice of lis pendens and for the block index of liens, which new indices shall be numbered to conform with the block numbers designated on the tax map of the borough of Staten Island and shall thenceforth be used for all entries relating to land in such blocks. The date of closing shall be entered at the end of each block index so closed and a reference shall be made to the block number of the corresponding block in the new block index. All such new block indices shall be endorsed on the covers thereof so as to show the date of the opening thereof.

e. Whenever the boundaries of any block on the tax map shall thereafter be changed or altered and renumbered according to law, the block indices of notice of lis pendens and of liens of such block theretofore existing comprising the land in the changed or altered block so renumbered as aforesaid shall, except for the purpose of completing the indexing of instruments filed prior to such change or alteration and renumbering be closed and discontinued and new block indices of notice of lis pendens and of liens shall be opened for every such renumbered block, which new index shall thenceforth be used for all entries relating to land in such block. The date of closing shall be entered at the end of each block index so closed and a reference shall be made to the number of every new, changed or altered block to be used in place thereof. The date of opening shall be entered at the beginning of every

new block index, with a reference to the number of every block before in use for the land contained in such new block.

f. Every instrument presented to the county clerk of the county of Richmond for filing and required to be indexed in the block index of notice of lis pendens or in the block index of liens in order to entitle the same to be filed shall have endorsed thereon the number of every block on the current tax map in which the land affected by such instrument is situate.

g. Such county clerk, so long as he deems it expedient, may prepare alphabetical indices of the parties to the instruments mentioned in this section, or to any of them, filed in his office, and of the owners of land against which liens have been filed and of judgment debtors whose names appear on record. The particular form of such alphabetical indices shall be as such county clerk shall determine, and shall cover such periods and be brought down to such dates as he shall direct in respect to his own office.

h. Whenever any instrument entitled to be filed and indexed under the provisions of this section shall be presented for record, there shall forthwith be endorsed thereon the date, hour and minute of its receipt and the same shall be entered in the proper index under the proper block number thereof in accordance with the items set forth in subdivision a or b of this section.

i. The entries made in the block indices of notice of lis pendens and of liens in conformity with the requirements of this section shall for the purpose of notice be deemed and taken to be a part of the record of the instrument to which such entries respectively refer, and shall be notice to subsequent purchasers or incumbrancers to the same extent and with like effect as the filing of such instruments in the office of such county clerk now is or may be notice.

j. In cases where any instrument shall have been filed with an erroneous designation, such county clerk on presentation of proper proof thereof shall enter such instrument in the proper index under the proper

block number of every block, the designation of which shall have been erroneously stated. He shall at the same time make a note of such entry and of the date thereof in every place in which such instrument may have been erroneously indexed, opposite the entry thereof, and also upon the instrument itself, if the same be in his possession or produced to him for the purpose, and the record of such instrument shall be constructive notice as to the property in any block not duly designated at the time of such filing only from the time when the same shall be properly indexed.

§ 920. Alphabetical indices in offices of county clerks. The clerk of each of the counties within the city of New York, so long as he deems it expedient, may continue the alphabetical indices of the parties to notices of lis pendens, statutory notice of liens and claims upon land, or of the parties to either of them, and of the owners of land against which liens have been filed and of judgment debtors whose names appear on record. The particular form of such alphabetical indices shall be as such county clerk shall determine, and shall be certified by him as having been prepared under the authority of this article. Such indices shall be kept in the office of the county clerk or in such other place as shall be provided for them and shall be public records.

§ 921. Current minute books and indices in office of county clerk of New York county. 1. The county clerk of New York county must keep books to be known as current minute books. Each half page of space in each book, or one-third page of space in each book if it is deemed more practicable to subdivide each page in thirds, shall be consecutively numbered for each year and shall be devoted to one action or proceeding. On a half page or one-third page so numbered the clerk shall enter the title of the action or proceeding having the same number for that year, with the names of the first plaintiff or party and the first defendant or party and the names of the attorneys in full, and in chronological order a brief description of each paper as it is filed, together with the date of filing thereof, also the verdict, report or decision, if any, rendered in the action as of the date of the rendering thereof,

also all orders and judgments in the action. All preliminary, interlocutory and provisional proceedings, and proceedings supplementary to judgment or execution, shall be entered on the same half page or one-third page of the minute book as the action out of which they arise, or to which they relate, except in actions where the entries are so voluminous as to require one or more additional half pages or one-third pages of space, in which case the entries shall be continued under the same number upon other pages of that or a subsequent minute book, reference thereto being entered at the end of the first and all additional half pages or one-third pages.

