

COUNTY OF ALBANY



CHARTER REVIEW COMMISSION

**REPORT
JANUARY 2014**

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INTRODUCTION

I. Creation and Authority of the Commission

By resolution dated April 9, 2012, the Albany County Legislature established the Charter Review Commission (“Commission”) to “undertake a complete review of the Albany County Charter”(“Charter”), which has been in place since 1976.¹ The Commission is composed of 11 volunteer County residents appointed by the leadership of the County Legislature.² The Commission’s members are as follows:

Willow F. Baer, Esq., Vice Chair³
Robert C. Batson, Esq.
Robert D. Carlson⁴
Antonio C. Cortes
Jacob M. Crawford
Patrick O. Dalzell
Michael J. Elmendorf II
Henry M. Greenberg, Esq., Chair⁵
Christopher J. Hanifin, Esq.
Ami J. Schnauber
Paul L. Weafer, Esq

The County Legislature initially contemplated having the Commission complete its work by December 31, 2013. However, the County Legislature did not formally constitute the Commission, with a full complement of members, until December 2012. Accordingly,

¹See Resolution No. 43, adopted April 9, 2012.

² Specifically, four (4) of the Commission’s members were appointed by the Chairperson of the County Legislature, four (4) by the Majority Leader and three (3) by the Minority Leader.

³By unanimous vote taken on March 13, 2013, the Commission appointed Willow F. Baer to serve as Vice Chair.

⁴Robert D. Carlson was appointed in August 2013 to succeed William J. Smith.

⁵On March 13, 2013, the Chairperson of the County Legislature appointed Henry M. Greenberg to succeed Mary Ann Kentoffio as the Commission’s Chair. By unanimous vote taken on March 28, 2013, the Commission ratified Mr. Greenberg’s appointment.

the County Legislature extended to January 31, 2014 the Commission's time to deliver its final report.⁶

II. Narrative of the Commission's Activities

The Commission's first organizational meeting was held on January 9, 2013, followed by additional organizational meetings on January 23, 2013 and February 13, 2013. At these meetings, the members of the Commission discussed their responsibilities and ways to gather opinions on the strengths and weaknesses of the current Charter prior to proposing revisions. The Commission considered ways to publicize its work, including the establishment of a Commission website.⁷ The Commission agreed to speak as a body rather than as individuals and hold all of its meetings in open session, allowing for the participation of any members of the public who wished to attend and review drafts of proposed revisions to the Charter.

On March 13, 2013, the Commission began its substantive review of the Charter.⁸ The Commission was mindful of the volume of work to be done and short period of time it had to complete its tasks. An initial calendar and work-plan prepared by the Commission's Chair became critical in determining the timeline to be met in order to fulfill the Commission's responsibilities. The work-plan was periodically revised as the Commission endeavored to achieve its goals and meet the County Legislature's timeline. Representatives of the County Attorney supplied legal and administrative support for the Commission and served as recording secretary for its meetings. Agenda items and minutes were usually submitted to Commission members in advance of meetings.

All together, the Commission convened 23 times. Its meetings were held at the Harold L. Joyce Albany County Office Building, in addition to a public hearing held at the Guilderland Town Court. During the course of its deliberations, the Commission not only

⁶See Resolution No. 207, adopted June 10, 2013 (extending reporting deadline to January 31, 2014; Resolution No. 422, adopted November 13, 2012 (extending reporting deadline until July 1, 2013).

⁷The Commission's website is at:
www.albanycounty.com/Government/CharterReviewCommission.aspx.

⁸The Commission has held meetings on the following dates: January 9, 2013; January 23, 2013; February 13, 2013; March 13, 2013; March 28, 2013; April 9, 2013; April 25, 2013; May 9, 2013; May 22, 2013; June 26, 2013; July 10, 2013; July 25, 2013; August 14, 2013; August 28, 2013; September 11, 2013; September 25, 2013; October 15, 2013; October 23, 2013; November 7, 2013; November 20, 2013; December 11, 2013; January 8, 2014; and January 15, 2014.

conducted a comprehensive review of the Albany County Charter, but also compared and contrasted it with the county charters of 20 other counties in New York State.⁹

Additionally, the Commission asked for and received input from representatives of virtually every department, office and other significant administrative unit in County government. Amongst the officials (past and present) who appeared before the Commission were the following:

Patricia L. Aikens, Director, Albany County Probation Office
Craig D. Apple, Sr., Albany County Sheriff
Christine M. Benedict, Minority Leader, County Legislature
Sherri Brooks, Alternate Public Defender
George Brown, Fiscal Director, Department of Aging
Charles Burkes, Director, Veterans Services Bureau
Timothy Cavanaugh, Coroner
Thomas G. Clingan, County Clerk
Thomas Coffey, Interim Director, Department of Residential Health Care
Facilities
Patrick Collins, Assistant County Attorney
Frank J. Commisso, Majority Leader, County Legislature
Michael F. Conners, II, County Comptroller
Judy L. Coyne, Commissioner, Department of Aging
James B. Crucetti, M.D., Commissioner, Department of Health
Michael Cummings, Director, Department of Civil Service
Laura DeGaetano, Department of Economic Development,
Conservation and Planning
Darrell Duncan, Commissioner, Department of Public Works
John T. Evers, Commissioner, Department of General Services
David Friedfel, Commissioner, Department of Management and Budget
Gail Geohagen, Deputy Commissioner, Department of Children, Youth
and Families
Stephen J. Giordano, Ph.D., Director, Department of Mental Health
Michael J. Hoblock, former County Executive
Daniel D. Hogan, former Deputy County Executive
Jeffrey Hubbard, M.D., Pathologist
Evelyn A. Kinnan, Commissioner, Department of Human Resources
David Kircher, Acting Commissioner, Department of Social Services
Thomas Marcelle, County Attorney
Paul Marra, Coroner
Daniel P. McCoy, County Executive

⁹ The Commission undertook a review of the county charters for the following New York counties: Broome, Chautauqua, Chemung, Dutchess, Erie, Herkimer, Montgomery, Monroe, Nassau, Oneida, Onondaga, Orange, Putnam, Rensselaer, Rockland, Schenectady, Suffolk, Tompkins, Ulster, and Westchester.

James P. Milstein, Public Defender
Shawn M. Morse, Chairperson, County Legislature
P. David Soares, District Attorney
Michael Sikirica, M.D., Pathologist
E. Nancy Willey, Chair, Community Service Board

In conducting its review, the Commission was surprised to learn that Albany County — in contrast to many of its peers — does not collect, codify and publish all local laws, ordinances and the like in an Administrative Code. As a consequence, it is difficult, even for the most skilled of legal researchers, to figure out what laws have been enacted by the County Legislature, both recently and in the past. Moreover, in the absence of an Administrative Code, Albany’s County Legislatures and Executives through the years have transformed the Charter into a prolix and confusing document. In the Commission’s view, the details of the administration of County government should not be set forth in the Charter, but rather, in an Administrative Code. In addition, the Administrative Code would collect — in a single, readily accessible place for the public — all of the County’s existing laws, rules and regulations.

The Commission was also stunned by the fact that the County Legislature and County Attorney’s office, both acting in perfect good faith, were unable to agree upon a single, accurate and complete version of the Charter. No person in County government can say, with certainty, what are the exact terms and provisions of the Charter. The likely reason for this is that, over the past 35 years, the Charter has undergone numerous amendments, adopted in piecemeal fashion. As a consequence, the Charter ballooned into a poorly organized, difficult to read, ramshackle mess. Indeed, the last comprehensive review of the Charter occurred over 20 years ago in 1992.¹⁰

The woeful state of the Charter has led the Commission to believe the document cannot be mended with minor tweaks and surgical revisions. The Charter requires, rather, wholesale revisions to virtually every Article in it. To that end, the Commission has painstakingly gone through, rewritten and reorganized the current Charter. Attached herewith is a copy of a proposed revised draft of the Charter, along with a “redline” version, which shows the Commission’s proposed revisions.

Many, indeed most, of the proposed revisions are intended to clarify the document, improve its readability and organizational structure, and make it a user-friendly instrument of County governance. At the same time, the Commission has recommended many significant, substantive changes to the Charter, including the following:

¹⁰ In September 1992, a Management Advisory Commission appointed by County Executive Michael J. Hoblock issued a report recommending certain changes to the Charter. The only other review of the Charter was conducted in 1976, soon after it was adopted, by a Citizens Review Commission appointed by County Executive James J. Coyne.

- Reduce the size of the County Legislature by 14-members from 39 to 25.
- Establish a non-partisan, independent and inclusive reapportionment commission to permanently reform how County legislative districts are drawn.
- Replace the County’s four, part-time elected Coroners with a single full-time Medical Examiner (a licensed physician) appointed by the County Executive, subject to confirmation by the County Legislature.
- Institute a merit selection process for appointment of the County’s Public Defender and Alternate Public Defender; the independence of defense services requires the exclusion of political factors between the head of the County’s defender agencies and the attorneys staffing them.
- Consolidate certain agency functions by:
 - Merging the Department of Economic Development, Conservation and Planning into the County Executive’s Office; and
 - Merging the Department of Aging into the Department of Social Services.
- Establish economic development as one of the core purposes of County government.
- Codify succession procedures for elected officials and department heads in the event they are unable to exercise the powers and duties of their offices.
- Mandate an Administrative Code to organize the administration of County government and codify legislation, rules and regulations.
- Delineate the powers and duties of elected officials, department heads and the heads of certain other administrative units.
- Create a new Division of Purchase, within the Department of Management and Budget, tasked with developing uniform system of competitive bidding and procurement of goods and services by the County.
- Establish the Department of Probation as a freestanding, independent department of County government.

The Commission was not always unanimous regarding all of its proposed revisions. Nevertheless, each Commissioner strived for consensus and was respectful of differing points of view and perspective. The process brought together 11 concerned citizens, from diverse backgrounds, to collectively recommend wholesale changes to a document that, in its current form, no longer well serves the residents of Albany County.

III.
Commission's Proposed New Charter

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ARTICLE 1

ALBANY COUNTY AND ITS GOVERNMENT

- Section 101. Title and purpose.
102. County status, powers and duties.
103. Charter effect on State laws.
104. Charter effect on local laws, ordinances and resolutions.
105. Construction of words used in this Charter.
106. Definitions.

Section 101. Title and purpose. This Charter, together with any and all amendments, shall provide for and constitute the form of government for Albany County and be known as the “Albany County Charter.” Among the purposes of this Charter are the separation of County legislative and executive functions and responsibilities; the coordination of planning and economic development; the securing of the greatest possible County home rule; the encouragement of inter-governmental cooperation among the cities, towns and villages throughout the County; and the increase of efficiency, economy and responsibility in Albany County government.

Section 102. County status, powers and duties. Albany County shall be and remain a municipal corporation and exercise all of the rights, privileges, functions and powers conferred upon it by this Charter and any other applicable law not inconsistent with this Charter. Albany County shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent with this Charter, including all powers necessarily incidental to, or which may be fairly implied from, the powers specifically conferred upon it.

Section 103. Charter effect on State laws. This Charter provides a form and structure of County government in accordance with the provisions of Article 4 of the Municipal Home Rule Law of the State of New York, and all special laws relating to Albany County and all general laws of the State of New York shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Albany County by enactment and adoption of this Charter. Within the limitations prescribed in Article 4 of such Municipal Home Rule Law, wherever and whenever any State law, general, special or local in effect, conflicts with this Charter or is inconsistent with this Charter, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by this Charter insofar as Albany County and its government are affected.

Section 104. Charter effect on local laws, ordinances and resolutions. All local laws, ordinances and resolutions of the County Legislature previously adopted, and all of the laws of the State relating to the towns, cities, villages or districts of Albany County shall continue in full force and effect, except to the extent that such laws have been repealed, amended, modified or superseded in their application to Albany County by the enactment and adoption

of this Charter. All local laws, ordinances, and resolutions of the County Legislature previously adopted which remain in effect and hereinafter adopted shall be part of the County's Administrative Code as set forth in this Charter.

Section 105. Construction of words used in this Charter. All singular words used in this Charter shall be deemed to include the plural, and all plural words shall be deemed to include the singular.

Section 106. Definitions. Whenever used in this Charter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

ADMINISTRATIVE CODE

The Albany County Administrative Code adopted by the County Legislature as mandated by this Charter.

ADMINISTRATIVE UNIT

Any department, division, bureau, office, board or commission or other agency of County government, or any subordinate part of any of the foregoing.

ADMINISTRATIVE UNIT HEAD

The head of any administrative unit.

CAPITAL PROGRAM

The plan of capital projects proposed to be undertaken by the County during a five (5) year period, the estimated cost of such projects, and the proposed method of financing, in accordance with the provisions of Article 6 of this Charter.

CAPITAL PROJECT

Any project involving:

- A. any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired;
- B. any preliminary studies and surveys relating to any physical betterment or improvement;
- C. fixed assets;

- D. land or rights in land; or
- E. any combination of A, B, C or D.

CHAIRPERSON

The Chairperson of the County Legislature.

CHARTER or COUNTY CHARTER

The Albany County Charter and all amendments thereto.

CLERK

The Clerk of the County Legislature

COUNTY

The County of Albany.

COUNTY EXECUTIVE

The elective chief executive officer of the County, who shall govern according to those powers provided for in this Charter, or under any other provision of applicable law.

COUNTY LEGISLATURE

The elective legislative, appropriating and policy determining body of the County. Whenever the term “County Board,” Board of Supervisors,” “County Governing Board,” or “elective governing body of the County,” is referred to in any law it shall be deemed to mean and refer to the County Legislature.

DEPARTMENT

The administrative unit which is the primary level of County government.

DEPARTMENT HEAD

The administrative head of any Department, and may also be referred to herein as a Commissioner or Director.

DIVISION

The administrative unit which is the secondary level of County government.

FINAL ANNUAL BUDGET

The final annual budget of the County, as adopted pursuant to Section 604 of Article 6 of this Charter.

FIXED ASSETS

An asset or assets of a long-term tangible character which are intended to continue to be held or used, such as land, buildings, improvements, machinery and equipment.

LEGISLATIVE BUDGET REPORT

The report by the County Legislature containing proposed changes to the proposed budget.

LEGISLATIVE DISTRICT

A geographical area of Albany County which is entitled to elect a County Legislator.

LEGISLATIVE OPERATIONAL BUDGET

The operational budget for the County Legislature and its staff.

POLITICAL PARTY COMMITTEE

Any committee of a political party, as defined under Section 1-104 of the Election Law of the State of New York.

PROPOSED BUDGET

The annual proposed budget proposed for the County by the County Executive for submission to the County Legislature.

PUBLIC OFFICE

Any office of federal, state or local government whether elected or appointed.

QUORUM

A majority of the whole number of the membership of the County Legislature, other group of persons or officers charged with any County public power, authority or duty to be performed or exercised by them jointly.

WHOLE NUMBER

The total number of persons which the County Legislature or other group of persons would have were there no vacancies and none of the persons disqualified from acting.

ARTICLE 2

LEGISLATIVE BRANCH

- Section 201. County Legislature; members.
202. Qualifications.
203. Terms of office.
204. Powers and duties.
205. Organizational meeting; officers; committees.
206. Monthly and special meetings; notice.
207. Clerk of the County Legislature.
208. Counsel to Majority and Minority; appointment; qualifications; duties; qualifications; other staff.
209. Compensation and expenses.
210. Confirmation of appointments.
211. Submission of enactments for executive approval; veto and veto override.
212. Administrative Code.
213. Local laws; definitions; power to adopt, amend and repeal; effect on legislative acts; procedure; referenda; effective date.
214. Filing and publication of local laws; judicial notice.
215. Resolutions; adoption, amendment and repeal.
216. Ordinances.
217. Vacancies.
218. Legislative Districts.
219. Commission on Reapportionment.

Section 201. County Legislature; members.

1. The legislative branch of the government of the County shall consist of an elective governing body, which shall be known as the Albany County Legislature.

2. The County shall be divided into districts to be known as “Legislative Districts,” as provided in this Charter, from each of which Legislative Districts shall be elected one (1) person to be a member of the County Legislature. Such persons while holding office shall be known as “Legislators.”

Section 202. Qualifications. Each County Legislator shall be a resident elector of the Legislative District he or she represents at the time of nomination and election and throughout the term of office. A County Legislator shall be a resident elector of the

Legislative District he or she represents if appointed to fill a vacancy and throughout the term of office. However, in the case of an election immediately following the reapportionment of Legislative Districts, the incumbent County Legislator representing a Legislative District redrawn in such reapportionment shall be eligible for nomination for election in either the Legislative District of residence, or any newly drawn Legislative District, provided that the County Legislator shall become a resident of the Legislative District represented prior to taking office. Members of the County Legislature shall be nominated at the primary election in the same manner other County officers are nominated pursuant to the provisions of the Election Law of the State of New York. The elections for County Legislators shall be conducted at the general election of 2015 and at general elections every fourth (4th) year thereafter.

Section 203. Terms of office. The terms of office of the members of the County Legislature shall be for four (4) years, beginning on the first (1st) day of January following their election.

Section 204. Powers and duties. The County Legislature shall be the legislative, appropriating and policy determining body of the County and shall have and exercise all of the powers and duties of the County now or hereafter conferred or imposed on the County Legislature by applicable law and any and all powers necessarily implied or incidental thereto, together with such powers and duties as are provided for in this Charter and Administrative Code. In addition to all powers conferred by the foregoing or other provisions of this Charter and Administrative Code, the County Legislature shall have the power, among others:

- A. To determine policy for the County and to adopt all necessary rules and regulations for its conduct and procedure;
- B. To make appropriations, levy taxes, and incur indebtedness;
- C. To equalize real property taxes consistent with standards prescribed by State law and on the basis of information supplied by the New York State Board of Real Property Tax Services and the County Real Property Tax Service Agency;
- D. To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts, ordinances or resolutions, subject to the veto of the County Executive;
- E. To enact and amend an Administrative Code pursuant to the provisions of this Article;
- F. To establish, subject to the Constitution and general laws of the State of New York, a schedule of compensation for officers and employees paid from County funds. This schedule of compensation may establish a minimum and maximum for any class of employees, and an increase in compensation, within the limits provided for by any class of

employees, as may be granted at any time by the County Executive or other appointing authority;

G. To fix the amount of bonds of officers and employees paid from County funds;

H. To legalize and validate any act had and taken in connection with a lawful municipal purpose by the governing board or other local body, officer or agency of a municipality wholly within the County, in the manner provided by Section 227 of the County Law of the State of New York;

I. To exercise legislative oversight of County programs and administrative units;

J. To adopt a budget in the manner set forth in this Charter;

K. To confirm administrative unit heads appointed by the County Executive and other County employees when expressly authorized by this Charter;

L. By local law to create, alter, combine or abolish administrative units not established by this Charter or headed by elective officials;

M. To approve funding for contracts for the purchase and sale of real property, contracts for intergovernmental services and collective bargaining agreements, and those contracts subject to and in accordance with Article 7 of this Charter;

N. To determine and make provision for any matter of County government not otherwise provided for;

O. To prepare a legislative operational budget;

P. To designate on an annual basis, official newspapers for the publication of all enactments, notices and other matters required by law to be published;

Q. To adopt by resolution all necessary rules and regulations for its own conduct and procedure; and

R. To adopt by resolution the Capital Program pursuant to Section 609 of this Charter.

Section 205. Organizational meeting; officers; committees.