2. There shall be kept an alphabetical index of all the actions or proceedings entered in such current minute books during any year, which index shall consist of two sets of separate volumes, one set to be designated and used for indexing actions wherein the plaintiff or plaintiffs are individuals, including all individual members of a copartnership or of a firm doing business under a firm name or style as stated in the title of the action, and the other set to be designated and used for indexing actions wherein the plaintiff or plaintiffs are corporations, a joint stock company, a copartnership or a firm name or style under which a person or persons are doing business. Each of such sets of index books shall have a separate volume or volumes for each letter of the alphabet, except that the county clerk may, in his discretion, include more than one letter in a volume when convenience will be served, and a suitable marginal page index, and shall have the designation of its set of books, its letter and the year or years of its entries plainly marked on its back and cover. And all such actions or proceedings shall be indexed in such index volumes according to all the names of the plaintiffs of each title, as contained in the first paper filed therein, in the same manner as it is provided in section nine hundred twenty-two of this chapter that judgment debtors shall be docketed in the judgment docket books, and in every case the index number of the action shall be entered opposite the name indexed.

3. Whenever an action is transferred to another court, or the place of trial changed, the clerk to whom the papers in such actions are delivered shall bind them and file them together and shall enter in the

current minute book in which he makes entries an entry of the filing thereof, and shall continue to make subsequent entries therein in the same manner as if the papers had originally been filed with him.

§ 922. Judgment docket in office of county clerk of New York county.

1. The judgment dockets shall be kept by the county clerk of New York county in two separate sets of books, one set to be designated and used for judgments against individuals including all individual members of a copartnership or of a firm doing business under a firm name or style and the other set to be designated and used for judgments against corporations including joint stock companies, copartnerships or firm names or styles under which businesses are conducted; and each set of such judgment dockets must have a separate volume or volumes for each letter of the alphabet and each judgment docket book shall have its letters, and the year or years of its entries plainly marked on its back and cover and on every page.

2. Each volume of the judgment dockets for judgments against individuals shall contain the names of those judgment debtors whose last names begin with the letter marked on its cover. Each such volume shall also have an alphabetical marginal page index for a further alphabetical breakdown of the names included therein. The marginal page index may show each letter of the alphabet in order and, in such event, a page of such judgment docket may contain the names of those judgment debtors whose first names begin with the letter or whose first initial is the letter marked on the marginal index for that page; and there shall be at the back of each of such volumes blank pages not indexed which shall contain the names of those judgment debtors whose first names or initials are stated in the title of the action to be unknown or fictitious.

3. Each volume of the judgment dockets for judgments against corporations shall contain the names of those judgment debtors the first letter or initial of whose names as it appears, following the prefixed articles "A", "An" or "The", is the letter marked on its cover. Each such volume may have an alphabetical marginal page index for a further

alphabetical breakdown of the names included therein.

4. The number of the action and the year in which it was begun shall be entered as part of the entry of every judgment.

§ 923. Current docket books and filing for Bronx county. 1. The county clerk of Bronx county must keep books to be known as current docket books. Each half page of space in each book shall be consecutively numbered in a series of consecutive numbers for each year and shall be devoted to one action. On a half page so numbered the clerk shall enter the title of the action having the same consecutive number for that year, with the names of the plaintiffs and defendants and attorneys in full, and in chronological order a brief description of each paper as it is filed, together with the date of filing thereof, also the verdict, report or decision, if any, rendered in the action as of the date of the rendering thereof, also all orders and judgments in the action. All interlocutory and provisional proceedings, and proceedings supplementary to execution, shall be entered on the same half page of the docket as the action out of which they arise, except in actions where the entries are so voluminous as to require one or more additional half pages of space, in which case the entries shall be continued under the same number upon other pages of that or a subsequent docket book, reference thereto being entered at the end of the first and all additional half pages, and the clerk upon entering the description of a paper filed in an action shall enter upon its front page and opposite the title caption the number of the action and the filing date and number of entry of the paper.

2. There shall be kept an alphabetical index of all the actions entered in such current docket books during any year, which index shall consist of two sets of separate volumes, one set to be designated and used for indexing actions wherein the plaintiff or plaintiffs are individuals, including all individual members of a copartnership or of a firm doing business under a firm name or style as stated in the title of the action, and the other set to be designated and used for indexing actions wherein the plaintiff or plaintiffs are corporations, a joint

stock company, a copartnership or a firm name or style under which a person or persons are doing business. Each of such sets of index books shall have a separate volume for each letter of the alphabet, except that the county clerk may, in his discretion, include more than one letter in a volume when convenience will be served, and the volumes designated and used for indexing actions wherein the plaintiff or plaintiffs are individuals shall have a marginal page index showing each letter of the alphabet in order, and shall have the designation of its set of books, its letter and the year or years of its entries plainly marked on its back and cover and on every page. And all of such actions shall be indexed in such index volumes according to all the plaintiffs of each title, in the same manner as it is provided in section nine hundred twenty-three of this chapter that judgment debtors shall be docketed in the judgment docket books, and in every case the serial number of the action shall be entered opposite the name indexed.

3. Whenever an action is transferred to another court, or the place of trial changed, the clerk to whom the papers in such action are delivered shall enter in the current docket book in which he makes entries, copies of all entries theretofore made in said action, and shall continue to make subsequent entries therein in the same manner as if the process had originally been filed with him. All papers numbered and docketed as herein directed shall be filed together; and on the entry of final judgment in any action all the papers in that action shall be arranged in the order of the dates on which they were filed and shall be fastened or bound together flat with the judgment-roll and so filed.

§ 924. Photo recording. The county clerks of the counties within the city of New York may cause parts of documents to be separated in order to facilitate recording and copying by use of a photo copying process, provided that such documents are restored to their original form immediately after the completion of such process.

§ 925. Certificate of searching records and copies. The clerk of any of the counties comprising the city of New York, upon payment of the fee

prescribed therefor, shall diligently search the files, papers, records and dockets in his office, when so requested, and make one or more transcripts therefrom, and certify to the correctness thereof, or certify that a document or paper, of which the custody legally belongs to him, cannot be found.

§ 926. Election of district attorneys; term and vacancies. 1. There shall continue to be elected in each of the counties of New York, Kings, Bronx, Queens and Richmond a district attorney who shall hold office for the term of four years from and including the first day of January succeeding his election.

2. There shall continue to be appointed by the governor a district attorney in each of said counties, when a vacancy shall occur in such office, and the person so appointed shall hold office until the last day of December succeeding the first election thereafter at which such vacancy can be filled by election.

§ 927. General duties of district attorneys. It shall be the duty of the district attorney of the respective counties of New York, Bronx, Kings, Queens and Richmond to prosecute all crimes and offenses cognizable by the courts of the county for which he shall have been elected or appointed, except when the place of trial of an indictment is changed from one county to another, it shall be the duty of the district attorney of the county where the indictment is found to conduct the trial of the indictment so removed, but said district attorney shall assist in the trial of an indictment removed to his county for trial, upon request of the district attorney of the county wherein the indictment was found. He shall perform the duties prescribed in section seven hundred of this chapter and such other duties as are prescribed by law.

§ 928. Salary of district attorneys. Each of the district attorneys of the counties of New York, Bronx, Kings, Queens and Richmond shall

receive an annual salary of not less than the compensation received by a justice of the supreme court in the county in which he has been elected or is serving together with such additional allowances or compensation as shall hereafter be provided by state and/or local law.