A. The organizational meeting of the County Legislature shall be conducted on or before the eighth (8th) day of January following its election, and in each even numbered year thereafter, at the time and place designated in a written notice to be given each Legislator by the Clerk of the County Legislature not later than five (5) days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or his or her inability

or failure to act in accordance with the provisions of this Section, notice shall be given by the County Clerk.

B. At this organizational meeting, the members of the County Legislature shall elect from among its members a Chairperson and such other officials as are required. The Clerk of the County Legislature shall preside at all of its meetings until such time as a Chairperson has been elected. Within twenty (20) days of the Chairperson's election, he or she shall appoint members of the County Legislature to serve on such committees as are provided by the rules of the County Legislature. The rules of the County Legislature shall indicate the proportionate make-up of majority and minority members of committees. The failure to elect a Chairperson or appoint committee members shall not prevent the County Legislature from transacting its ordinary business.

C. In the event of vacancy in the office of Chairperson, the County Legislature shall fill that office in the manner provided by its rules. Should the County Legislature fail to select a Chairperson within thirty (30) days after that office shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as Chairperson for the balance of the calendar year.

Section 206. Monthly and special meetings; notice. The County Legislature shall fix by rule the time and place of its regular meetings, which shall be conducted at least once each calendar month. No prior notice of such meetings shall be required. Special meetings may be conducted at such times and places and upon such conditions and notice to all members as the County Legislature by rule may provide.

Section 207. Clerk of the County Legislature. On the first day of the year following the election of a County Legislature, or as soon thereafter as practicable, the County Legislature shall appoint a Clerk who shall serve at the pleasure of the County Legislature and until his or her successor is appointed and qualified, and, from time to time, the Clerk shall appoint at least one (1) deputy and such additional personnel as are required, within budgetary limitations.

Section 208. Counsel to the Majority and Minority; appointment; qualifications; duties; qualifications; other staff.

A. There shall be a Counsel to the Majority and a Counsel to the Minority, each of whom shall be appointed in accordance with the rules of the County Legislature. At the time of their appointments, and throughout their terms of office, the Majority Counsel and Minority Counsel shall be duly admitted to practice law in the State of New York. The persons appointed to such positions shall serve at the pleasure of their respective appointing authorities. They shall be appointed on the basis of their legal experience and other qualifications for the responsibilities of their respective offices.

B. The Majority Counsel shall prepare local laws, resolutions, legalizing acts, ordinances or other legislation or memoranda and opinions regarding these and perform other duties as required and assigned by the Chairperson of the County Legislature.

C. The Minority Counsel shall generally provide legal advice and assistance to the members of the County Legislature belonging to the political party holding the second largest number of seats in the County Legislature. The Minority Counsel shall perform other duties as required and assigned by the Minority Leader of the County Legislature.

D. The rules of the County Legislature shall provide for the method and procedure of the appointment and retention of other staff and employees of the County Legislature within the limits of appropriation. Funding for staff and employees appointed by the respective appointing authorities of the party in the majority and minority, as provided in the rules of the County Legislature, shall be included in the County Legislature's operating budget in amounts to be allocated proportionately based upon the number of seats held, respectively, by the caucuses of the Chairperson and the Minority Leader.

Section 209. Compensation and expenses.

A. The County Legislature shall have the power to fix the compensation of its members and the Chairperson, which compensation shall be a stated annual salary to be paid in equal monthly installments by the Commissioner of the County Department of Management and Budget. The compensation of the members and the Chairperson shall not be increased nor decreased during their term of office.

B. Expenses actually incurred by any County Legislator in the performance of his or her duties under the authority or direction of the County Legislature, may be paid in the manner as other County charges, but no claims for expenses shall be audited or allowed which are not fully itemized and verified by affidavit of the claimant in the manner prescribed by law.

C. The Clerk, Deputy Clerk, and any counsels and other employees of the County Legislature shall each receive a stated annual salary, which shall be fixed by the County Legislature and paid in the same manner as other County salaries are paid.

D. The County Legislature shall have sole responsibility for the organization, appointment and removal of its staff. The County Legislature shall also have responsibility for the compensation to be paid for such legislative staff positions within the appropriations approved by the County Executive for such staff.

Section 210. Confirmation of appointments. A proposed appointment to County office by the County Executive that requires confirmation by the County Legislature under provisions of this Charter shall be presented by the County Executive to the Clerk of the County Legislature in writing in sufficient time to allow the Clerk to inform the full County Legislature of the proposed appointment at least two (2) weeks prior to the County

Legislature's next scheduled meeting. If the County Legislature fails to confirm such proposed appointment within sixty (60) days after filing with the Clerk, the appointment shall be deemed confirmed. When an appointment is rejected by the County Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive without the approval of the County legislature.

Section 211. Submission of enactments for executive approval; veto and veto override.

A. Except as otherwise provided in this Charter, the County Executive shall have power, within ten (10) days after its presentation to him or her by the Clerk, to veto any legislation passed by the County Legislature, except local laws and any such legislation which relates to the internal organization and operation of the County Legislature, and appointments made by the Legislature. A copy of such legislation shall immediately after its passage be separately certified by the Clerk and filed by the Clerk with the County Executive within five (5) days after its passage.

B. If the County Executive approves it, he or she shall sign it and return it to the Clerk, and the legislation shall thereupon take effect. If the County Executive vetoes it, he or she shall return it to the Clerk with his or her objections stated, in writing, and the Clerk shall present the same with such objections to the County Legislature at its next regular or special meeting called for that purpose, and such objections shall be entered upon its record, journal or minutes of the proceeding.

C. Except as otherwise provided in this Charter, the County Legislature, within forty-five (45) days after its return to the Clerk, may, by a three-fifths ($3/5$) vote of the whole number of its members, override such veto. Only one (1) vote shall be had to override such veto, which shall be taken by roll call and entered upon its record, journal or minutes of the proceeding. Wherever, as provided for in this Charter, a three-fifths ($3/5$) or a two-thirds ($2/3$) vote of the whole number of the County Legislature's members is required to override a certain action taken by the County Executive, if a fraction exists in the computation of such three-fifths ($3/5$) or two-thirds ($2/3$) vote, then it will be required to round up to the next whole number for determination of such three-fifths ($3/5$) or two-thirds ($2/3$) vote, whichever the case shall be.

D. If any of such legislation shall not be returned by the County Executive within ten (10) days after it shall have been presented to him or her, or if it shall be returned within such period without the County Executive's approval or veto, it shall be deemed to be adopted with like effect as if he or she had approved and signed it.

E. The procedures to be followed and the powers of the County Executive and County Legislature relative to the passage and veto of local laws shall be governed by and in accordance with Article 3 of the Municipal Home Rule Law of the State of New York.

Section 212. Administrative Code. The County Legislature shall enact and amend an Administrative Code organizing the administration of County government, and setting forth the details thereof, consistent with the provisions of this Charter. The Administrative Code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this Charter or amendments thereto. It shall be the responsibility of the County Clerk to compile, publish, and disseminate the Administrative Code, and recommend revisions thereto, in a continuing program to provide greater efficiency and economy in the operation of government.

Section 213. Local laws; definitions; power to adopt, amend and repeal; effect on legislative acts; procedure; referenda; effective date.

A. A local law is a law adopted pursuant to this Charter within the power granted by the New York State Constitution, act of the Legislature or provision of this Charter and shall not include a resolution, ordinance or legalizing act.

B. The County Legislature may adopt, amend or repeal local laws by a majority vote of the whole number of its members. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the exercise of such power, and within the limitations provided by Article 4 of the Municipal Home Rule Law of the State of New York, the County may change, supersede or amend any act of the State Legislature.

C. Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of local laws, including the conduct of mandatory or permissive referenda in connection therewith, shall be as provided in the Administrative Code or other applicable law.

D. Every local law shall become effective when filed in the office of the Secretary of State of the State of New York, or on such later date as may be provided in the local law.

Section 214. Filing and publication of local laws; judicial notice. The filing and publication of local laws shall be as provided by Section 27 of the Municipal Home Rule Law of the State of New York, and the court shall take judicial notice of all local laws and of rules and regulations adopted pursuant thereto. Within five (5) days after the taking of effect of a local law, the Clerk shall file a certified copy thereof in the office of the County Clerk, and three (3) copies in the office of the Secretary of State. Such certified copy shall contain the text only of the local law without the brackets and the matter within the brackets, or the italicizing or underscoring, if any, to indicate the changes made by it. At the same time the Clerk shall cause to be published at least once as a County charge in the designated official newspaper a notice that such local law was adopted, a brief description of such local law and that the full text of such local law may be examined during regular business hours in the office of the Clerk of the County Legislature, provided that failure to do so shall not affect the validity of such local law.

Section 215. Resolutions; adoption, amendment and repeal.

A. The County Legislature may adopt, amend and repeal resolutions by a majority vote of the whole number of its members. Each resolution shall embrace only one (1) subject and may relate to property or any other subject of County concern not required by this Charter or applicable law to be provided by local law. Resolutions shall not be subject to referenda.

B. Except as otherwise provided in the Charter, all procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Administrative Code or applicable law.

Section 216. Ordinances. Ordinances may be adopted by the County Legislature, and the procedure shall be the same as herein provided for the adoption of local laws, except that an ordinance shall not be subject to referendum, mandatory or permissive, except also for any filing requirements. An ordinance may provide for any subject matter of County concern not required to be provided by local law, legalizing act or resolution of the County Legislature. Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment of violations by civil penalty or by fine or imprisonment or by two (2) or more such penalties or punishments. Ordinances and their application, including particular subjects and form, may be further provided in the Administrative Code.

Section 217. Vacancies. A vacancy in the County Legislature other than by expiration of a term shall be filled by a majority vote of the whole number of members thereof, within forty (40) days of the vacancy, who shall appoint a qualified person to fill the vacancy having the same political party affiliation as the person last elected to that office. The person so appointed shall serve until the first (1st) day of January following the next general election, at which election such vacancy shall be filled for the unexpired term. Any successor so appointed or elected shall possess all the qualifications required of members of the County Legislature as set forth in this Charter.

Section 218. Legislative Districts. Effective January 1, 2024, the number of legislative districts in Albany County shall be decreased from thirty-nine (39) to twenty-five (25). Upon release of the next decennial federal census, the County Legislature shall redraw legislative boundaries to provide for twenty-five (25) legislative districts and amend the Administrative Code to define the redrawn legislative districts. This amendment, which defines the redrawn legislative districts, shall be subject to a referendum on petition in the manner provided by Section 24 of the Municipal Home Rule Law of the State of New York. County Legislators who will represent the electors of the re-drawn legislative districts shall be elected at the general election to be held in 2023 to take office on January 1, 2024.

Section 219. Commission on Reapportionment.

A. Upon publication of the results of the federal decennial census for Albany County, a Commission on Reapportionment shall be established to make recommendations to the County Legislature on whether and how the County Legislature should be reapportioned.

B. The Commission shall consist of seven (7) members who are County residents, are eligible to register to vote and are not public officers or employees. The Commission's members shall include representatives of the two (2) principal political parties and reasonably reflect the demographic composition of the County.

C. To establish a pool from which members will be appointed, no later than three (3) months prior to the anticipated first meeting of the Commission, the County Executive shall widely solicit interest in serving on the Commission through such means as direct mail and e-mail contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website.

D. Initial appointments to the Commission from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than sixty (60) days after the census data becomes available, with two (2) members appointed by the Chairperson of the County Legislature and two members by the Minority Leader of the County Legislature.

E. These four (4) appointed Commissioners shall select the additional three (3) Commission members from the pool previously established no later than seventy (70) days after the census data becomes available. In the event that the additional three (3) Commission members are not appointed by the prescribed deadline, the appointment of the initial four (4) members will no longer have force and effect and these members will no longer be eligible to serve on the Commission. The Chairperson and Minority Leader of the County Legislature will make alternative appointments in the manner prescribed in this Section, and the four (4) newly appointed Commissioners will select three (3) additional Commissioners so as to allow the Commission to convene no later than six (6) months after the census data becomes available. If, for any reason, the alternate Commissioners fail to timely select one or more of the additional members as herein required, the County Executive shall make such number of selections from such pool as shall be necessary to fully constitute the Commission.

F. The Commission shall be guided by the goal of equal and fair representation of all people in Albany County, consistent with established state and federal law as interpreted by courts of appropriate jurisdiction. Factors to consider are:

1. minimization of population variance among districts;

2. compactness of districts;
3. practicable consistency with existing municipal boundaries and neighborhoods within Albany County; and
4. balance and reasonableness for the diversity of citizens residing in all parts of the County.

G. The Commission will reapportion in accordance with a process that allows timely input from the County Legislature and its members and the maximum of public participation and comment, and in accord with a calendar it adopts for itself after consideration of the Election Law of the State of New York.

H. The Commission shall submit its final report to the County Legislature within eight (8) months after the census data become available. At any time prior to the expiration of this term, the County Legislature may extend such term once, for a period not to exceed thirty (30) days.

ARTICLE 3

EXECUTIVE BRANCH

- Section 301. County Executive; election; term; qualifications; compensation.
302. Powers and duties.
303. Appointment of department heads, officers and employees.
304. Deputy County Executive.
305. Acting County Executive; how designated; when to act.
306. Removal of County Executive.
307. Vacancy in the office of County Executive.

Section 301. County Executive; election; term; qualifications; compensation. There shall be a County Executive elected from the County at large. The County Executive's term of office shall be four (4) years, beginning on the first (1st) day of January following his or her election. The County Executive shall have been a resident of the County continuously for at least one (1) year preceding his or her election, and throughout his or her term of office, be a qualified elector of the County. The County Executive may not hold any other public office or the position of chair, vice-chair, secretary, treasurer or other comparable office of a County political party committee. The County Executive shall receive such compensation for his or her duties as fixed by the County Legislature. The compensation of the County Executive shall not be increased nor decreased during his or her term of office.

Section 302. Powers and duties. The County Executive shall be the chief executive and elective officer of the County government. Except as may be otherwise provided in this Charter, the County Executive shall have and exercise all the executive powers and duties

now or hereafter conferred or imposed upon him or her by this Charter and any applicable law upon a County executive officer or the executive branch of County government, including, but not necessarily limited to, the following:

A. Subject to confirmation by the County Legislature, where so provided in this Charter, appointing department heads or other administrative unit heads; however, should the County Executive fail to make such appointment in writing, signed and filed in the offices of the Clerk of the County Legislature and the County Clerk within a period of ninety (90) days from a vacancy in such department or administrative unit, as the case may be, the County Legislature may appoint such department head or administrative unit head. In no event, unless a default occurs in the confirmation process by the County Legislature, shall any person appointed by the County Executive enter upon his or her office unless confirmation by the County Legislature shall have been filed by the Clerk of the County Legislature in the offices of both the Clerk of the County Legislature and the County Clerk;

B. Supervising, directing and controlling the administration of all departments;

C. Supervising and directing the internal structure and organization of every administrative unit of the executive branch of County government not administered by another elective official;

D. Reporting to the County Legislature on the activities of all administrative units by the fifteenth (15th) day of March each year;

E. Approving or vetoing any local law, legalizing act, ordinance or resolution, all as provided for in Article 2 of this Charter;

F. Appointing, without confirmation by the County Legislature, such assistants, officers, and employees of the County Executive's office, within the limits provided by appropriation;

G. Serving as the chief budgetary officer of the County, and as such, preparing and submitting to the County Legislature the proposed budget, capital program, and accompanying message, all as provided for in Article 6 of this Charter;

H. Executing contracts and agreements for the County, subject to the provisions of Article 7 of this Charter, and approving and executing those contracts as authorized in this Charter;

I. Authority to promote and execute economic development in the County;

J. Exercising all executive and administrative powers in relation to any and all functions of County government not otherwise specified in this Charter;

K. Making such recommendations to the County Legislature regarding the affairs of the County and its government as he or she may deem appropriate; and

L. Possessing all necessary incidental powers to perform and exercise any of the duties and functions specified above or lawfully delegated to the County Executive.

Section 303. Appointment of department heads, officers and employees.

A. Except as otherwise provided in this Charter, the County Executive shall appoint, to serve at his or her pleasure during his or her term of service, or for such term as may be specified in this Charter, the head of every department not administered by another elective official.

B. The appointment by the County Executive of every department head shall be subject to confirmation by the County Legislature, taken at a regular or special meeting, as shall the appointment of any other administrative unit head when the Charter makes it subject to confirmation by the County Legislature.

C. The County Executive shall have sole responsibility for the organization, appointment and removal of his or her staff. The County Executive shall also have responsibility for the compensation to be paid for such positions, within appropriations made therefor.

D. All other officers and employees of each department or other administrative unit shall be appointed by the head thereof, unless otherwise provided by this Charter.

E. All appointments, whether or not subject to confirmation by the County Legislature, shall be in writing, signed by the County Executive, and filed in the office of the Clerk of the County Legislature within ten (10) days after the date of appointment. Except as otherwise provided in this Charter, no such appointee shall hold office beyond the term of the County Executive by whom the appointment was made. Unless removed, an appointee shall continue to serve until his or her successor is appointed and has qualified or until an interim appointment is made.

F. The County Executive may designate a qualified person to serve temporarily or on an interim basis for no longer than ninety (90) days as an acting department head or administrative unit head subject to confirmation, when and if such office is vacant.

G. The County Executive may appoint one person as head of two (2) or more departments or other administrative units or may serve himself or herself as the head of one or more administrative units or departments, subject to all requirements in this Charter and applicable as to qualifications.

Section 304. Deputy County Executive. The County Executive may appoint a Deputy County Executive, to serve at his or her pleasure. The Deputy County Executive

shall act for and in place of the County Executive, except that a Deputy County Executive may not exercise the power of appointment, discharge or veto.

Section 305. Acting County Executive; how designated; when to act.

A. The County Executive shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Executive to perform administrative duties of the County Executive in the event the County Executive is temporarily unable to perform the powers and duties of the office, as established either (1) by the County Executive certifying in writing and filing with the County Clerk a statement that he or she is unable to perform or exercise such powers and duties; or (2), in the event that, upon advice sought by a majority of the whole number of members elected to the County Legislature by formal action not subject to veto by the County Executive, his or her inability to serve is certified by qualified and competent medical authority designated by, and subject to judicial review of, a Justice of the New York State Supreme Court.

B. Only a Deputy County Executive and persons incumbent in County government in positions subject to confirmation by the County Legislature may be designated to any list of succession for possible service as Acting County Executive.

C. If the Office of County Executive becomes vacant in the manner provided in Section 30 of the Public Officers Law of the State of New York, the person designated as Acting County Executive shall serve in such position no longer than the earliest date at which the vacancy in the office of County Executive is filled as provided for in this Article.

D. At any time during the remainder of the term for which he or she was elected, a person elected as County Executive may file a retraction in writing with the County Clerk of his or her earlier statement of inability to perform or exercise the duties of the office and immediately resume service in that office.

E. At any time during the remainder of the term for which a County Executive was elected after he or she was found unable to perform or exercise the duties of office by competent medical authority, but prior to the time a vacancy in the office would otherwise occur in the manner provided in Section 30 of the Public Officers Law of the State of New York, that authority may file a retraction in writing with the County Clerk, and thereafter the County Executive may immediately resume service in that office.

F. The designation of an order of succession for the position of Acting County Executive shall be filed with the County Clerk and the Clerk of the County Legislature and may be revised at any time by the County Executive filing a new written designation of order of succession. In the absence of such written designation of order of succession, and in the event of the County Executive's inability to perform and exercise the powers and duties of his or her office, the County Legislature shall appoint a person then serving in a position subject to its confirmation as Acting County Executive.

G. The Acting County Executive shall have and exercise all of the powers of the County Executive.

Section 306. Removal of County Executive. The County Executive may be removed in the manner provided in the Public Officers Law of the State of New York for the removal of other county officers.

Section 307. Vacancy in the office of County Executive. In the event of a vacancy in the office of County Executive as described in Section 30 of the Public Officers Law of the State of New York, such office shall be filled by appointment of a qualified elector of the County by vote of a majority of the whole number of members of the County Legislature. The appointment shall be made within thirty (30) days after the vacancy occurs. If the appointment is not made within said thirty (30) days, a special election shall be conducted to fill the vacancy within ninety (90) days after the vacancy; provided, however, that if there shall be a general election within one hundred twenty (120) days after said vacancy occurs, the vacancy shall be filled at the general election. The person appointed shall hold office by virtue of such appointment until the commencement of the calendar year next succeeding the first annual election after the happening of the vacancy at which a successor can be elected, at which election a County Executive shall be elected for the balance of the unexpired term, if any. The Acting County Executive designated in the manner prescribed in this Article shall serve during any vacancy in the office of County Executive until such vacancy is filled.

ARTICLE 4

DEPARTMENT OF AUDIT AND CONTROL

- Section 401. Department of Audit and Control established; County Comptroller.
402. Election; term; qualifications; compensation.
403. Powers and duties.
404. Deputy and Assistant County Comptrollers and Staff.
405. Acting County Comptroller.

Section 401. Department of Audit and Control established; County Comptroller. There shall be a Department of Audit and Control headed by the County Comptroller.

Section 402. Election; term; qualifications; compensation. The County Comptroller shall be elected from the County at large. The County Comptroller's term of office shall be four (4) years, beginning on the first (1st) day of January following his or her election. The County Comptroller shall have been a resident of the County continuously for at least one (1) year preceding his or her election, and, throughout his or her term of office, be a qualified elector of the County. The County Comptroller may not hold any other public office or the position of chair, vice-chair, secretary, treasurer or comparable office of a County political party committee. The compensation of the County Comptroller shall not be increased or decreased during his or her term of office.

Section 403. Powers and duties. The County Comptroller shall:

- A. Be the chief fiscal and auditing officer of the County;
- B. Be the chief administrative officer of the Department of Audit and Control;
- C. Keep records of appropriations, funds and expenditures, and prescribe approved methods of accounting for County officers and administrative units;
- D. Examine all requisitions for the encumbering of funds for expenditure of which the County is responsible, and certify as to the availability of funds for such purposes;
- E. Audit and certify for payment all lawful claims or changes against the County or against funds for which the County is responsible;
- F. Audit the financial records and accounts of all officers and employees charged with any duty relating to County funds or funds for which the County is responsible;
- G. Procure statements from all depositories of County funds and funds for which the County is responsible, and reconcile such statements with the County accounts, and to consult with the Commissioner of the Department of Management and Budget with respect to the designation of a depository for County funds;
- H. Submit to the County Executive and the County Legislature annually, at the close of each fiscal year, or as soon thereafter as practicable, but in no event later than the fifteenth (15th) day of May, financial reports in such form and detail and at such times as may be prescribed by the County Legislature;
- I. Organize the Department of Audit and Control into such administrative units as may be required; and
- J. Have all the powers and perform all the duties conferred or imposed by law upon a County Comptroller, except as may be inconsistent with this Charter, and perform such other duties as may be required by the County Executive or the County Legislature.

Section 404. Deputy and Assistant County Comptrollers and staff. The County Comptroller shall appoint such Deputy and Assistant Comptrollers, assistants and employees of the Department of Audit and Control within appropriations made therefor. All Deputy and Assistant County Comptrollers, assistants and employees shall serve at the pleasure of the County Comptroller, subject to applicable law.

Section 405. Acting County Comptroller. The County Comptroller shall designate in writing, and in order of succession, the Deputy County Comptroller and assistants who shall be Acting County Comptroller in the event of the County Comptroller's absence from the County or inability to perform and exercise the powers and duties of his or her office. Such

designation shall be filed with the Office of the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Comptroller filing a new written designation and order of succession. The Acting County Comptroller shall have all the powers and perform all the duties of the County Comptroller. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the County Comptroller's designation of an Acting County Comptroller pursuant to this Section.

ARTICLE 5

DEPARTMENT OF MANAGEMENT AND BUDGET

- Section 501. Department of Management and Budget established; Commissioner; appointment; qualifications.
502. Powers and duties.
503. Division of Purchase established; Director; appointment; qualifications; powers and duties.
504. Real Property Tax Service Agency established; Director; appointment; qualifications; term; powers and duties.

Section 501. Department of Management and Budget established; Commissioner; appointment; qualifications. There shall be a Department of Management and Budget headed by the Commissioner of Management and Budget. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office.

Section 502. Powers and duties. The Commissioner of Management and Budget shall:

- A. Be the chief administrative head of the Department of Management and Budget;
- B. Assist the County Executive in the preparation and administration of the proposed budget, capital program, and final annual budget, and in the study of administrative efficiency and economy;
- C. Have charge of the administration of all the financial affairs of the County, except as otherwise provided in this Charter;
- D. Collect, receive and have custody of all public funds of the County or for which the County is responsible and have responsibility for the investment and management of such funds;

E. Collect all taxes, assessments, license fees and other revenues of the County or for whose collection the County is responsible, except those payable by law to the County Clerk, Sheriff, or other County official;

F. Deposit all funds coming into his or her hands in such depositories as may be designated by the Commissioner, after consultation with the County Comptroller, subject to the requirement of law as to depositories and depositories' undertakings;

G. Have responsibility for the custody, investment and management of any sinking funds provided for the payment or redemption of County debts;

H. Submit to the County Legislature, annually as required by law and at such other times as may be required by the County Legislature, a complete financial statement containing a general balance sheet for the County;

I. Perform all duties required by any law to be performed by a county treasurer, unless such duties shall have been assigned to some other administrative unit;

J. Have responsibility for the provision of management information services in support of the County's departments and administrative units;

K. Organize the Department of Management and Budget into such administrative units as may be required, with approval of the County Executive, including, but not limited to, a Division of Purchase as provided for in this Article; and

L. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 503. Division of Purchase established; Director; appointment; qualifications; powers and duties. There shall be within the Department of Management and Budget a Division of Purchase headed by a Director of Purchase. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office. The Director shall promulgate a uniform system for the procurement of goods and services by the County and all its units, and, upon its approval by the County Executive, be responsible for its implementation. In addition, and except as may otherwise be provided in the Charter, the Director may promulgate standard specifications and advertisement of the solicitation for competitive bidding as set forth by applicable law, and shall perform such other and related duties as may be required by the Commissioner of Management and Budget, the County Executive or the County Legislature.

Section 504. Real Property Tax Service Agency established; Director; appointment; qualifications; term; powers and duties. There shall be within the Department of Management and Budget an independent Real Property Tax Service Agency headed by the

Director of the Real Property Tax Service Agency. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. At the time of the Director's appointment, and throughout his or her term of office, he or she shall possess such qualifications that conform to those prescribed by the State of New York for county directors of real property tax service agencies pursuant to Article 15-A, Section 1530 of the Real Property Tax Law of the State of New York. The Director shall be appointed on the basis of his or her administrative experience and other qualifications for the responsibilities of this office, except that if the Director is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard. The independent Real Property Tax Service Agency shall:

A. Have all of the powers and perform all of the duties conferred or imposed by Article 15-A of the Real Property Tax Law of the State of New York, including, but not limited to, the extension of real estate taxes, the issuance of tax bills, the maintenance of County assessment records, the submission to the County Executive of tax equalization rates and the rendering of assistance to assessors throughout the County in the performance of their respective responsibilities;

B Prepare tax maps for the use of the assessor of all the assessing units in the County; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law of the State of New York;

C. Perform such other and related duties as may be required by the County Executive or the County Legislature; and

D. On or before the first (1st) day of March of each year, make an annual report to the County Executive and County Legislature for the immediately preceding calendar year, covering generally the work of the Agency. The Agency shall make such other reports at such times as may be required by the County Executive, County Legislature or any applicable law. Copies of all reports shall be filed with the County Executive and the Clerk of the County Legislature.

ARTICLE 6

FINANCIAL PROCEDURES

- Section 601. Fiscal year.
602. Oversight of financial affairs.
603. Preparation of the proposed budget.
604. Legislative action on proposed budget submission; adoption of final annual budget.
605. Levy of taxes; inclusion of reserve for uncollected taxes.

- 606. Appropriations; supplemental and emergency.
- 607. Appropriations; reduction and transfer after budget adoption.
- 608. Capital program.
- 609. Legislative action on capital program.
- 610. Lapse of appropriations.
- 611. Performance of acts; scheduling.

Section 601. Fiscal year. The fiscal year of the County shall begin with the first (1st) day of January and end with the last day of December of each year.

Section 602. Oversight of financial affairs. The County Legislature shall have the authority and duty to oversee the financial affairs of the County government. To that end, the County Legislature may, at any time, cause an examination and audit 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.

Section 603. Preparation of the proposed budget.

A. Preparation. It shall be the duty of the County Executive, the Commissioner of the Department of Management and Budget, or such other officer as may be designated by the County Executive, on behalf of the County Executive, to prepare and file a proposed budget for each fiscal year, in accordance with the provisions of this Charter and applicable state law.

B. Departmental estimates. On or before the first (1st) day of July, each department and administrative unit head shall submit to the County Executive and County Legislature, in writing, and through such channels and processes as specified by the County Executive, an overall estimate for that department and administrative unit and estimates by program within that department and administrative unit of expected expenses and expected revenues for the next ensuing fiscal year. These estimates shall be called “departmental estimates” and shall be organized with proposed grand totals of expenses and revenues for personnel services and other than personnel services for the department or administrative unit and proposed subtotal appropriations for personnel services and other than personnel services for each program within each department or administrative unit. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in the departmental or administrative unit submission, prepared in the same specified format for comparison purposes. Each departmental estimate of expenses and revenue by program shall be supported by such other detail and other supporting information concerning the economy, efficiency and effectiveness of departmental performance as the County Executive shall require. Departmental estimates shall be public records and shall at all reasonable times be available and open to public inspection. In the event any department or administrative unit head fails to submit an estimate by the first day of July, the Commissioner of the Department of Management and Budget shall prepare an estimate for that department or administrative unit.

C. Review of requests. The Commissioner of the Department of Management and Budget, upon receipt of the departmental estimates, shall proceed to review such estimates with the heads of the department and administrative unit heads as the Commissioner of the Department of Management and Budget deems necessary. Officers or employees of the various departments and administrative units shall furnish data and information and answer inquiries pertinent to such review. The Audit and Finance Committee of the County Legislature shall be entitled to the information developed by the various departments and administrative units.

D. Components of the proposed budget. Upon completion of his or her review, the Commissioner of the Department of Management and Budget shall prepare the proposed budget for the County Executive, which shall be filed with the Clerk on or before the tenth day of October. Upon such filing, the proposed budget submission shall become a public record, be posted on the County's website, and copies of it shall be made available by the Clerk for distribution. Components of the proposed budget submission shall be in compliance with the provisions of County Law of the State of New York and include such material as the County Executive deems desirable, or the County Legislature may require. The submitted proposed budget shall include, but not necessarily be limited to the following components:

1. Budget message. The County Executive shall submit with the proposed budget a budget message summarizing and explaining the main features of the proposed budget, including information identifying and analyzing new or changed programs, with such supporting schedules and explanatory materials as he or she may deem desirable or the County Legislature may by resolution require. The County Executive's budget message shall include a clear summary demonstration that there is a balanced relationship between the total estimated expenditures and the total estimated revenues for the next ensuing fiscal year and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the year-to-date actual and year-to-date projected total expenditures and revenues for the current fiscal year. The County Executive's budget message shall also outline the existing and any proposed financial policies of the County relating to the capital program, including a description of each capital project proposed to be undertaken in the preceding fiscal year and not yet completed. The budget message shall specify the manner in which the County Executive is overseeing management of departmental operations to assure economic, efficient, effective delivery of public services, and contain such additional information as the County Executive may deem appropriate, and shall be posted on the County's website.

2. Maintenance and operations budget. The maintenance and operations budget shall provide a complete financial plan of all County funds and activities for the ensuing fiscal year and, except as required by this Charter or applicable law, shall be in such form as the County Executive deems desirable or the County Legislature may require. Such budget shall begin with a clear general summary of its contents, show in reasonable detail all estimated revenues, and indicate the proposed property tax levy and all proposed appropriations, including debt service for the ensuing fiscal year. It shall be arranged so as to

demonstrate revenues and appropriations for each fund, account, and administrative unit by item, including but not limited to, a description of each item, the previous year appropriations or revenues, the current year amount appropriated as amended to date, the ensuing year's amounts requested by administrative units and the ensuing year amounts proposed by the County Executive. It shall indicate in separate sections:

a. the proposed objectives and appropriations for current operations during the ensuing fiscal year, detailed for each fund by administrative unit, program, purpose or activity, and the method of financing such appropriations; and

b. the estimated revenues and appropriations and appropriated fund balances for the ensuing year for each fund operated by the County. For any fund, the total of proposed appropriations shall not exceed the total of estimated revenues, plus appropriated fund balances.

3. Capital budget. The capital budget shall include the proposed capital expenditures, detailed for each fund, account, administrative unit item and the proposed method of financing each such expenditure. No capital expenditures for construction, reconstruction or acquisition of major capital projects or significant repairs, improvements or expansions, as defined in Subdivision F of Section 608 of this Charter, shall be proposed unless included in the capital program pursuant to Section 608 of this Charter, inclusive of any amendments made thereto and adopted pursuant to Subdivision B of Section 609 of this Charter.

4. Legislative operational budget. The legislative operational budget shall include an estimate of appropriations required by the County Legislature for its operations, as submitted to the County Executive by the Clerk or such other officer or employee designated by the Chairperson no later than the first day of August.

5. Proposed local laws, resolutions or other ordinances. The County Executive shall propose any local laws, resolutions or ordinances which may be required to implement the proposed budget including, but not limited to, such actions as authorizing the property tax levy, authorizing or amending other new or existing revenue sources or to restructure administrative units to carry out the purposes of the budget.

Section 604. Legislative action on proposed budget submission; adoption of final annual budget.

A. First public hearing. Not later than the twentieth (20th) day of October, the Clerk shall cause to be published on the County's website and in the official newspapers of the County, and in such other newspapers as may be designated by the County Legislature, a notice of the place and time (not less than five (5) days after such publication, nor later than the thirtieth (30th) day of October) at which the County Legislature will hold a public hearing on the proposed budget as submitted by the County Executive.

B. Legislative budget report. The Audit and Finance Committee (or other such committees as may be designated by the Chairperson) of the County Legislature may also hold public hearings or meetings with the heads of the departments and contractual agencies, as such committees deem necessary, to prepare the proposed legislative budget report containing proposed additions and deletions to the proposed budget submitted by the County Executive. The place and time of such hearings and meetings shall be published in the same manner applicable to the publication for the first public hearing as provided above in this Section. The legislative budget report shall be filed with the Clerk no later than the twentieth (20th) day of November.

C. Second Public Hearing. Not later than the twentieth (20th) day of November, the Clerk shall cause to be published in the official newspapers, and such other newspapers as may be required by the County Legislature, a notice of the place and time (not less than five (5) days after such publication, nor later than the first (1st) day of December) at which the County Legislature will hold a public hearing on the proposed legislative additions and/or deletions to the proposed budget.

D. Adoption of final annual budget.

1. After the conclusion of the public hearings, but in no event later than the eighth (8th) day of December, the Chairperson shall convene a regular or special meeting of the County Legislature to consider the proposed budget and proposed legislative additions and/or deletions if any, for the ensuing year. The County Legislature may strike items from the proposed budget appropriations or anticipated revenues from proposed maintenance and operation, capital and legislative budgets or reduce items therein, except appropriations required by law or for debt service. The County Legislature may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases or deletions shall not require County Executive approval nor be subject to County Executive veto. Capital appropriations for construction, reconstruction or acquisition of major capital projects or significant repairs, improvements or expansion thereto, as provided for in Section 608 of this Charter, shall not be adopted unless included in the capital program pursuant to Section 608 of this Charter or by an amendment thereto pursuant to Subdivision B of Section 609 of this Charter.

2. If the proposed budget, as submitted by the County Executive, is adopted by resolution of the County Legislature with no changes, or with decreases or deletions as the only changes thereto, such budget shall be deemed to have been adopted as the final annual budget without any further action by the County Executive. If the budget as adopted by the County Legislature contains any additions or increases, however, that budget shall be presented by the Clerk to the County Executive, not later than the eighth (8th) day of December, for his or her examination and consideration.

a. If the County Executive approves all such additions and increases, he or she shall affix his or her signature to a statement to that effect and return the

proposed budget together with such statement to the Clerk, and the proposed budget, together with such additions and increases, shall then be deemed adopted as the final annual budget.

b. If the proposed budget, with additions or increases, is not returned by the County Executive to the Clerk with his or her objection, if any, on or before 10:00 A.M. on the twelfth (12th) day of December, it shall be deemed adopted as the final annual budget.

3. If the County Executive objects to any one (1) or more of such added or increased items pursuant to this Section, she shall attach to the proposed budget a statement of the added or increased items to which he or she objects, setting forth his or her reason therefor and shall, not later than the twelfth (12th) day of December by 10:00 A.M., return the proposed budget with his or her objections to the Clerk, who shall present such proposed budget to the County Legislature at a meeting to be held no later than the sixteenth (16th) day of December. The County Legislature shall thereupon enter the objections upon its record, journal or minutes of the proceeding and proceed to reconsider the additions and increases to which objection is made by the County Executive. If, upon such reconsideration, two-thirds (2/3) of the whole number of the County Legislature vote to approve such additions and increases, or any of them, the proposed budget, with the additions and increases so approved, together with any additions and increases not so objected to by the County Executive, shall be deemed adopted as the final annual budget. If the County Legislature fails to act on or override such objections by a two-thirds' (2/3) vote on or before the eighteenth (18th) day of December, the objections and the proposed budget shall become final and be deemed adopted as the final annual budget, without the additions and increases objected to by the County Executive.