§ 929. Official undertaking of district attorneys. Every person elected or appointed to the office of district attorney, shall, before he enters upon the duties of his office, and if appointed, within fifteen days after notice thereof, execute and deliver, to the county clerk of his county, an official undertaking with surety or sureties in an amount fixed by the comptroller approved by a justice of the supreme court in the county in which he has been elected or is serving. Such undertaking shall be to the effect that he will faithfully account for and pay over according to law, or as the court may direct, all moneys that may come into his hands as such district attorney.

§ 930. Assistant district attorneys; salaries. The district attorney of each county contained within the city of New York is hereby vested with the power to appoint and at pleasure to remove any assistant district attorney attached to his office. The number of such assistant district attorneys and deputy assistant district attorneys for which there is now provision by appropriation and the salary paid to each of them shall be continued except as hereinafter provided. All deputy assistant district attorneys shall become and hereafter be known as assistant district attorneys. The number of assistant district attorneys and the salary paid to any assistant district attorney may be increased or decreased by the mayor of the city of New York with the consent of the district attorney.

§ 931. Employees of the district attorneys in counties contained within the city of New York. The district attorney of each county contained within the city of New York is vested with the power to appoint any person to any position for which there is now provision by appropriation or which shall hereafter be established. All positions in

the several district attorneys' offices within the city of New York for which there is now provision by appropriation shall be continued, except that the mayor of the city of New York may with the consent of the district attorney increase or decrease the number of positions and the term, grade, salary and compensation of any position.

§ 932. Exemption of district attorneys from payment of certain fees.

No salaried officer of the city of New York or of the counties of New York, Kings, Queens, Richmond and Bronx, or of any court mentioned in the civil practice act, exercising jurisdiction within the limits of the city of New York, and no public officer who is required by law to deposit the fees collected by him or his office in the city treasury, shall be entitled to receive from the district attorney of any of the counties of New York, Kings, Queens, Richmond and Bronx, any fee for levy, service or return of executions or other mandate or order for entering, filing, docketing, registering or recording any paper, record or document, required by law to be entered, filed, docketed, registered or recorded in his office and every such officer must, upon application therefor, furnish to the district attorney of any of the said counties, a certified or exemplified copy or transcript of, or extract from, or transcript of any writing, paper, record or document on file or recorded in his office, or of the return upon an execution, mandate or order, without the payment of any fee or charge whatsoever therefor.

§ 933. Appropriations for extraordinary criminal actions. It shall be lawful for the city, upon the certificate of the district attorney of any county within the city of New York, to appropriate such sums as it may deem necessary, for the proper conduct of a criminal action of exceptional difficulty. Such sums shall be raised pursuant to paragraph ten of subdivision a of section one hundred seventeen of the New York city charter.

§ 934. Cost of removed criminal trials. Each respective county of New York, Bronx, Kings, Queens and Richmond in which an indictment is

found shall reimburse the county to which such indictment may be removed for trial for the cost and expenses of such trial, in the same manner as other counties are made liable under the provisions of this chapter.

§ 935. Disposition of property by district attorney of New York county. All property delivered into the custody and held and kept by the district attorney of the county of New York, for use as evidence or otherwise, in any criminal investigation, action, appeal, or other proceeding, shall be returned by him to its rightful owner upon proper demand therefor upon the termination of such criminal investigation, action, appeal or other proceeding; and if such property be not claimed by the owner within one year after the termination of such criminal action, appeal, or other proceeding, it may be sold or otherwise disposed of in such manner as such district attorney may deem proper, and if the property is sold the proceeds of such sale shall be paid into the fund of the New York city employees' retirement system.

§ 937. County detectives in counties within city of New York. 1. In such counties included within the city of New York now having such detectives, there shall continue to be appointed for such counties, two detectives who shall serve during good behavior and who shall each receive as compensation a sum in such amount as may be fixed by the board of estimate of such city, but not less than two thousand dollars per annum, payable monthly. Such salaries shall be a county charge of the respective counties and shall be paid in the same manner as the salaries of the other officers attached to the county court, and their names shall be placed upon the payroll of such county court.

2. Notwithstanding any of the provisions of this section or of any other law, the number of county detectives in Bronx county or the salaries of any county detectives appointed in the counties of Bronx and Kings may, with the consent of the district attorney, be increased or decreased by the board of estimate of the city of New York.