4. If the budget has not been adopted as herein provided on or before the twentieth (20th) day of December, then the proposed budget, plus all deletions, additions and increases to which the County Executive has failed to object, shall constitute the final annual budget for the ensuing fiscal year.

E. Certification and availability. Four (4) copies of the final annual budget as adopted, shall be certified by the County Executive and the Clerk, and one (1) each of such copies shall be filed in the office of the County Executive, the Department of Audit and Control, the Department of Management and Budget and with the Clerk. The final annual budget as certified shall be a public record and be printed or otherwise reproduced and copies shall be made available to the public on the County's website and at suitable places in the County.

Section 605. Levy of taxes; inclusion of reserve for uncollected taxes. The net County tax requirement, determined by subtracting the total estimated revenues from the total proposed appropriations as set forth in the adopted final annual budget, shall be levied in advance by the County Legislature on the taxable real property of the several tax districts of the County. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes," which shall be a County charge. The County Legislature shall fix the

amount of such sum as it may deem sufficient to produce in cash from the collection of taxes and other revenues during the year monies required to meet the estimated appropriations of such year; provided, however, that such reserve for uncollected taxes shall not be less than the face amount of unpaid taxes for the preceding completed fiscal year. The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the County Legislature shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first (1st) day of January of the fiscal year for which levied and shall remain a lien until paid.

Section 606. Appropriations; supplemental and emergency.

A. Recommendation and adoption. If, during any fiscal year, there are available for appropriation revenues received from sources not anticipated in the budget for that year or revenues received from anticipated sources but in excess of the budget estimates therefor, the County Legislature may, upon the written request of the County Executive or upon its own initiative, make supplemental appropriations to meet a public emergency affecting life, health or property. To the extent that there are no available unappropriated revenues to meet such appropriations, the County Legislature may authorize the issuance of obligations pursuant to the Local Finance Law of the State of New York.

B. Executive vetoes and legislative overrides. If the County Executive approves such supplemental appropriations, he or she shall affix his or her signature to a statement to that effect and return the resolution to the Clerk, and it shall then be deemed adopted. If the County Executive objects to such appropriation, he or she shall append to such resolution a statement setting forth the reason therefor and return it to the Clerk. The County Legislature shall thereupon enter the objections upon its record, journal or minutes of proceedings and proceed, should it so desire, to reconsider the appropriation to which objection is made by the County Executive. If upon reconsideration, two-thirds (2/3) of the whole number of the County Legislature votes to approve such appropriation, the resolution shall be deemed adopted. If the County Legislature fails to act on or override such objections by two-thirds (2/3) of the County Legislature, the objections shall become final, and the resolution shall be deemed adopted.

Section 607. Appropriations; reduction and transfer after budget adoption.

A. If, at any time during the fiscal year, it appears that a deficit exists, or is likely to exist in any budget classification, the County Executive shall report to the County Legislature without delay the estimated amount of the deficit, remedial action taken by him or her, and his or her recommendations as to further action. The County Legislature shall take such action as it deems necessary to prevent or minimize any deficit. For that purpose, the County Legislature may, by resolution, reduce one (1) or more appropriations; but no appropriation for debt service may be reduced and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated. The County Legislature may also, if it so determines, borrow temporarily

pursuant to the Local Finance Law of the State of New York in any amount not greater than such deficit for that purpose.

B. The County Executive may, at any time during the fiscal year, transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer (1) would result in an increase exceeding fifty thousand dollars (\$50,000) annually, during the fiscal year in any one (1) line item in the budget as adopted, (2) would affect any salary rate or salary total except as expressly permitted by this Charter or the Administrative Code, (3) would represent an annual total of greater than five percent (5%) of the appropriation total for a given administrative unit, or (4) would transfer funds between administrative units. Upon written request by the County Executive, or upon resolution adopted on its own initiative, the County Legislature may transfer part or all of any unencumbered appropriation balance from one (1) administrative unit to another provided that no such transfer shall be made from appropriations for debt service and no appropriation shall be reduced below any amount required by law to be appropriated. If the County Executive approves such transfer, he or she shall affix his or her signature to a statement to that effect and return the resolution to the Clerk of the County Legislature, and such resolution shall be deemed adopted. If the resolution is not returned by the County Executive within four (4) days of its receipt, it shall be deemed adopted and the transfer then may be made immediately. If the County Executive objects to such transfer, he or she shall attach a statement to the resolution setting forth the reasons for his or her objection and return the resolution to the Clerk of the County Legislature. The County Legislature thereupon shall enter the objections upon its record, journal or minutes of the proceeding and proceed, should it so desire, to reconsider the transfers to which objection is made by the County Executive. If upon such reconsideration, two-thirds (2/3) of its whole number votes to approve such transfer, the resolution shall be deemed adopted and the transfer then may be made immediately. If the County Legislature fails to act on or override such objections by two-thirds (2/3) of its whole number, the objections shall become final and the resolution, without the transfers objected to, shall be deemed adopted.

C. A monthly report of all transfers of unencumbered appropriation balances between classifications of expenditures within the same administrative unit shall be filed with the County Legislature by the County Executive.

Section 608. Capital program. All capital projects of the County shall be included in a capital program. The County Executive shall prepare and submit to the County Legislature a five (5) year capital program no later than the first (1st) day of July. The capital program shall include:

A. a clear summary of its contents;

B. a list of all capital projects and other capital expenditures proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for each;

C. cost estimates and recommended time schedules for each capital project and other capital expenditure;

D. the proposed method of financing for each capital project and capital expenditure, indicating:

1. the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds;

2. the amount, if any, estimated to be received from the federal and/or state governments; and

3. the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued;

E. the estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and

F. identification of those portions of the capital program for the construction, reconstruction or acquisition of major capital projects. A “major capital project” shall be defined as (1) a building, capital facility or system comprising a component of the general fixed assets of the County which has a replacement cost of at least two hundred fifty thousand dollars (\$250,000) and has a period of probable usefulness of at least six (6) years, or (2) any significant repairs, improvements or expansions to new or existing capital assets of the County, which have a cost of at least two hundred fifty thousand dollars (\$250,000).

The above shall be revised and extended each year with regards to capital projects still pending or in the process of construction or acquisition.

Section 609. Legislative action on capital program.

A. Notice and hearing. The County Legislature shall publish on the County’s website and in the official newspapers of the County, and such other newspapers as it may designate, a summary of the capital program, and a notice stating:

1. the times and places where copies of the capital program are available for inspection by the public; and

2. the time and place (which shall be not less than two (2) weeks after such publication) for a public hearing on the capital program.

B. Adoption. The County Legislature shall adopt by resolution the capital program, with or without amendment after the public hearing, and on or before the first (1st) day of September.

Section 610. Lapse of appropriation. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Section 611. Performance of acts; scheduling. The scheduling for the performance of an act may be changed by the Administrative Code, if adopted by the County Legislature.

ARTICLE 7

BOARD OF CONTRACT ADMINISTRATION

- Section 701. Board of Contract Administration established.
702. Powers and duties.
703. Other Contract Approvals.
704. Other Responsibilities.

Section 701. Board of Contract Administration established. There shall be a Board of Contract Administration, for the purpose of simplifying, clarifying and centralizing the approval process for contracts. The Board shall be composed of the County Executive, the Chairperson of the County Legislature and the County Clerk.

Section 702. Powers and duties. The Board of Contract Administration shall:

A. Approve contracts for execution by the County Executive in amounts of fifty thousand dollars (\$50,000) or more, but not greater than one hundred fifty-five thousand dollars (\$155,000), or such higher amount as may be established by local law; and

B. Report monthly to the County Legislature, detailing the contracts approved by it.

Section 703. Other Contract Approvals. The County Executive shall be empowered to approve and execute contracts in an amount less than fifty thousand dollars (\$50,000). The County Legislature shall be empowered to approve contracts for execution by the County Executive in amounts over one hundred fifty-five thousand dollars (\$155,000), in addition to those mentioned in Section 204(m) of this Charter.

Section 704. Other Responsibilities.

A. It shall also be the responsibility of the Board of Contract Administration to ensure that negotiation of contracts for public works and public purchases, including, but not limited to, such contracts executed in lease form shall be executed by the County so as to assure the prudent and economical use of public moneys for the benefit of the residents of the County and to facilitate the acquisition of facilities and commodities of maximum quality at the lowest possible cost to the taxpayers of the County.

B. All meetings of the Board of Contract Administration shall be open to the public, and the Board shall keep written minutes of its meetings, which shall be available for public inspection at all reasonable times.

C. The dollar limits set forth above in Sections 702 and 703 of this Article shall be adjusted annually on the first day of January of each year by the Consumer Price Index (“CPI”) to keep pace with inflation. As shall be set forth with detail in the Administrative Code, the County’s Department of Management and Budget shall use the annual CPI data for adjustment.

ARTICLE 8

DEPARTMENT OF HEALTH

- Section 801. Department of Health established; Commissioner; appointment; qualifications.
802. Powers and duties.
803. County Board of Health.
804. Sanitary Code.
805. Medical Examiner; appointment; qualifications; powers and duties; compensation; staff.

Section 801. Department of Health established; Commissioner; appointment; qualifications. There shall be a Department of Health headed by a Commissioner of Health. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be a physician licensed to practice medicine in the State of New York and possess the qualifications for that office as prescribed in the New York State Sanitary Code or otherwise by the New York State Public Health and Health Planning Council.

Section 802. Powers and duties. The Commissioner of Health shall:

- A. Be the chief administrative officer of the Department of Health;

B. Have all the powers and perform all the duties conferred or imposed upon a county health commissioner or a county board of health by law;

C. Organize the Department of Health into such administrative units as may be required, with approval of the County Executive; and

D. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 803. County Board of Health. There shall be within the Department of Health a County Board of Health, whose members shall be appointed by the County Legislature in the manner and for the term provided for in the Public Health Law of the State of New York. The County Board of Health shall, at the request of the Commissioner of Health, and may on its own initiative, advise the Commissioner of Health, County Legislature and County Executive on matters relating to the preservation and improvement of the public health and be advisory only. The County Board of Health shall also advise the County Legislature and County Executive with respect to the qualifications of candidates appointed to the position of Commissioner of Health.

Section 804. Sanitary Code. The County Legislature shall adopt, amend or repeal all rules, regulations, orders and directions relating to health in the County in such manner and form provided in and not inconsistent with the Public Health Law of the State of New York or the State Sanitary Code. Any such rules, regulations, orders and directions so adopted, amended or repealed by the County Legislature shall be known as the "Albany County Sanitary Code" and published in the Administrative Code.

Section 805. Medical Examiner; appointment; qualifications; powers and duties; compensation; staff.

A. There shall be within the Department of Health a Medical Examiner, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Medical Examiner shall be a physician licensed to practice medicine in the State of New York, qualified to perform any autopsy and dissect bodies of human beings for the purpose of determining the cause of death, and be appointed on the basis of his or her administrative experience and qualifications for the duties of office. The Medical Examiner shall have all powers and duties conferred or imposed upon him or her by law and such other and related duties as may be may be required by the County Executive or the County Legislature. The Medical Examiner shall be paid such compensation as shall be provided within appropriations made therefor.

B. The Medical Examiner shall have the power to appoint such employees and assistants as may be necessary to assist in the performance of his or her duties and as shall be authorized by the County Legislature. Subject to the approval of the County Executive, the Board of Contract Administration or the County Legislature as required by this Charter, the

Medical Examiner may also contract with the medical examiner or the like in another county to assist in the performance of his or her duties when such assistance is required due to his or her absence from the County or incapacity.

C. Upon the revised Charter becoming operative in the manner provided by Subdivision 7 of Section 33 of the Municipal Home Rule Law of the State of New York, the terms of office of all coroners elected and holding such office in the County at such time shall expire on the thirty-first (31st) day of December, following the general or special election at which the revised Charter was approved, provided that the County Legislature shall have the power, by local law, to extend the term expiration date beyond such thirty-first (31st) day of December until a date certain as specified in such local law which shall not be more than thirty (30) days after the medical examiner has been appointed by the County Executive, confirmed by the County Legislature and been qualified to serve in the manner provided for in this Section. Thereafter the office of coroner in Albany County shall be abolished.

ARTICLE 9

DEPARTMENT OF MENTAL HEALTH

- Section 901. Department of Mental Health established; Commissioner; appointment; qualifications.
902. Powers and duties.
903. Community Services Board; appointment; vacancies; powers and duties.

Section 901. Department of Mental Health established; Commissioner; appointment; qualifications. There shall be a Department of Mental Health headed by a Commissioner of Mental Health. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be experienced in public mental health administration and meet the qualifications for this position as specified by the State Commissioner of Mental Health and Mental Hygiene Law of the State of New York.

Section 902. Powers and duties. The Commissioner of Mental Health shall:

- A. Be the chief administrative officer of the Department of Mental Health;
- B. Have all the powers and perform all the duties conferred or imposed upon a commissioner or director of community mental health or community services board by law;
- C. Organize the Department of Mental Health into such administrative units as may be required, with approval of the County Executive; and

D. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 903. Community Services Board. There shall be within the Department of Mental Health a Community Services Board, whose members shall be appointed by the County Legislature in the manner and for the term provided for the appointment of community mental health boards in the Mental Hygiene Law of the State of New York. Vacancies in membership occurring other than by expiration of terms shall be filled by appointment of the County Legislature for the respective unexpired terms. The Community Services Board shall recommend and suggest to the County Legislature and County Executive a program of community mental health services and facilities and exercise such other powers and duties as are prescribed in such Mental Hygiene Law. The Board shall also advise the County Legislature and County Executive with respect to the qualifications of candidates appointed to the position of Commissioner of Mental Health.

ARTICLE 10

DEPARTMENT OF SOCIAL SERVICES

- Section 1001. Department of Social Services established; Commissioner; appointment; term; qualifications.
1002. Powers and duties.
1003. Division of Aging established; Director; appointment; qualifications; powers and duties.

Section 1001. Department of Social Services established; Commissioner; appointment; term; qualifications. There shall be a Department of Social Services headed by the Commissioner of Social Services. The Commissioner shall be appointed by the County Executive for a term prescribed by the Social Services Law of the State of New York, subject to confirmation by the County Legislature. The Commissioner shall be appointed on the basis of his or her administrative experience and qualifications for the duties of office as prescribed by such Social Services Law and the rules and regulations made pursuant thereto.

Section 1002. Powers and duties. The Commissioner of Social Services shall:

- A. Be the chief administrative officer of the Department of Social Services;
- B. Have all the powers and perform all the duties conferred on or required of a County Commissioner of Social Services under the Social Services Law of the State of New York or other applicable law;
- C. Administer all mandated and optional social service programs for needy persons throughout the County;

D. Represent the Department of Social Services in the maintenance of all contracts or communications with public or private agencies regarding aid to qualified needy persons throughout the County;

E. Publish and otherwise disseminate such information regarding administrative procedures and practices affecting the public as shall facilitate the Department of Social Service's response to the needs of the community;

F. Investigate suspected fraudulent applications for, and the receipt of, public assistance and refer cases where appropriate to the District Attorney for prosecution;

G. Organize the Department of Social Services into administrative units as may be required, with approval of the County Executive, including, but not limited to, a Division of Aging as provided for in this Article; and

H. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 1003. Division of Aging established; Director; appointment; qualifications; powers and duties. There shall be within the Department of Social Services a Division of Aging headed by a Director. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office. The Director shall:

A. Devise a comprehensive County-wide plan for services for the Aging;

B. Identify gaps in services for the aging and encourage service provision;

C. Apply for funds from all appropriate governmental and private sources for services for the aging;

D. Provide information relative to programs and services for the elderly in the County and sources of support for such programs and services;

E. Serve as liaison with existing organizations serving the needs of the elderly population of the County;

F. Recommend to and cooperate with federal, state, and local agencies in the development of public policy toward the elderly; and

G. Perform such other and related duties as may be required by the County Executive or the County Legislature.

ARTICLE 11

DEPARTMENT OF RESIDENTIAL HEALTH CARE FACILITIES

- Section 1101. Department of Residential Health Care Facilities; Director; appointment; qualifications.
1102. Powers and duties.

Section 1101. Department of Residential Health Care Facilities; Director; appointment; qualifications. There shall be a Department of Residential Health Care Facilities headed by a Director. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall have the qualifications of a nursing home administrator and be certified and licensed by the State of New York.

Section 1102. Powers and duties. The Director of the Department of Residential Health Care Facilities shall:

- A. Be the chief administrative officer of the Department of Residential Health Care Facilities;
- B. Have all powers and duties conferred on or required of a Director by this Charter, local law or resolution of the County Legislature, or by applicable law not inconsistent with this Charter, which shall be necessary to enable him or her to manage and supervise the County Nursing Home and any similar institution of the County;
- C. Report to the County Executive and the Chairperson of the County Legislature any deficiencies in the operation of the Department of Residential Health Care Facilities, and submit proposed measures to correct such deficiencies;
- D. Organize the Department of Residential Health Care Facilities into such administrative units as may be required, with approval of the County Executive; and
- E. Perform such other duties as may be required by the County Executive or the County Legislature.

ARTICLE 12

DEPARTMENT FOR CHILDREN, YOUTH AND FAMILIES

- Section 1201. Department for Children, Youth and Families established; Commissioner; appointment; term; qualifications.
1202. Powers and Duties.

1203. Youth Bureau established; Director; appointment; qualifications; powers and duties.

Section 1201. Department for Children, Youth and Families established; Commissioner; appointment; term; qualifications. There shall be a Department for Children, Youth and Families headed by a Commissioner for Children, Youth and Families. The Commissioner shall be in the unclassified class of civil service, appointed by the County Executive, subject to confirmation by the County Legislature. The Commissioner shall be appointed on the basis of his or her administrative experience and qualifications for the duties of office.

Section 1202. Powers and Duties. The Commissioner for Children, Youth and Families shall:

A. Be the chief administrative officer of the Department for Children, Youth and Families;

B. Establish, provide and administer a centralized intake and assessment service to address issues involving children, youth and families;

C. Provide preventive and child protective services for children and their families within the scope of Article 6 of the Social Services Law of the State of New York;

D. Be responsible for the functions, powers, duties and obligations concerning out-of-home placement and adoption services for children within the scope of Article 6 of such Social Services Law;

E. Organize the Department for Children, Families and Youth into such administrative units as may be required, with approval of the County Executive; and

F. Perform such other duties concerning children, youth and families as may be required by the County Executive or the County Legislature.

With respect to such powers and duties, the Commissioner shall be deemed a “social services official” as that term is defined under New York State law.

Section 1203. Youth Bureau established; Director; appointment; qualifications; powers and duties. There shall be within the Department for Children, Youth and Families a Youth Bureau headed by a Director of the Youth Bureau. The Director shall be appointed by the County Executive, subject to the confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be a person qualified by, at a minimum, an earned graduate degree in human services or a related field and five (5) years of experience in youth services or a related field, or the equivalent training and experience, to administer and supervise the Youth Bureau in the discharge of the powers and duties granted thereto. The Director shall:

A. Devise, in consultation with the Youth Board established pursuant to the Executive Law of the State of New York, a comprehensive County-wide plan for services for youth;

B. Identify gaps in youth services and encourage service provisions;

C. Apply for funds from all appropriate governmental and private sources for services for youth;

D. Stimulate and revise programs and services for the young;

E. Cooperate with young residents of the County and organizations servicing or representing such individuals, and providing information relative to programs and services for youth in the County and sources of support for such programs and services; and

F. Perform such other duties as may be required by the County Executive or the County Legislature.

ARTICLE 13

DEPARTMENT OF GENERAL SERVICES

Section 1301. Department of General Services established; Commissioner; appointment; qualifications.

1302. Powers and duties.

1303. Division of Code Enforcement established; Director; appointment; qualifications; powers and duties.

1304. Division of Consumer Affairs and Weights and Measures established; Director; appointment; qualifications; powers and duties.

Section 1301. Department of General Services established; Commissioner; appointment; qualifications. There shall be a Department of General Services headed by the Commissioner of General Services. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office.

Section 1302. Powers and duties. The Commissioner of General Services shall:

A. Be the chief administrative officer of the Department of General Services;

B. Make all purchases of materials, supplies and equipment, and contract for rentals and servicing of equipment for the County in accordance with applicable law;

C. Provide management and maintenance services for the County's vehicle fleet with the exception of those heavy vehicles which maintain, improve and plow County highways;

D. Provide management, maintenance, custodial and security services for the County's owned and leased buildings and real property, except where inconsistent with this Charter;

E. Provide project management and engineering services in support of the County's capital program and ongoing major maintenance activities;

F. Organize the Department of General Services into such administrative units as may be required, with approval of the County Executive, including, but not limited to, a Division of Code Enforcement and Division of Weights and Measures as provided for in this Article; and

G. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 1303. Division of Code Enforcement established; Director; appointment; qualifications; powers and duties. There shall be within the Department of General Services a Division of Code Enforcement headed by a Director. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office. The Director shall enforce the New York State Uniform Fire Prevention and Building Code for all County owned buildings, premises and equipment, and perform such other and related duties as may be required by the County Executive or the County Legislature.

Section 1304. Division of Consumer Affairs and Weights and Measures established; Director; appointment; qualifications; powers and duties. There shall be a Division of Consumer Affairs and Weights and Measures headed by a Director. The Director shall be in the competitive class of the civil service and appointed by the County Executive, subject to confirmation by the County Legislature. The Director shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office. The Director shall have and exercise all powers and duties now or hereafter conferred or imposed upon a county sealer by applicable law and perform such other and related duties as may be required by the County Executive or the County Legislature.

ARTICLE 14

DEPARTMENT OF PUBLIC WORKS

Section 1401. Department of Public Works established; Commissioner; appointment; qualifications.
1402. Powers and duties.

Section 1401. Department of Public Works established; Commissioner; appointment; qualifications. There shall be a Department of Public Works headed by a Commissioner of Public Works. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be appointed on the basis of his or her experience and qualifications for the duties of office.

Section 1402. Powers and duties. The Commissioner of Public Works shall:

- A. Be the chief administrative officer of the Department of Public Works;
- B. Have all the powers and duties of a County engineer and a County Superintendent of Highways pursuant to the Highway Law of the State of New York and other applicable law;
- C. Have all the powers and duties of a county director of planning and conservation, or metropolitan or regional planning board, as authorized by law;
- D. Have charge and supervision of the design, construction, and alterations of the County parking fields, drives, walks, docks, marinas, parks and recreational facilities, beaches, erosion projects, and such other structures and facilities in the nature of public works under the jurisdiction of the County;
- E. Have charge and supervision of County facilities for drainage, flood control and water supply;
- F. Furnish engineering and other services to the County Legislature, the County Executive, and other County Departments except as may be otherwise provided in this Charter;
- G. Assist the County Planning Board in the performance of its duties and functions;
- H. Organize within the Department of Public Works such administrative units as may be required, with approval of the County Executive, including, but not limited to, divisions of highways, parks and recreation, and highway engineering; and an Office of Natural Resources Conservation that shall be advisory to and assist the Commissioner, the

County Executive and the County Legislature on matters related to the inventory, conservation, management, and use of the natural resources of the County and County compliance with related environmental regulations; and

I. Perform such other duties concerning County property, public works and other matters as may be required by the County Executive or the County Legislature.

ARTICLE 15

DEPARTMENT OF HUMAN RESOURCES

Section 1501. Department of Human Resources established; Commissioner; appointment; qualifications.

1502. Powers and duties.

1503. Directors of the Divisions of Labor Relations and Affirmative Action; appointment.

Section 1501. Department of Human Resources established; Commissioner; appointment; qualifications. There shall be a Department of Human Resources headed by a Commissioner of Human Resources. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner shall be appointed on the basis of his or her experience and qualifications for the duties of office.

Section 1502. Powers and duties. The Commissioner of Human Resources shall:

A. Be the chief administrative officer of the Department of Human Resources;

B. Formulate and direct the County's overall human resource program;

C. Be responsible for, and direct the coordination and centralizing of, all County human resource administrative units and functions;

D. Organize within the Department of Human Resources such administrative units as may be required, with approval of the County Executive, including, but not limited to, Divisions of Labor Relations and Affirmative Action; and

E. Perform such other duties as may be required by the County Executive or the County Executive.

Section 1503. Directors of the Divisions of Labor Relations and Affirmative Action; appointment. The Divisions of Labor Relations and Affirmative Action shall be headed by directors. Such directors shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive.

ARTICLE 16

DEPARTMENT OF PERSONNEL

- Section 1601. Department of Personnel established; Personnel Officer; appointment; term qualifications.
1602. Powers and duties.

Section 1601. Department of Personnel established; Personnel Officer; appointment; term; qualifications. There shall be a Department of Personnel headed by a Personnel Officer, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Personnel Officer shall serve for a term as provided by Section 15 of the Civil Service Law of the State of New York. The Personnel Officer shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office.

Section 1602. Powers and duties. The Personnel Officer shall, with reference to the civil service of the County:

- A. Be the chief administrative officer of the Department of Personnel;
- B. Have the powers and duties of a County Personnel Officer as provided in the Civil Service Law of the State of New York;
- C. Be subject to such supervision and control by the State Civil Service Commission as are County Personnel Officers;
- D. Organize the Department of Personnel into such administrative units as may be required, with approval of the County Executive; and
- E. Perform such other duties as may be required by the County Executive or the County Legislature.

ARTICLE 17

DEPARTMENT OF LAW

- Section 1701. Department of Law established; County Attorney; appointment; qualifications.
1702. Powers and duties.
1703. Assistant County Attorneys and staff.

Section 1701. Department of Law established; County Attorney; appointment; qualifications. There shall be a Department of Law headed by the County Attorney. The County Attorney shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The County Attorney shall be a qualified resident of the County and duly admitted to practice law in the State of New York.

Section 1702. Powers and duties. The County Attorney shall:

- A. Be the chief administrative officer of the Department of Law;
- B. Be the legal adviser for the County;
- C. Advise all County officers and employees in all County legal matters of a civil nature;
- D. Prosecute and defend all actions or proceedings of a civil nature by or against the County;
- E. Prepare resolutions, legislation, legalizing acts, local laws and ordinances to be presented for action by the County Legislature, together with notices and other items in connection therewith;
- F. Organize the Department of Law into such administrative units as may be required, with approval of the County Executive; and
- G. Have all the powers and perform all the duties conferred or imposed by law upon a County Attorney, except as may be inconsistent with this Charter, and perform such other and related duties required by the executive branch of County government.

Section 1703. Assistant County Attorneys and staff. The County Attorney shall appoint such confidential Assistant County Attorneys, officers and employees of the Department of Law within appropriations made therefor. All Assistant County Attorneys shall be duly admitted to practice law in the State of New York, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York, be in the exempt class of the civil service, and serve at the pleasure of the County Attorney, subject to applicable law.

ARTICLE 18

DEPARTMENT OF PROBATION

Section 1801. Department of Probation established; Commissioner; appointment; qualifications.

1802. Powers and duties.

Section 1801. Department of Probation established; Commissioner; appointment; qualifications. There shall be a Department of Probation headed by the Commissioner of Probation. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, in accordance with Article 12-A of the Executive Law of the State of New York. The Commissioner shall meet qualifications as prescribed by the Department of Personnel in conjunction with the New York State Office of Probation and Correctional Alternatives and be appointed on the basis of his or her administrative experience and qualifications for the duties of office.

Section 1802. Powers and duties. The Commissioner of the Department of Probation shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not limited to, the following:

- A. Be the head and chief administrative officer of the Department of Probation;
- B. Organize the Department of Probation into such administrative units as may be required, with approval of the County Executive; and
- C. Perform such other duties as may be required by the County Executive or the County Legislature.

ARTICLE 19

PUBLIC DEFENDER

- Section 1901. Public Defender; appointment; term; reappointment; qualifications.
1902. Powers and duties.
1903. Deputy and Assistant Public Defenders and Staff.
1904. Alternate Public Defender; appointment; term; reappointment; qualifications; requirements; powers and duties.

Section 1901. Public Defender; appointment; term; reappointment; qualifications.

A. There shall be a Public Defender who shall be appointed by the County Executive, subject to confirmation by the County Legislature, chosen in the following manner: Upon the vacancy of the office of Public Defender, the County Executive shall choose a new Public Defender, subject to confirmation by the County Legislature, from a list submitted by a Merit Selection Committee. The Merit Selection Committee shall advertise, accept applications and interview candidates for the position of Public Defender. After completing its interview process, the Merit Selection Committee shall submit to the County Executive a list of at least three (3) candidates in order of preference unless it determines that there are fewer than three (3) candidates who are qualified for the position. In that event, the

Merit Selection Committee will submit the names of those candidates it determines are qualified. The Merit Selection Committee's decisions will be based on a simple majority.

B. The Merit Selection Committee shall be comprised of the following individuals:

1. Three (3) members of the Albany County Bar Association, to be chosen by the Board of Directors of the Albany County Bar Association;

2. Three (3) members to be appointed by the County Executive; said members shall not be officers or employees of this County; and

3. One (1) representative from the Albany County Legislature, appointed by its Chairperson.

C. The County Executive shall convene the Merit Selection Committee and it shall select a Chair at its first meeting.

D. The Public Defender shall be appointed to serve a term of five (5) years. The first six (6) months of such term shall constitute a probationary period, during which time the Public Defender may be removed at the pleasure of the County Executive. After the probationary period, the Public Defender may be removed only in accordance with the provisions of Section 75 of the Civil Service Law of the State of New York. This provision is not intended to convey civil service status upon the position of Public Defender. In the event that there is a vacancy in the office of the Public Defender prior to the expiration of the term, a new Public Defender shall be chosen pursuant to the merit selection process. Such new Public Defender shall be appointed for a full five (5) year term commencing from the date of appointment.

E. Upon the expiration of the term of a sitting Public Defender, the County Executive, in his or her discretion, may reappoint such Public Defender, subject to confirmation by the County Legislature, for a succeeding term without undergoing the merit selection process. If the County Executive decides not to reappoint the Public Defender, then a new Public Defender shall be chosen pursuant to the merit selection process. No later than three (3) months prior to the expiration of the term of the Public Defender, the County Executive shall notify the Public Defender as to whether the term will be renewed. Notice of this decision shall also be given to the Chairperson of the County Legislature and the President of the Albany County Bar Association. Upon notification of the decision not to reappoint the Public Defender, the Merit Selection Committee shall commence its selection process. Nothing herein shall preclude the Public Defender from being renewed for more than one (1) successive term.

F. The Public Defender shall have been a resident of the County continuously for at least one year preceding his or her appointment, and, throughout his or her term of office, be a qualified elector of the County, duly admitted to practice law in New York State for at

least five (5) years. The Public Defender may not hold any other public office or the position of chair, vice chair, secretary, treasurer or other comparable office of a County political party committee.

Section 1902. Powers and duties. The Public Defender shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not limited to, the following:

- A. Be the head and chief administrative officer of the Office of Public Defender;
- B. Provide legal representation, without charge, as requested by a court of competent jurisdiction, to persons whom the court has determined are financially unable to retain private counsel and who are charged with a crime as defined in Section 722-a of the County Law of the State of New York, or who are entitled to assigned counsel pursuant to the Family Court Act of the State of New York or other statutory provision;
- C. Organize the Office of the Public Defender into such administrative units as may be required; and
- D. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 1903. Deputy and Assistant Public Defenders and staff. The Public Defender shall appoint such Deputy and Assistant Public Defenders, investigators and employees of the Office of Public Defender within appropriations made therefor. At the time of their appointment, and throughout their service in office, all Deputy and Assistant Public Defenders shall be duly admitted to practice law in New York State, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant Public Defenders, investigators and employees shall serve at the pleasure of the Public Defender.

Section 1904. Alternate Public Defender; appointment; term; reappointment; qualifications; requirements; powers and duties. There shall be an Alternate Public Defender to provide representation for indigent-defendants who qualify for representation by the Office of Public Defender under the law of New York State, but where a conflict of interests precludes the Office of Public Defender from providing such representation. The Alternate Public Defender shall be appointed by the County Executive, subject to confirmation by the County Legislature, chosen pursuant to the same merit selection process as the Public Defender. The Alternate Public Defender shall have the same term of office, qualifications and attributes and possess the same powers and duties as the Public Defender. The Alternate Public Defender may be reappointed by the County Executive in the same manner as applicable to the reappointment of the Public Defender. The Alternate Public Defender shall appoint such Deputy and Assistant Public Defenders, investigators and employees of the Office of Alternate Public Defender within appropriations made therefor. At the time of their appointment, and throughout their service in office, all Deputy and Assistant Public

Defenders shall be duly admitted to practice law in New York State, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant Public Defenders, investigators and employees shall serve at the pleasure of the Alternate Public Defender, subject to applicable law.

ARTICLE 20

DISTRICT ATTORNEY

- Section 2001. District Attorney; election; term; qualifications; compensation.
2002. Powers and duties.
2003. Deputy and Assistant District Attorneys and staff.
2004. Acting District Attorney.
2005. Absence of restriction.

Section 2001. District Attorney; election; term; qualifications; compensation. There shall be a District Attorney elected from the County at large. The District Attorney's term of office shall be for four (4) years, beginning on the first (1st) day of January following his or her election. The District Attorney shall have been a resident of the County continuously for at least one (1) year preceding his or her election, and, throughout his or her term of office, be a qualified elector of the County, duly admitted to practice law in the State of New York. The District Attorney may not hold any other public office or the position of chair, vice chair, secretary, treasurer or other comparable office of a County political party committee. The compensation of the District Attorney shall be as provided in §183-a of the Judiciary Law of the State of New York or other applicable State law.

Section 2002. Powers and duties. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not necessarily limited to, the following:

- A. Be the head and chief administrative officer of the Office of District Attorney;
- B. Prosecute crimes and offenses of a criminal nature for the people;
- C. Assist in the investigation of crimes committed in the County;
- D. Present evidence to the Grand Jury and serve as its legal counsel;
- E. Devise programs which assist in the prevention of crime, respond to the needs of victims thereof, and educate the public in regard to the law and Office of District Attorney;
- F. Organize the Office of the District Attorney into such administrative units as may be required; and

G. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 2003. Deputy and Assistant District Attorneys and staff. The District Attorney shall appoint such Deputy and Assistant District Attorneys, investigators and employees of the Office of District Attorney within appropriations made therefor. All Deputy and Assistant District Attorneys shall be duly admitted to practice law in the State of New York, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant District Attorneys, investigators and employees shall serve at the pleasure of the District Attorney, subject to applicable law.

Section 2004. Acting District Attorney. The District Attorney shall designate in writing, and in order of succession, the Deputy and Assistant District Attorneys who shall be Acting District Attorney in the event of the District Attorney's absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the District Attorney filing a new written designation and order of succession. The Acting District Attorney shall have all the powers and perform all the duties of the District Attorney. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the District Attorney's designation of an Acting District Attorney pursuant to this Section.

Section 2005. Absence of restriction. Nothing in this article shall be construed to limit the powers and duties of the office of District Attorney, as provided by the New York State Constitution and other laws.

ARTICLE 21

SHERIFF

- Section 2101. Sheriff; election; term; qualifications; compensation.
2102. Powers and duties.
2103. Undersheriff, Deputy Sheriffs and staff.
2104. Acting Sheriff.
2105. Absence of restriction.

Section 2101. Sheriff; election; term; qualifications. There shall be a Sheriff elected from the County at large. The Sheriff's term of office shall be four (4) years, beginning on the first (1st) day of January following his or her election. The Sheriff shall have been a resident of the County continuously for at least one (1) year preceding his or her election, and, throughout his or her term of office, be a qualified elector of the County. The Sheriff may not hold any other public office or the position of chair, vice-chair, secretary, treasurer

or other comparable office of a County political party committee. The compensation of the Sheriff shall not be increased or decreased during his or her term of office.

Section 2102. Powers and duties. The Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not necessarily limited to, the following:

- A. Be the head and chief administrative officer of the Office of Sheriff;
- B. Organize and maintain a trained and operational law enforcement staff to protect and otherwise serve the needs of the County and cooperate with other law enforcement agencies within and outside the County in furtherance thereof;
- C. Manage the County Correctional Facility and provide for the care and custody of persons committed to the Sheriff's custody by competent courts or by intergovernmental agreement;
- D. Manage the Department of Natural Disaster Preparedness and Emergency Management Services within the Office of Sheriff and assist the County Executive and County Legislature in developing and implementing disaster preparedness programs and coordinating emergency response functions and such other functions and related duties as shall be authorized or required pursuant to provisions of the New York State Executive Law and other law;
- E. Perform the civil duties specified in applicable law;
- F. Organize the Office of the Sherriff into such administrative units as may be required; and
- G. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 2103. Undersheriff, Deputy Sheriffs and staff. The Sheriff shall appoint an Undersheriff, Deputy Sheriffs, attorney, and such assistants and employees of the Office of Sheriff within appropriations made therefor. Such Undersheriff, Deputy Sheriffs, attorney, assistants and employees shall serve at the pleasure of the Sheriff, subject to applicable law.

Section 2104. Acting Sheriff. The Sheriff shall designate in writing, and in order of succession, the Undersheriff, Deputy Sheriffs and Assistants who shall serve as Acting Sheriff in the event of the Sheriff's absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Sheriff filing a new written designation and order of succession. The Acting Sheriff shall have all the powers and perform all the duties of the Sheriff. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in

public office shall remain applicable notwithstanding the Sheriff's designation of an Acting Sheriff pursuant to this Section.

Section 2105. Absence of restriction. Nothing in this article shall be construed to limit the powers and duties of the office of Sheriff, as provided by the New York State Constitution and other laws.