§ 938. County detective in counties of Bronx and Kings, County detectives are hereby empowered, under the direction of the district attorney by whom appointed, to preserve order, to examine all papers and processes issued from such offices, to serve all papers and processes issued from such office, to examine all bench warrants and orders of arrest in criminal cases, and to perform such other duties as may from time to time be required of them by such district attorney. Such officers may be authorized to act as deputy sheriffs by the sheriff of the city of New York to assist in preserving the peace. Such officers shall hold office during the pleasure of the district attorney.

§ 939. Medical assistants in counties of New York and Kings. The district attorneys of the county of New York and of the county of Kings are each authorized and empowered to appoint and at pleasure to remove a medical assistant, who shall be a physician and surgeon, resident of the county in which he is appointed, and who shall have been for at least ten years duly licensed to practice medicine in this state. It shall be the duty of such medical assistant, under the supervision and direction of the district attorney, to examine into and report on all cases of suspicious, sudden and unusual death and wounding within the county, and to perform such duties as the district attorney may direct in connection with the official duties of such district attorney in the enforcement and administration of the criminal laws. Such medical assistant shall have the power and authority, whenever so directed by the district attorney, to dissect, perform an autopsy upon, or attend an autopsy upon any dead body of a human being. The salaries of the medical assistants of the county of New York and of the county of Kings shall be fixed and determined by the district attorney of New York county and the board of estimate, respectively, and shall be county charges.

§ 940. Commissioner of finance as trustee of cemetery lots. The commissioner of finance of the city of New York shall perform the duties as a trustee of cemetery lots in the same manner as imposed on county treasurers by the provisions of this chapter.

§ 940-a. Food and lodging for certain jurors. When so ordered by the court in a county wholly included within the city of New York, the court shall provide food and lodging for jurors kept together pending a trial and their deliberation thereon anywhere in the city of which such county is a part, and the cost thereof, not exceeding twelve dollars per day per juror, shall be a county charge.

§ 941. Liability for torts. The provisions of sections fifty-two, fifty-three and fifty-four of this chapter shall apply to the counties constituting the city of New York.

§ 942. Duty to furnish facilities for courts of record. Except where other provision is made therefor by law, the board of estimate of the city of New York must provide each court of record in such city and the resident judges and justices thereof, with proper and convenient rooms and furniture, together with court attendants, fuel, lights, telephone, postage and stationery suitable and sufficient for the transaction of its business.

§ 943. Representation of indigent persons accused of crime. The provisions of sections two hundred twenty-four, seven hundred sixteen, seven hundred seventeen, seven hundred eighteen, seven hundred nineteen, seven hundred twenty and seven hundred twenty-one of this chapter shall apply to the city of New York.

ARTICLE 25

INTERPRETATION OF CHAPTER; SAVING CLAUSE;

LAWS REPEALED; TIME OF TAKING EFFECT

Section 1000. Interpretation of chapter.

1001. Saving clause.

1002. Laws repealed.

1003. Time of taking effect.

§ 1000. Interpretation of chapter. 1. The provisions of this chapter shall be liberally construed to effectuate the purposes hereof, and the enumeration of specific powers in this chapter shall not operate to detract from the meaning of any general grant of power contained in this chapter or to exclude other powers comprehended in such general grant of power.

2. The provisions of this chapter in so far as they are substantially the same as the existing law on December thirty-first, nineteen hundred fifty, shall be construed as a continuation of the provisions of the former county law and not as new enactments.

3. If any clause, sentence, paragraph, 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.

§ 1001. Saving clause. 1. Any act of the legislature of the year nineteen hundred fifty which, in form, amends or repeals or purports to amend or repeal any provision or provisions of the former county law shall be legally effective notwithstanding the repeal of such former county law by this chapter and shall be construed as an amendment or repeal, as the case may be, of the corresponding provision or provisions of this chapter irrespective of whether such provision or provisions are contained in this chapter in one or more than one article, section, subdivision or other part thereof and such corresponding provision or provisions shall be deemed and construed to be amended, modified, changed or repealed as though the same had been expressly and in terms so amended or repealed.