ARTICLE 22

COUNTY CLERK

- Section 2201. County Clerk; election; term; qualifications; compensation.
2202. Powers and duties.
2203. Deputy County Clerks and staff.
2204. County Historian.
2205. Acting County Clerk.
2206. Absence of restriction.

Section 2201. County Clerk; election; term; qualifications; compensation. There shall be a County Clerk elected from the County at large. The County Clerk's term of office shall be four (4) years, beginning on the first (1st) day of January following his or her election. The County Clerk shall have been a resident of the County continuously for at least one (1) year preceding his or her election, and, throughout his or her term of office, be a qualified elector of the County. The County Clerk may not hold any other public office or the position of chair, vice-chair, secretary, treasurer or other comparable office of a County political party committee. The compensation of the County Clerk shall not be increased or decreased during his or her term of office.

Section 2202. Powers and duties. The County Clerk shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not necessarily limited to, the following:

- A. Be the head and chief administrative officer of the Office of the County Clerk;
- B. Serve as the County's records management officer, or such successor office as may be established under State law, with all powers and duties of such office;
- C. Operate the County Hall of Records and provide central management of the County's records and archives, within such appropriations as shall be made annually by the County Legislature;
- D. Serve as the County's contact person for records access as described in Article 6 of the Public Officers Law of the State of New York;

E. Organize the Office of the County Clerk into such administrative units as may be required; and

F. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 2203. Deputy County Clerks and staff. The County Clerk shall appoint such Deputy County Clerks, assistants and employees of the Office of County Clerk within appropriations made therefor. All such appointees shall serve at the pleasure of the County Clerk, subject to applicable law.

Section 2204. County Historian. The role and duties of the County Historian are directly linked to the historical records maintained by the County Clerk. The County Executive shall appoint the County Historian pursuant to the Arts and Cultural Affairs Law of the State of New York, subject to confirmation by the County Legislature. Compensation for the County Historian shall be fixed by the County Legislature, except that, in the event that an employee of the County is appointed to such office, he or she shall serve without additional compensation.

Section 2205. Acting County Clerk. The County Clerk shall designate in writing, and in order of succession, the Deputy County Clerk and assistants who shall be Acting County Clerk in the event of the County Clerk's absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designation shall be filed with the Office of the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Clerk filing a new written designation and order of succession. The Acting County Clerk shall have all the powers and perform all the duties of the County Clerk. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the County Clerk's designation of an Acting County Clerk pursuant to this Section.

Section 2206. Absence of restriction. Nothing in this article shall be construed to limit the powers and duties of the office of County Clerk, as provided by the New York State Constitution and other laws.

ARTICLE 23

OTHER COUNTY BOARDS, OFFICES, INSTITUTIONS AND FUNCTIONS

- Section 2301. Additional appointments by the County Executive.
2302. Miscellaneous administrative functions.
2303. Power to administer oaths and issue subpoenas.
2304. Board of Elections.
2305. County Sewer District.

- 2306. Ethics Commission.
- 2307. Human Services Advisory Board.
- 2308. County Planning Board.

Section 2301. Additional appointments by the County Executive. The County Executive shall appoint the head of any other administrative unit not provided for in this Charter as it may be amended from time to time. All such appointees shall serve at the pleasure of the County Executive and have such powers and duties as shall be provided by law, except where such law shall be inconsistent with this Charter.

Section 2302. Miscellaneous administrative functions. Administrative functions not otherwise assigned by this Charter shall be assigned by the County Executive to an administrative unit.

Section 2303. Power to administer oaths and issue subpoenas. The Chairperson of the County Legislature, in accordance with Section 209 of the County Law of the State of New York, and the County Executive and such other County officers as may be authorized by this Charter, local law, or other applicable law shall have the power to subpoena and compel the attendance of witnesses and the production of books, records and papers, as the same may be pertinent to their respective offices. Any County officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths in connection with such hearing or investigation.

Section 2304. Board of Elections. There shall be a County Board of Elections. The Board shall administer applicable provisions of such Election Law and perform such other duties as may be set forth in the Administrative Code, and as may be required by other laws.

Section 2305. County Sewer District. There shall be a County Sewer District as provided by law. The County Legislature shall appoint any head, board or agency in relation to a County sewer, water, or any other County District of a similar nature.

Section 2306. Ethics Commission. There shall be an Ethics Commission established pursuant to Article 18 of the General Municipal Law of the State of New York. The membership, powers and duties shall be established by local law.

Section 2307. Human Services Advisory Board. There shall be a Human Services Advisory Board whose members shall be appointed by the County Legislature and include representation of client groups and the community at large. The Human Services Advisory Board shall:

A. Offer advice designed to promote and coordinate the delivery of human services by the County;

B. Advise the County Legislature and the County Executive with respect to the qualifications of candidates appointed to the positions of administrative head of the

Department of Social Services and Division of Aging, the Department of Residential Health Care Facilities, the Department for Children, Youth and Families and the Youth Bureau; and

C. Report from time to time to the County Legislature and the County Executive on progress in the coordination of the delivery of human services.

Section 2308. County Planning Board. There shall be a County Planning Board composed of the following members: the Commissioner of Public Works, the Commissioner of Management and Budget and the County Comptroller, each of whom shall be an ex-officio member; and five (5) persons who shall be appointed by and serve at the pleasure of the County Legislature. The County Planning Board shall be advisory to and assist the County Legislature and the County Executive on matters related to comprehensive metropolitan, regional, county and municipal planning and in performing the duties and responsibilities conferred upon a County Planning Board by Article 12-B of the General Municipal Law of the State of New York and on such other related matters as may be required by the County Executive or the County Legislature.

ARTICLE 24

SERVICE RELATIONSHIPS

Section 2401. Local Government functions, facilities and powers.
2402. Contracts with public corporations and public authorities.

Section 2401. Local government functions, facilities and powers. No function, facility, duty or power of any city, town, village, school district or other district or of any officer thereof is or shall be transferred, altered or impaired by this Charter.

Section 2402. Contracts with public corporations and public authorities. The County shall have power to contract (a) with any public corporation, including, but not limited to, a municipal, district or public benefit corporation, public authority or combination of the foregoing, and (b) for the establishment, maintenance and operation of any facility or the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for themselves. The costs and expenses incurred, as well as charges for central facilities and administrative services relating to such entities, shall be borne proportionately by each such contracting party, as agreed upon by the parties.

ARTICLE 25

GENERAL PROVISIONS

Section 2501. Civil service rights continued; status of certain County officers previously elected or appointed.

- 2502. Member of County Legislature filling vacancy in County service.
- 2503. Filling vacancy in elective office of Comptroller, County Clerk, District Attorney or Sheriff.
- 2504. Acting administrative unit head.
- 2505. Officers and employees engaging in other transactions.

Section 2501. Civil service rights continued; status of certain County officers previously elected or appointed. The civil service status and rights of all County employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this Charter. Nothing contained in this Charter shall affect the terms of office of the County Legislature, County Executive, Comptroller, County Clerk, District Attorney, and Sheriff as presently constituted. The terms of office shall be fixed for four (4) years, and shall begin on the first (1st) day of January next following their election.

Section 2502. Member of County Legislature filling vacancy in County service. A person, otherwise qualified, who is a member of the County Legislature at the time a vacancy occurs in an office or position in County government service may be appointed to fill such vacancy provided that he or she shall have resigned prior to such appointment.

Section 2503. Filling vacancy in elective office of Comptroller, County Clerk, District Attorney or Sheriff. A vacancy, otherwise than by expiration of term in the elective office of Comptroller, County Clerk, District Attorney or Sheriff shall be filled by appointment, by the County Executive, subject to confirmation by the County Legislature, of a qualified elector of the county. The person so appointed shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first (1st) annual election after the happening of the vacancy, at which election a Comptroller, County Clerk, District Attorney or Sheriff, as the case may be, shall be elected for the balance of the term, if any.

Section 2504. Acting administrative unit head. Except as otherwise provided in this Charter, each administrative unit head, subject to confirmation by the County Legislature, shall designate in writing, and in order of succession, the person or persons within their respective administrative unit who shall serve as its acting administrative unit head in the event of the administrative unit head's inability to perform and exercise the powers and duties of his or her office. This designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the administrative unit head filing an approved new written designation and order of succession. If the powers and duties of an administrative unit head's office are exercised by an acting administrative head for more than one (1) year, such office shall be deemed vacant.

Section 2505. Officers and employees engaging in other transactions. No officer or employee of the County or member of the County Legislature shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or

professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.

ARTICLE 26

APPLICATION OF CHARTER

- Section 2601. Amendment of Charter.
2602. Continuity of authority; completion of unfinished business.
2603. Severability.
2604. Dates.
2605. Charter to be liberally construed.

Section 2601. Amendment of Charter. This Charter may be amended in the manner provided by the Municipal Home Rule Law of the State of New York. A proposal to amend this Charter must be enacted by a local law passed by a two-thirds (2/3) vote of the whole number of the County Legislature, subject to referendum as provided in such Municipal Home Rule Law. Any proposed amendment that would (a) create or abolish an elective County office, (b) change the power or method of removing an elective County officer during his or her term of office, (c) abolish, curtail or transfer to another County office or agency any power of an elected County officer, or (d) change the form or composition of the County Legislature, but not include decennial reapportionment, shall be subject to a mandatory referendum.

Section 2602. Continuity of authority; completion of unfinished business. The performance of functions pursuant to the provisions of this Charter shall be deemed and held to constitute a continuation of such functions for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible therefor under this Charter or Administrative Code. This Charter shall not be deemed to invalidate any obligations previously issued by the County or by any of its commissions, boards or agencies, and such obligations shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of bonds by the County, or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.

Section 2603. Severability. If any clause, sentence, paragraph, section, or Article of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or Article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 2604. Dates. If any date specified in this Charter, falls, in any year, on a Saturday, Sunday or legal County holiday, then such date shall be deemed to refer to the next succeeding date which is not a Saturday, Sunday or legal County holiday.

Section 2605. Charter to be liberally construed. This Charter shall be liberally construed to effectuate its objectives and purposes.

Members of the Commission - Biographical

Appendix A

Members of the Commission — Biographical

Willow F. Baer of Albany is an Associate General Counsel with the New York State Justice Center.

Robert C. Batson of Albany is a Government Lawyer in Residence at the Government Law Center of Albany Law School.

Robert D. Carlson is a resident and the former Mayor of the City of Watervliet and is a licensed Professional Engineer.

Antonio C. Cortes of Guilderland is an Affirmative Action Administrator and Training Coordinator with the New York State Department of State.

Jacob M. Crawford of Guilderland is a Higher Education Analyst for the New York State United Teachers (“NYSUT”).

Patrick O. Dalzell of Albany is an Associate Controller and Chief Procurement Officer for the City University of New York.

Michael J. Elmendorf II of Loudonville is the President and Chief Executive Officer of the Associated General Contractors of New York State.

Henry M. Greenberg of Slingerlands is a shareholder with the law firm of Greenberg Traurig, LLP.

Christopher J. Hanifin of Delmar is a Hearing Officer with the National Appeals Division of the United States Department of Agriculture.

Ami J. Schnauber of Albany is Director of Government Relations for the Leading Age New York Services Inc.

Paul L. Weafer of Albany is the former Chief Counsel and Director of Legal Affairs for the New York State Legislative Bill Drafting Commission.

Redline Draft Reflecting Commission's
Proposed Revisions to Current Charter

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ARTICLE I

ALBANY COUNTY AND ITS GOVERNMENT

- Section 101. Title and purpose.
102. County status, powers and duties.
103. Charter ~~E~~ffect on sState laws.
104. Charter ~~E~~ffect on local laws, ordinances and resolutions.
105. ~~Gender~~Construction of terms used in this Charter.
106. Definitions.

Section 101. Title and purpose. This Charter, together with any and all amendments, ~~if any,~~ shall provide for and constitute the form of government for Albany County ~~(the "County")~~ and be known as the "Albany County Charter." Among the purposes of this Charter are the separation of County legislative and executive functions and responsibilities; the coordination of planning and economic development; ~~the securing of the greatest possible eCounty home rule, except where supersession is restricted by New York State Law;~~ the encouragement of inter-governmental cooperation among the cities, towns, villages throughout the County; and the increase of efficiency, economy and responsibility in Albany County government.

Section 102. County status, powers and duties. ~~The~~Albany County shall be and remain a municipal corporation and exercise all of the rights, privileges, functions and powers conferred upon it by this Charter and any other applicable ~~statute~~law not inconsistent with ~~such~~this Charter. ~~H~~Albany County shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent with this Charter, including all

powers necessarily incidental to, or which may be fairly implied from, the powers specifically conferred upon ~~the County~~ it.

Section 103. Charter Effect on State laws. This Charter provides a form and structure of ~~e~~County government in accordance with the provisions of Article 4 of the Municipal Home Rule Law of the State of New York, and All special laws relating to ~~the~~Albany County and all general laws of the State of New York (~~the "State"~~) shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to ~~the~~Albany County by enactment and adoption of this Charter. Within the limitations prescribed in ~~the~~Article 4 of such Municipal Home Rule ~~L~~Law, wherever and whenever any State law, general, special or local in effect, conflicts with this Charter or is inconsistent with this Charter, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by this Charter insofar as ~~the~~Albany County and its government ~~is~~are affected.

Section 104. Charter Effect on local laws, ordinances and resolutions. All local laws, ordinances and resolutions of the County Legislature previously adopted, and all of the laws of the State relating to the towns, cities, villages or districts of ~~the~~Albany County shall continue in full force and effect, except to the extent that such laws have been repealed, amended, modified or superseded in their application to ~~the~~Albany County by the enactment and adoption of this Charter. All local laws, ordinances, and resolutions of the County Legislature previously adopted which remain in effect and hereinafter adopted shall be part of the County's Administrative Code as set forth in this Charter.

Section 105. ~~Gender~~Construction of terms used in this Charter. ~~Whenever the context shall require, all words used in this Charter in the female gender shall be deemed to include the male or neuter gender, a~~All singular words used in this Charter shall be deemed to include the plural, and all plural words shall be deemed to include the singular.

Section 106. Definitions. ~~All terms not otherwise defined in~~Whenever used in this Charter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the meanings ~~indicated~~provided below:

a. ~~“Administrative~~ADMINISTRATIVE Code~~”~~

~~shall mean t~~The Albany CountyAdministrative Code, ~~if any,~~ adopted by the County Legislature as mandated by this Charter.

ADMINISTRATIVE HEAD

The head of any County agency.

b. ~~“Administrative~~ADMINISTRATIVE Unit~~”~~

~~shall mean a~~Any department, division, bureau, office, board or commission or other agency of County government, or any subordinate part of any of the foregoing.

c. ~~“Administrative Head” shall mean the head of any Administrative Unit.~~

ADMINISTRATIVE UNIT HEAD

The head of any administrative unit.

~~d. —“Authorized Agency” shall mean any agency authorized by this Charter, Administrative Code or applicable law, including, but not limited to, those authorized by the County Law, to receive and expend County funds for a County purpose.~~

~~e. —“Capital Program” shall mean t~~

~~The plan of capital projects proposed to be undertaken by the County during a five- (5) year period, the estimated cost of such projects, and the proposed method of financing, in accordance with the provisions of Article 6 of this Charter. It shall be arranged in such manner as to indicate the order of priority of each project, and to state for each project:~~

~~(i) — a description of the proposed project and the estimated total cost;~~

~~(ii) — the proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state governments; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued; and~~

~~(iii) an estimate of the effect, if any, upon operating costs of the municipal corporation within each of the three fiscal years following completion of the project.~~

~~f. “Capital~~APITAL Project~~PROJECT” shall mean~~

Any project involving:

~~(i)A.~~ any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired;~~;~~ ~~or~~

~~(ii)B.~~ any preliminary studies and surveys relating to any physical betterment or improvement;~~;~~ ~~or~~

C. fixed assets;

~~(iii)D.~~ land or rights in land;~~;~~ or

~~(iv)E.~~ any combination of ~~(i)A.~~, ~~(ii)B.~~, ~~or (iii)C or D.~~

~~g. “Chairperson~~HAIRPERSON~~” shall mean t~~

The eChairperson of the County Legislature.

~~h. “Charter”~~HARTER or COUNTY CHARTER ~~shall mean this~~

The Albany County Charter and all ~~its~~ amendments, ~~if any~~thereto.

~~i. “Clerk~~LERK~~” shall mean t~~

The eClerk of the County Legislature.

~~j. — “County~~OUNTY” ~~shall mean t~~

The County of Albany.

~~k. — “County~~OUNTY Executive~~EXECUTIVE~~” ~~shall mean t~~

The elective chief executive officer of the County, who shall govern according to those powers provided for in this Charter, or under any other provision of applicable law.

~~l. — “County Law” shall mean the County Law of the State of New York.~~

~~m. — “County~~OUNTY Legislature~~LEGISLATURE~~” ~~shall mean t~~

The elective legislative, appropriating and policy determining body of the County. Whenever the term “County Board”, Board of Supervisors,” “County Governing Board,” or “elective governing body of the County,” is referred to in any law it shall be deemed to mean and refer to the County Legislature.

~~n. — “Department~~EPARTMENT” ~~shall mean~~

~~†~~The Aadministrative Uunit which is the primary level of County government.

~~o. — “Department~~EPARTMENT Head~~EAD~~” ~~shall mean t~~

The administrative head of any Department, and may also be referred to herein as a Commissioner or Director.

~~p. — “Division VISION” shall mean t~~

~~_____ The Administrative Unit which is the secondary level of County government.~~

~~q. — “Election Law” shall mean the Election Law of the State of New York.~~

~~r. — “Executive Law” shall mean the Executive Law of the State of New York.~~

~~s. — “Final INAL Annual NNUAL Budget UDGET” shall mean t~~

~~The final annual budget of the County, as adopted by the County Legislature by December 20th of each year — pursuant to Section 604 of Article 6 of this Charter~~

FIXED ASSETS

An asset or assets of a long-term tangible character which are intended to continue to be held or used, such as land, buildings, improvements, machinery and equipment.

~~t. — “General Municipal Law” shall mean the General Municipal Law of the State of New York.~~

~~u. — “Legislative EGISLATIVE Budget UDGET Report REPORT” shall mean t~~

The report by the County Legislature containing proposed changes to the ~~Tentative Annual~~ proposed Budget.

LEGISLATIVE DISTRICT

A geographical area of Albany County which is entitled to elect a County Legislator.

v. — ~~“Legislative~~ LEGISLATIVE ~~Operational~~ PERATIONAL BUDGET ~~udget”~~
~~shall mean t~~ The operational budget for the County Legislature and its staff.

w. — ~~“Local Law” shall mean a legislative act of the County Legislature adopted pursuant to the Municipal Home Rule Law, but shall not mean or include a resolution, ordinance or other similar act of the County Legislature.~~

x. — ~~“Local Finance Law” shall mean the Local Finance Law of the State of New York.~~

y. — ~~“Municipal Home Rule Law” shall mean the Municipal Home Rule of the State of New York.~~

z. — ~~“Political~~ OLITICAL ~~Party~~ ARTY ~~Committee~~ OMMITTEE” ~~shall mean a~~
Any committee of a political party, as defined under [Section 1-104](#) of the Election Law of the State of New York.

PROPOSED BUDGET

The annual proposed budget proposed for the County by the County Executive for submission to the County Legislature.

~~aa. —“Public OFFICE” shall mean a~~

Any office of federal, state or local government whether elected or appointed.

~~ab. —“Public Officers Law” shall mean the Public Officers Law of the State of New York.~~

~~ac. —“Quorum UORUM” shall mean a~~

A majority of the ~~W~~hole ~~N~~umber of the membership of the County Legislature, other group of persons or officers charged with any County public power, authority or duty to be performed or exercised by them jointly.

~~ad. —“Real Property Tax Law” shall mean the Real Property Tax Law of the State of New York.~~

~~ae. —“Secretary of State” shall mean the Secretary of State of the State of New York.~~

af. ~~“Tentative Annual Budget” shall mean the tentative annual budget proposed for the County by the County Executive for submission to the County Legislature.~~

ag. ~~“Whole Number”~~ HOLE NUMBER

~~shall mean~~ the total number of persons which the County Legislature or other group of persons would have were (i) there no vacancies and (ii) none of the persons disqualified from acting.

ARTICLE 2

LEGISLATIVE BRANCH

- Section 201. County Legislature; ~~status and title~~members.
202. ~~County Legislators; q~~Qualifications; term.
203. Terms of office. ~~Organization; officers; committees.~~
204. ~~Compensation of County Legislators, Chairperson, Clerk, deputy clerk, and other employees of the County Legislature~~Powers and duties.
205. ~~Vacancies~~ Organizational meeting; officers; committees.
206. ~~Districts~~ Monthly and special meetings; notice.
207. ~~Change in districts~~ Clerk of the County Legislature.
208. ~~Powers and duties of the County Legislature~~Counsel to the Majority and Minority; appointment; qualifications; duties; qualifications; other staff.
209. ~~Filing and publication of local laws; judicial notice~~ Compensation and expenses.
210. Confirmation of appointments.
211. Submission of enactments for executive approval; veto and veto override.
212. Administrative Code.
213. Local laws; definitions; power to adopt, amend and repeal; effect on legislative acts; procedure; referenda; effective date.
214. Filing and publication of local laws; judicial notice.
215. Resolutions; adoption, amendment and repeal.
216. Ordinances.
217. Vacancies.
218. Legislative Districts.
219. Commission on Reapportionment.

Section 201. County Legislature; ~~status and title~~members.

1. The legislative branch of the government of the County shall consist of an elective governing body, which shall be known as the Albany County Legislature. ~~Its members shall be known as County Legislators.~~

2. The County ~~Legislators~~ shall be divided into districts to be known as “Legislative Districts,” as provided in this Charter, elected from each of ~~the districts into~~ which ~~the County Legislative Districts~~ shall be ~~divided as provided in this Charter~~ elected one (1) person to be a member of the County Legislature. Such persons while holding office

shall be known as “Legislators”~~The County Legislature shall constitute the legislative, appropriating and policy determining body of the County.”~~

~~It is not the intention of this Charter to abolish, supersede, curtail or in any way affect any powers or rights heretofore conferred upon or delegated to the prior County Legislature, nor shall the provisions of this Charter be construed as superseding any provisions of any law, resolution, or enactment having the effect of law, relating to the functions, powers, duties, rights, methods or procedures of the prior County Legislature, unless a contrary intention is clearly manifested from the express provisions of this Charter.~~

Section 202. ~~County Legislators;~~Qualifications;~~term. All~~ Each County Legislators shall be a resident electors of the ~~County and have been residents continuously in the County and the Legislative~~ district ~~he or she represented~~s for at least one year prior to taking office. ~~Each County Legislator shall reside in the district from which that County Legislator seeks election~~ at the time of nomination for office; and ~~continue to be a resident of the County and of the district within the County which she represents for~~ throughout the ~~entire~~ term of ~~her~~ office; ~~subject,~~ A County Legislator shall be a resident elector of the Legislative District he or she represents if appointed to fill a vacancy and throughout the term of office. ~~h~~However, ~~to the following exception:~~ in the case of an election immediately following the reapportionment of ~~County~~ Legislative ~~districts~~, the incumbent County Legislator representing a Legislative ~~district~~ redrawn in such reapportionment shall be eligible for nomination for election in either the Legislative ~~district~~ of residence, or any newly drawn Legislative ~~district~~ ~~which is contiguous to the district of residence~~, provided that the County Legislator shall become a resident of the Legislative ~~district~~ represented

prior to taking office. Members of the County Legislature shall be nominated at the primary election in the same manner other County officers are nominated pursuant to the provisions of the Election Law of the State of New York.

~~_____ Except as provided in this Section 202, or as otherwise provided by law, the term of office for each member of the County Legislature shall begin on January 1st following the member's election.~~ The elections for County Legislators shall be conducted at the general election of ~~1995~~2015 and at general elections every fourth (4th) year thereafter.

Section 203. Terms of office.

The terms of office of the members of the County Legislature shall be for four (4) years, beginning on the first (1st) day of January following their election.

Section 204. Powers and duties. The County Legislature shall be the legislative, appropriating and policy determining body of the County and shall have and exercise all of the powers and duties of the County now or hereafter conferred or imposed on the County Legislature by applicable law and any and all powers necessarily implied or incidental thereto, together with such powers and duties as are provided for in this Charter and Administrative Code. In addition to all powers conferred by the foregoing or other provisions of this Charter and Administrative Code, the County Legislature shall have the power, among others:

A. To determine policy for the County and to adopt all necessary rules and regulations for its conduct and procedure;

B. To make appropriations, levy taxes, and incur indebtedness;

C. To equalize real property taxes consistent with standards prescribed by State law and on the basis of information supplied by the New York State Board of Real Property Tax Services and the County Real Property Tax Service Agency;

D. To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts, ordinances or resolutions, subject to the veto of the County Executive;

E. To enact and amend an Administrative Code pursuant to the provisions of this Article;

F. To establish, subject to the Constitution and general laws of the State of New York, a schedule of compensation for officers and employees paid from County funds. This schedule of compensation may establish a minimum and maximum for any class of employees, and an increase in compensation, within the limits provided for by any class of employees, as may be granted at any time by the County Executive or other appointing authority;

G. To fix the amount of bonds of officers and employees paid from County funds;

H. To legalize and validate any act had and taken in connection with a lawful municipal purpose by the governing board or other local body, officer or agency of a municipality wholly within the County, in the manner provided by Section 227 of the County Law of the State of New York;

I. To exercise legislative oversight of County programs and administrative units;

J. To adopt a budget in the manner set forth in this Charter;

K. To confirm administrative unit heads appointed by the County Executive and other County employees when expressly authorized by this Charter;

L. By local law to create, alter, combine or abolish administrative units not established by this Charter or headed by elective officials;

M. To approve funding for contracts for the purchase and sale of real property, contracts for intergovernmental services and collective bargaining agreements, and those contracts subject to and in accordance with Article 7 of this Charter;

N. To determine and make provision for any matter of County government not otherwise provided for;

O. To prepare a legislative operational budget;

P. To designate on an annual basis, official newspapers for the publication of all enactments, notices and other matters required by law to be published;

Q. To adopt by resolution all necessary rules and regulations for its own conduct and procedure; and

R. To adopt by resolution the Capital Program pursuant to Section 609 of this Charter.

Section 2035. Organizational meeting; officers; committees. ~~(a)~~

A. ~~The County Legislature shall meet~~ The organizational meeting of the County Legislature shall be conducted on or before the eighth (8th) day of January ~~8th~~ following its election, and in each even numbered year thereafter, ~~for the purpose of organization and for the transaction of such other business as may come before it~~ at the time and place designated in a written notice to be given each Legislator by the Clerk of the County Legislature not later than five (5) days prior to such meeting. In the event of a vacancy in the office of the

Clerk, or his or her inability or failure to act in accordance with the provisions of this Section, notice shall be given by the County Clerk.

B. At this organizational meeting, the members of the County Legislature shall elect from among its members a Chairperson and such other officials as are required. The Clerk of the County Legislature shall preside at all of its meetings until such time as a Chairperson has been elected. Within twenty (20) days of the Chairperson's election, he or she shall appoint members of the County Legislature to serve on such committees as are provided by the rules of the County Legislature. The rules of the County Legislature shall indicate the proportionate make-up of majority and minority members of committees. The failure to elect a Chairperson or appoint committee members shall not prevent the County Legislature from transacting its ordinary business.

~~After such organizational meeting, the County Legislature shall hold monthly meetings on the days designated in the rules of the County Legislature, and at such other times as it may fix by resolution, duly adopted by a vote of a majority of the Whole Number of the County Legislature, or as authorized by its rules.~~

~~(b) At the organizational meeting of the County Legislature a permanent Chairperson shall be elected. The Chairperson shall serve until the next organizational meeting of that County Legislature. In case of her death, removal, resignation or retirement from the County Legislature, a successor Chairperson shall be elected for the unexpired term. In the event of a failure to elect a permanent chairperson on any day provided in this Charter, the County Legislature shall adjourn from day to day, Sundays and holidays excepted, until a Chairperson is elected.~~

~~(c) — The Chairperson shall have and may cast the vote to which she is entitled as a member of the County Legislature.~~

~~(d) — At the organizational meeting of the County Legislature in January 1996, and at each organizational meeting thereafter, the County Legislature shall appoint a Clerk, a deputy clerk, and such majority and minority counsels as it may deem appropriate, together with such other employees as it may deem necessary. Such officers and employees of the County Legislature shall serve until the next organizational meeting of the County Legislature. Any majority and minority counsels which may be appointed shall be appointed in the manner provided for in the rules of the County Legislature. The deputy clerk shall perform the duties of the Clerk in the Clerk's absence and such other duties in connection with that office as directed by the County Legislature or Clerk. The Clerk and deputy clerk shall each give a bond in amount, and with such sureties as the County Legislature shall require.~~

~~(e) — The County Legislature shall have power to enact local laws, resolutions or rules fixing the dates and time of its sessions, which shall govern the conduct of the members at such sessions and the manner of transacting business, prescribe penalties for the failure of members to attend stated or adjourned meetings and the manner of enforcing or collecting such penalties, and fix the time when and the form in which reports shall be made to the County Legislature by any officer of the County.~~

~~(f) — The standing committees prescribed by the rules of the County Legislature, or by any local law adopted by the County Legislature, or which may hereafter be adopted by the County Legislature, shall be appointed by the Chairperson within twenty days of the Chairperson's election. Such appointments shall be in writing and filed with the Clerk of the~~

~~County Legislature, who shall give notice of such appointments to the members of the County Legislature. The committee members shall continue in office until successors have been appointed, but no member of the County Legislature whose term shall have expired, or who shall have resigned or been removed from office, shall continue to serve on any committee after she has ceased being a member of the County Legislature.~~

~~(g) — The rules of the County Legislature shall indicate the proportionate make-up of majority and minority members of committees.~~

C. In the event of vacancy in the office of Chairperson, the County Legislature shall fill that office in the manner provided by its rules. Should the County Legislature fail to select a Chairperson within thirty (30) days after that office shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as Chairperson for the balance of the calendar year.

Section 206. Monthly and special meetings; notice. The County Legislature shall fix by rule the time and place of its regular meetings, which shall be conducted at least once each calendar month. No prior notice of such meetings shall be required. Special meetings may be conducted at such times and places and upon such conditions and notice to all members as the County Legislature by rule may provide.

Section 207. Clerk of the County Legislature. On the first day of the year following the election of a County Legislature, or as soon thereafter as practicable, the County Legislature shall appoint a Clerk who shall serve at the pleasure of the County Legislature and until his or her successor is appointed and qualified, and, from time to time, the Clerk

shall appoint at least one (1) deputy and such additional personnel as are required, within budgetary limitations.

Section 208. Counsel to the Legislature and Minority Counsel; appointment; qualifications; duties; qualifications; other staff.

A. There shall be a Counsel to the Majority and a Counsel to the Minority, each of whom shall be appointed in accordance with the rules of the County Legislature. At the time of their appointments, and throughout their terms of office, the Majority Counsel and the Minority Counsel shall be duly admitted to practice law in the State of New York. The persons appointed to such positions shall serve at the pleasure of their respective appointing authorities. They shall be appointed on the basis of their legal experience and other qualifications for the responsibilities of their respective offices.

B. The Majority Counsel shall prepare local laws, resolutions, legalizing acts, ordinances or other legislation or memoranda and opinions regarding these and perform other duties as required and assigned by the Chairperson of the County Legislature.

C. The Minority Counsel shall generally provide legal advice and assistance to the members of the County Legislature belonging to the political party holding the second largest number of seats in the County Legislature. The Minority Counsel shall perform other duties as required and assigned by the Minority Leader of the County Legislature.

D. The rules of the County Legislature shall provide for the method and procedure of the appointment and retention of other staff and employees of the County Legislature within the limits of appropriation. Funding for staff and employees appointed by the respective appointing authorities of the party in the majority and minority, as provided in the rules of the County Legislature, shall be included in the County Legislature's operating

budget in amounts to be allocated proportionately based upon the number of seats held, respectively, by the caucuses of the Chairperson and the Minority Leader.

Section 20409. ~~Compensation of County Legislators, Chairperson, Clerk, deputy clerk, and other employees of the County Legislature~~ and expenses.

A. The County Legislature shall have the power to fix the compensation of its members and the Chairperson, which compensation shall be a stated annual salary to be paid in equal monthly installments by the ~~County director of finance (the "Director of Finance"). The County Legislature may, however, fix the initial compensation of the County Legislature prior to the next election of such County Legislature~~ Commissioner of the County Department of Management and Budget. The compensation of the members and the Chairperson shall not be increased nor decreased during their term of office.

B. Expenses actually incurred by any County Legislator in the performance of his or her duties under the authority or direction of the County Legislature, ~~outside the limits of the County,~~ may be paid in the manner as other County charges, but no claims for expenses shall be audited or allowed which are not fully itemized and verified by affidavit of the claimant in the manner prescribed by law.

C. The Clerk, ~~d~~Deputy ~~e~~Clerk, and any ~~majority and minority~~ counsels and other employees of the County Legislature shall each receive a stated annual salary, which shall be fixed by the County Legislature and paid in the same manner as other County salaries are paid.

D. The County Legislature shall have sole responsibility for the organization, appointment and removal of its staff, subject to the provisions of this Charter. The County

Legislature shall also have responsibility for the compensation to be paid for such legislative staff positions within the appropriations approved by the County Executive for such staff.

~~Section 205. Vacancies. A vacancy in the County Legislature shall be filled by appointment by a majority of the remaining members of the County Legislature within forty days of the vacancy. The appointee shall serve until the January 1st following the next general election, at which election such vacancy shall be filled for the unexpired term. Any successor so appointed or elected shall possess all the qualifications required of members of the County Legislature as set forth in this Charter.~~

~~Any vacancy in any committee of the County Legislature shall be filled by appointment by the Chairperson.~~

~~Section 206. Districts. For the purpose of electing County Legislators, the County shall be divided into thirty-nine districts. One County Legislator shall be elected to the County Legislature of the County from each of the districts. The thirty-nine districts within the County shall be as described in apportionment plans duly adopted by the County Legislature.~~

~~Section 207. Change in districts. The County Legislature shall appoint a reapportionment commission of seven persons to evaluate the existing County Legislative districts for equity and representation in relation to population: (a) within six months after the publication of census tracts and block statistics based upon each federal census taken in the County; or (b) within six months after the publication of census tracts and block~~

~~statistics based upon any federal or special population census, taken pursuant to Section 20 of the General Municipal Law, and held not more than once every five years; or (e) after any annexation which has the effect of increasing or decreasing the population of any County Legislative district by more than ten percent. The reapportionment commission shall include representation of the two principal political parties, and residents of the County in such proportion so as to reasonably reflect the demographic composition of the County.~~

~~The reapportionment commission shall review the population data and within threemonths after appointment shall make recommendations, if necessary, in the form of a proposed local law as to changes in the boundaries of County Legislative districts. In its deliberations to redesign County Legislative districts, the reapportionment commission shall consider the application of the “one person, one vote” concept and the equal protection clauses of the fourteenth amendment of the United States Constitution and Article 1, Sections I and II, of the New York State Constitution.~~

~~Section 208. Powers and duties of County Legislature. The County Legislature shall have and exercise all of the powers and duties conferred upon the County Legislature as set forth in this Charter and now or hereafter generally conferred by applicable law, as well as all powers necessarily incidental thereto, and shall, for the purposes of general laws conferring powers upon boards of supervisors, be deemed a board of supervisors, and be the policy-making body of the County.~~

~~The County Legislature shall also have, but not by way of limitation, the following powers and duties:~~

- ~~(a) — determining policy for the County and to adopt all necessary rules and regulations for its conduct and procedure;~~
- ~~(b) — making appropriations, levy taxes, and incur indebtedness;~~
- ~~(c) — equalizing real property taxes consistent with standards prescribed by State law and on the basis of information supplied by the New York State Board of Equalization and Assessment and the County Real Property Tax Service Agency;~~
- ~~(d) — exercising all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts, ordinances or resolutions, subject to the veto of the County Executive as set forth in Section 309 of this Charter;~~
- ~~(e) — adopting, amending or repealing by local law an Administrative Code, subject to the veto of the County Executive as set forth in Section 309 of this Charter, which shall set forth the details of administration of the County government, consistent with the provisions of this Charter. The Administrative Code may contain revisions and restatements of special laws, local laws, resolutions, rules and regulations as are consistent with this Charter;~~
- ~~(f) — establishing a schedule of compensation for officers and employees paid from County funds. This schedule of compensation may establish a minimum and maximum for any class of employees, and an increase in compensation, within the limits provided for by any class of employees, as may be granted at any time by the County Executive or other appointing authority;~~
- ~~(g) — fixing the amount of bonds of officers and employees paid from County funds;~~
- ~~(h) — legalizing and validating any act had and taken in connection with a lawful municipal purpose by the governing board or other local body, officer or agency of a~~

~~municipality wholly within the County, in the manner provided by Section 227 of the County Law;~~

~~(i) exercising legislative oversight of County programs and Administrative Units;~~

~~(j) adopting a budget in the manner set forth in the Charter;~~

~~(k) confirming, pursuant to Section 302 of this Charter, Administrative Unit Heads appointed by the County Executive;~~

~~(l) creating, altering, combining or abolishing Administrative Units within County government, provided that such Administrative Units are not headed by elected officials;~~

~~(m) approving contracts for the purchase and sale of real property, contracts for intergovernmental services and collective bargaining agreements, and those contracts subject to and in accordance with Article 13 of this Charter;~~

~~(n) determining and making provision for any matter of County government not otherwise provided for;~~

~~(o) preparing a Legislative Operational Budget; and~~

~~(p) designating on an annual basis, official newspapers for the publication of all enactments, notices and other matters required by law to be published.~~

Section 210. Confirmation of appointments. A proposed appointment to County office by the County Executive that requires confirmation by the County Legislature under provisions of this Charter shall be presented by the County Executive to the Clerk of the County Legislature in writing in sufficient time to allow the Clerk to inform the full County Legislature of the proposed appointment at least (2) two weeks prior to the County Legislature's next scheduled meeting. If the County Legislature fails to confirm such

proposed appointment within sixty (60) days after filing with the Clerk, the appointment shall be deemed confirmed. When an appointment is rejected by the County Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive without the approval of the County Legislature.