2. Any act of the legislature of the year nineteen hundred fifty which adds or purports to add a new article, section, subdivision or other

provision of law to the former county law shall be legally effective notwithstanding the repeal of such former county law by this chapter and shall be construed as having been added to this chapter and shall be given full effect according to its context as if the same had been added expressly and in terms to this chapter and shall be deemed and construed to have been inserted in this chapter in juxtaposition to and as modifying the effect of the corresponding provision or provisions of this chapter.

3. Nothing herein shall be deemed to affect, impair or supersede the provisions of any alternative form of county government, administrative code, county government law, civil divisions act or optional form of county government law, 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.

4. Nothing herein shall be deemed to affect, impair or supersede any special law creating the office of county comptroller, county purchasing agent, county engineer or county officer performing the duties of coroner.

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

6. Nothing herein shall be deemed to affect, impair or supersede the provisions of any special act of the legislature creating a board of social welfare or public health and defining their powers and duties.

7. Nothing herein shall be deemed to affect, impair or supersede the provisions of any special act of the legislature relating to the establishment, erection, custody and control of penitentiaries, parks, cemeteries, airports and other grounds and buildings used for county uses and purposes.

8. Nothing herein shall be deemed to affect, impair or supersede the

provisions of any special act of the legislature creating a commission to make studies and recommendations relating to the adoption of an alternative form of county government.

9. Nothing herein shall be deemed to affect, impair or supersede the provisions of the civil service law nor the civil service and retirement rights of any officer or employee.

10. This chapter shall not affect pending actions or proceedings, 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 passed.

11. The repeal of any law by the provisions of this chapter shall not affect or impair any contract, or act done, or offense committed, or right accruing, accrued or acquired, or liability, or penalty, or forfeiture, or punishment incurred prior to the time when this chapter or any section thereof takes effect, but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted, as fully and to the same extent, as if such laws had not been repealed.

12. Nothing herein shall be deemed to affect the validity of proceedings taken for the authorization or construction of any public improvements authorized, undertaken, or commenced under the provisions of laws hereby repealed; and such improvements may be completed the same as if this act had not been passed, or such proceedings may be concluded and the improvements completed under the provisions of this chapter.

13. Any existing law, other than a provision of the former county law hereby repealed, which confers a power or imposes a duty or obligation on a particular county or group of counties, or an officer or officers thereof, or which provides for the election or appointment of additional officers, shall not be affected or impaired by this chapter.

14. Article 2-a of the former county law, comprising sections 7-a to 7-u, both inclusive, as amended, in so far as the provisions of such article apply to and are now in force in the county of Monroe, shall be

deemed to continue in effect until consolidated and recodified or otherwise modified, amended, superseded or repealed by other provision of law.

15. Article seventeen-a of the former county law, comprising sections three hundred ten to three hundred fifty-six, inclusive, and article eighteen of such law, comprising sections three hundred seventy to four hundred twenty-two, inclusive, shall be deemed to continue in effect until consolidated and recodified or otherwise modified, amended, superseded or repealed by other provisions of law.

NOTE: Schedule of special acts, see chapter 3/1951.

§ 1002. Laws repealed. 1. Chapter sixteen of the laws of nineteen hundred nine, entitled "An act in relation to counties constituting chapter eleven of the consolidated laws," and all acts amendatory thereof or supplemental thereto, constituting the county law as heretofore in force, are hereby repealed, except as otherwise herein provided.

2. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ 1003. Time of taking effect. 1. The provisions of sections three hundred fifty, three hundred fifty-one, three hundred fifty-two, three hundred fifty-three, three hundred fifty-four, three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven, three hundred fifty-eight, three hundred fifty-nine, three hundred sixty, three hundred sixty-one, three hundred sixty-five, three hundred sixty-seven, three hundred sixty-nine, three hundred seventy-one, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five, three hundred seventy-six, three hundred eighty and three hundred eighty-one shall take effect July first, nineteen hundred fifty.

2. All other provisions of this chapter shall take effect January first, nineteen hundred fifty-one.