Section 211. Submission of enactments for executive approval; veto and veto override.

A. Except as otherwise provided in this Charter, the County Executive shall have power, within ten (10) days after its presentation to him or her by the Clerk, to veto any legislation passed by the County Legislature, except local laws and any such legislation which relates to the internal organization and operation of the County Legislature, and appointments made by the Legislature. A copy of such legislation shall immediately after its passage be separately certified by the Clerk and filed by the Clerk with the County Executive within five (5) days after its passage.

B. If the County Executive approves it, he or she shall sign it and return it to the Clerk, and the legislation shall thereupon take effect. If the County Executive vetoes it, he or she shall return it to the Clerk with his or her objections stated, in writing, and the Clerk shall present the same with such objections to the County Legislature at its next regular or special meeting called for that purpose, and such objections shall be entered upon its record, journal or minutes of the proceeding.

C. Except as otherwise provided in this Charter, the County Legislature, within forty-five (45) days after its return to the Clerk, may, by a three-fifths (3/5) vote of the whole number of its members, override such veto. Only one (1) vote shall be had to override such

veto, which shall be taken by roll call and entered upon its record, journal or minutes of the proceeding. Wherever, as provided for in this Charter, a three-fifths (3/5) or a two-thirds (2/3) vote of the whole number of the County Legislature's members is required to override a certain action taken by the County Executive, if a fraction exists in the computation of such three-fifths (3/5) or two-thirds (2/3) vote, then it will be required to round up to the next highest number for determination of such three-fifths (3/5) or two-thirds (2/3) vote, whichever the case shall be.

D. If any of such legislation shall not be returned by the County Executive within ten (10) days after it shall have been presented to him or her, or if it shall be returned within such period without the County Executive's approval or veto, it shall be deemed to be adopted with like effect as if he or she had approved and signed it.

E. The procedures to be followed and the powers of the County Executive and County Legislature relative to the passage and veto of local laws shall be governed by and in accordance with Article 3 of the Municipal Home Rule Law of the State of New York.

Section 212. Administrative Code.

The County Legislature shall enact and amend an administrative code organizing the administration of County government, and setting forth the details thereof, consistent with the provisions of this Charter. The administrative code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this Charter or amendments thereto. It shall be the responsibility of the County Executive to compile, publish, and

disseminate the administrative code, and recommend revisions thereto, in a continuing program to provide greater efficiency and economy in the operation of government.

Section 213. Local laws; definitions; power to adopt, amend and repeal; effect on legislative acts; procedure; referenda; effective date.

A. A local law is a law adopted pursuant to this Charter within the power granted by the New York State Constitution, act of the Legislature or provision of this Charter and shall not include a resolution, ordinance or legalizing act.

B. The County Legislature may adopt, amend or repeal local laws by a majority vote of the whole number of its members. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the exercise of such power, and within the limitations provided by Article 4 of the Municipal Home Rule Law of the State of New York, the County may change, supersede or amend any act of the State Legislature.

C. Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of local laws, including the conduct of mandatory or permissive referenda in connection therewith, shall be as provided in the Administrative Code or other applicable law.

D. Every local law shall become effective when filed in the office of the Secretary of State of the State of New York, or on such later date as may be provided in the local law.

Section 214. Filing and publication of local laws; judicial notice. The filing and publication of local laws shall be as provided by Section 27 of the Municipal Home Rule

Law of the State of New York, and the court shall take judicial notice of all local laws and of rules and regulations adopted pursuant thereto. Within five (5) days after the taking of effect of a local law, the Clerk shall file a certified copy thereof in the office of the County Clerk, and three (3) copies in the office of the Secretary of State. Such certified copy shall contain the text only of the local law without the brackets and the matter within the brackets, or the italicizing or underscoring, if any, to indicate the changes made by it. At the same time the Clerk shall cause to be published at least once as a County charge in the designated official newspaper a notice that such local law was adopted, a brief description of such local law and that the full text of such local law may be examined during regular business hours in the office of the Clerk of the County Legislature, provided that failure to do so shall not affect the validity of such local law.

Section 215. Resolutions; adoption, amendment and repeal.

A. The County Legislature may adopt, amend and repeal resolutions by a majority vote of the whole number of its members. Each resolution shall embrace only one (1) subject and may relate to property or any other subject of County concern not required by this Charter or applicable law to be provided by local law. Resolutions shall not be subject to referenda.

B. Except as otherwise provided in the Charter, all procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Administrative Code or applicable law.

Section 216. Ordinances. Ordinances may be adopted by the County Legislature, and the procedure shall be the same as herein provided for the adoption of local laws, except that an ordinance shall not be subject to referendum, mandatory or permissive, except also for any filing requirements. An ordinance may provide for any subject matter of County concern not required to be provided by local law, legalizing act or resolution of the County Legislature. Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment of violations by civil penalty or by fine or imprisonment or by two (2) or more such penalties or punishments. Ordinances and their application, including particular subjects and form, may be further provided in the Administrative Code.

~~Section 209. Filing and publication of local laws; judicial notice. The filing and publication of local laws shall be as provided in Section 27 of the Municipal Home Rule Law, and the courts shall take judicial notice all local laws adopted in such manner.~~

Section 217. Vacancies. A vacancy in the County Legislature other than by expiration of a term shall be filled by a majority vote of the whole number of members thereof, within forty (40) days of the vacancy, who shall appoint a qualified person to fill the vacancy having the same political party affiliation as the person last elected to that office. The person so appointed shall serve until the first (1st) day of January following the next general election, at which election such vacancy shall be filled for the unexpired term. Any successor so appointed or elected shall possess all the qualifications required of members of the County Legislature as set forth in this Charter.

Section 218. Legislative Districts. Effective January 1, 2024, the number of legislative districts in Albany County shall be decreased from thirty-nine (39) to twenty-five (25). Upon release of the next decennial federal census, the County Legislature shall redraw legislative boundaries to provide for twenty-five (25) legislative districts and amend the Administrative Code to define the redrawn legislative districts. This amendment, which defines the redrawn legislative districts, shall be subject to a referendum on petition in the manner provided by Section 24 of the Municipal Home Rule Law of the State of New York. County Legislators who will represent the electors of the re-drawn legislative districts shall be elected at the general election to be held in 2023 to take office on January 1, 2024.

Section 219. Commission on Reapportionment.

A. Upon publication of the results of the federal decennial census for Albany County, a Commission on Reapportionment shall be established to make recommendations to the County Legislature on whether and how the County Legislature should be reapportioned.

B. The Commission shall consist of seven (7) members who are County residents, are eligible to register to vote and are not public officers or employees. The Commission's members shall include representatives of the two (2) principal political parties and reasonably reflect the demographic composition of the County.

C. To establish a pool from which members will be appointed, no later than three (3) months prior to the anticipated first meeting of the Commission, the County Executive shall widely solicit interest in serving on the Commission through such means as direct mail and e-mail contact with civic groups, public service announcements on radio and television

and in daily and weekly newspapers, paid advertisement and announcement on the County website.

D. Initial appointments to the Commission from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than sixty (60) days after the census data becomes available, with two (2) members appointed by the Chairperson of the County Legislature and two members by the Minority Leader of the County Legislature.

E. These four (4) appointed Commissioners shall select the additional three (3) Commission members from the pool previously established no later than seventy (70) days after the census data becomes available. In the event that the additional three (3) Commission members are not appointed by the prescribed deadline, the appointment of the initial four (4) members will no longer have force and effect and these members will no longer be eligible to serve on the Commission. The Chairperson and Minority Leader of the County Legislature will make alternative appointments in the manner prescribed in this Section, and the four (4) newly appointed Commissioners will select three (3) additional Commissioners so as to allow the Commission to convene no later than six (6) months after the census data becomes available. If, for any reason, the alternate Commissioners fail to timely select one or more of the additional members as herein required, the County Executive shall make such number of selections from such pool as shall be necessary to fully constitute the Commission.

F. The Commission shall be guided by the goal of equal and fair representation of all people in Albany County, consistent with established state and federal law as interpreted by courts of appropriate jurisdiction. Factors to consider are:

1. minimization of population variance among districts;
2. compactness of districts;
3. practicable consistency with existing municipal boundaries and neighborhoods within Albany County; and
4. balance and reasonableness for the diversity of citizens residing in all parts of the County.

G. The Commission will reapportion in accordance with a process that allows timely input from the County Legislature and its members and the maximum of public participation and comment, and in accord with a calendar it adopts for itself after consideration of the Election Law of the State of New York.

H. The Commission shall submit its final report to the County Legislature within eight (8) months after the census data become available. At any time prior to the expiration of this term, the County Legislature may extend such term once, for a period not to exceed thirty (30) days.

ARTICLE 3

EXECUTIVE BRANCH

- Section 301. County Executive; election; term; qualifications; compensation.
302. Powers and duties.
303. Appointment of department heads, officers and employees.
~~304. Vacancy Deputy County Executive.~~
~~3045. Removal of County Executive. Acting County Executive; how designated; when to act.~~
~~3056. Deputy County Executive Removal of County Executive.~~
~~3067. Acting County Executive Vacancy in the office of County Executive.~~
~~307. [REPEALED]~~
~~308. Appointment of Officers and Employees.~~
~~309. Veto Power.~~

Section 301. County Executive; election; term; qualifications; compensation. There shall be a County Executive elected from the County at large. The County Executive's term of office shall be four (4) years, beginning ~~who shall be an elector of the County, have been residing continuously in the County for at least one year preceding her election, and be elected from the County at large.~~ Her term of office shall be four years and begin on the first day (1st) of January ~~1st~~ following his or her election. ~~The election for County Executive shall be conducted at the general election of 1995, and at general elections every fourth year thereafter.~~ The County Executive shall have been a resident of the County continuously for at least one (1) year preceding his or ~~At the time of~~ her election, and throughout his or her term of office, ~~she shall~~ be a qualified elector of the County. ~~and~~ The County Executive may not hold ~~no any~~ other public ~~office.~~ ~~Commencing January 1, 1995, she shall not hold~~ or the position of chair, vice-chair, secretary, ~~or~~ treasurer or other comparable office of a County Political Party Committee. The County Executive shall receive such compensation

for his or her duties as fixed by the County Legislature. The compensation of the County Executive shall not be increased nor decreased during his or her term of office.

Section 302. Powers and duties. The County Executive shall be the chief executive and elective officer of the County government. Except as may be otherwise provided in this Charter, the County Executive shall have and exercise all the executive powers and duties now or hereafter conferred or imposed upon him or her by this Charter and any applicable law upon a County executive officer or the executive branch of County government, including, but not necessarily limited to, the following:

~~A. be the chief executive and elective officer of the County government and supervise the day-to-day administration of all Administrative Units, subject to the provisions of this Charter. In addition to any other powers and duties provided by this Charter or imposed by law, the County Executive shall have the following powers and duties:~~

~~(a) supervising the structure and organization of each Department and any other Administrative Units under her control;~~

Subject to confirmation by the County Legislature, where so provided in this Charter, appointing department heads or other administrative unit heads; however, should the County Executive fail to make such appointment in writing, signed and filed in the offices of the Clerk of the County Legislature and the County Clerk within a period of ninety (90) days from a vacancy in such department or administrative unit, as the case may be, the County Legislature may appoint such department head or administrative unit head. In no event,

unless a default occurs in the confirmation process by the County Legislature, shall any person appointed by the County Executive enter upon his or her office unless confirmation by the County Legislature shall have been filed by the Clerk of the County Legislature in the offices of both the Clerk of the County Legislature and the County Clerk;

B. Supervising, directing and controlling the administration of all departments;

C. Supervising and directing the internal structure and organization of every administrative unit of the executive branch of County government not administered by another elective official;

D. Reporting to the County Legislature on the activities of all administrative units by the fifteenth (15th) day of March each year;

E. Approving or vetoing any local law, legalizing act, ordinance or resolution, all as provided for in Article 2 of this Charter;

F. Appointing, without confirmation by the County Legislature, such assistants, officers, and employees of the County Executive's office, within the limits provided by appropriation;~~(b) reporting to the County Legislature on the activities of all Administrative Units by March 15th of each year;~~

~~(c) appointing, subject to confirmation by the County Legislature, the Administrative Heads of all Departments and such other Administrative Units as set forth in this Charter which are subject to such confirmation, and filling any vacancy in the position of head of any such Administrative Unit not administered by an elected official;~~

~~(i) — should the County Executive fail to make such appointment in writing, signed and filed in the offices of the Clerk and the County Clerk within a period of 30 days from a vacancy in such Department or Administrative Unit, as the case may be, the County Legislature may appoint such Department Head or Administrative Unit Head. In no event, unless a default occurs in the confirmation process by the County Legislature, shall any person appointed by the County Executive enter upon her office unless confirmation by the County Legislature shall have been filed by the Clerk in the offices of both the County Clerk and the Clerk.~~

~~(ii) — In any event, the County Legislature must either confirm, or refuse to confirm, any such appointment by the County Executive within forty five days of the filing with the Clerk of the writing making such appointment.~~

~~(iii) — In the event the County Legislature refuses to confirm any such appointment, the County Executive shall make a new appointment for such position, which shall be subject to confirmation pursuant to the procedure set forth herein.~~

~~(iv) — Any individual appointed, or subject to appointment by the County Executive and confirmed by the County Legislature shall serve at the pleasure of the County Executive, and no such appointee shall hold office beyond the~~

~~term of the County Executive by whom the appointment was made, except as otherwise provided by State Law or the provisions of this Charter.~~

~~(d)~~G. ~~s~~Serving as the chief budgetary officer of the County, and as such, preparing and submitting to the County Legislature the ~~Tentative Annual~~proposed Budget, ~~C~~capital Program, and accompanying message, all as provided for in Article 6 of this Charter;

~~(e)~~H. ~~e~~Executing contracts and agreements for the County, subject to the provisions of Article ~~13~~7 of this Charter, and approving and executing those contracts as authorized in this Charter;

I. Responsibility for promoting economic development in the County;

~~(f)~~J. ~~e~~Exercising all executive and administrative powers in relation to any and all functions of County government not otherwise specified in this Charter; ~~and~~

K. Making such recommendations to the County Legislature regarding the affairs of the County and its government as he or she may deem appropriate; and

~~(g)~~L. ~~p~~Possessing all necessary incidental powers to perform and exercise any of the duties and functions specified above or lawfully delegated to ~~her~~the County Executive.

Section 303. Appointment of department heads, officers and employees.

A. Except as otherwise provided in this Charter, the County Executive shall appoint, to serve at his or her pleasure during his or her term of service, or for such term as may be specified in this Charter, the head of every department not administered by another elective official.

B. The appointment by the County Executive of every department head shall be subject to confirmation by the County Legislature, taken at a regular or special meeting, as shall the appointment of any other administrative unit head when the Charter makes it subject to confirmation by the County Legislature.

C. The County Executive shall have sole responsibility for the organization, appointment and removal of his or her staff. The County Executive shall also have responsibility for the compensation to be paid for such positions, within appropriations made therefor.

D. All other officers and employees of each department or other administrative unit shall be appointed by the head thereof, unless otherwise provided by this Charter.

E. All appointments, whether or not subject to confirmation by the County Legislature, shall be in writing, signed by the County Executive, and filed in the office of the Clerk of the County Legislature within ten (10) days after the date of appointment. Except as otherwise provided in this Charter, no such appointee shall hold office beyond the term of the County Executive by whom the appointment was made. Unless removed, an appointee shall continue to serve until his or her successor is appointed and has qualified or until an interim appointment is made.

F. The County Executive may designate a qualified person to serve temporarily or on an interim basis for no longer than ninety (90) days as an acting department head or administrative unit head subject to confirmation, when and if such office is vacant.

G. The County Executive may appoint one person as head of two (2) or more departments or other administrative units or may serve himself or herself as the head of one or more administrative units or departments, subject to all requirements in this Charter and applicable as to qualifications.

Section 304. Deputy County Executive. The County Executive may appoint a Deputy County Executive, to serve at his or her pleasure. The Deputy County Executive shall act for and in place of the County Executive, except that a Deputy County Executive may not exercise the power of appointment, discharge or veto.

~~Section 303. Vacancy. A vacancy, other than one occurring by expiration of a term in the office of County Executive, shall be filled by appointment of a qualified elector of the County by the County Legislature within 45 days from the time the vacancy occurs. The appointee shall hold office by virtue of her appointment until the January 1st following the next general election, at which election a County Executive shall be elected for the balance of the unexpired term, if any. Any successor who shall be so appointed or elected shall possess all of the qualifications required for the office of County Executive as set forth in this Charter.~~

Section 305. Acting County Executive; how designated; when to act.

A. The County Executive shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Executive to perform administrative duties of the County Executive in the event the County Executive is temporarily unable to perform the powers and duties of the office, as established either (1) by the County Executive certifying in writing and filing with the County Clerk a statement that he or she is unable to perform or exercise such powers and duties; or (2), in the event that, upon advice sought by a majority of the whole number of members elected to the County Legislature by formal action not subject to veto by the County Executive, his or her inability to serve is certified by qualified and competent medical authority designated by, and subject to judicial review of, a Justice of the New York State Supreme Court.

B. Only a Deputy County Executive and persons incumbent in County government in positions subject to confirmation by the County Legislature may be designated to any list of succession for possible service as Acting County Executive.

C. If the Office of County Executive becomes vacant in the manner provided in Section 30 of the Public Officers Law of the State of New York, the person designated as Acting County Executive shall serve in such position no longer than the earliest date at which the vacancy in the office of County Executive is filled as provided for in this Article.

D. At any time during the remainder of the term for which he or she was elected, a person elected as County Executive may file a retraction in writing with the County Clerk of his or her earlier statement of inability to perform or exercise the duties of the office and immediately resume service in that office.

E. At any time during the remainder of the term for which a County Executive was elected after he or she was found unable to perform or exercise the duties of office by

competent medical authority, but prior to the time a vacancy in the office would otherwise occur in the manner provided in Section 30 of the Public Officers Law of the State of New York, that authority may file a retraction in writing with the County Clerk, and thereafter the County Executive may immediately resume service in that office.

F. The designation of an order of succession for the position of Acting County Executive shall be filled with the County Clerk and the Clerk of the County Legislature and may be revised at any time by the County Executive filing a new written designation of order of succession. In the absence of such written designation of order of succession, and in the event of the County Executive's inability to perform and exercise the powers and duties of his or her office, the County Legislature shall appoint a person then serving in a position subject to its confirmation as Acting County Executive.

G. The Acting County Executive shall have and exercise all of the powers of the County Executive.

Section 304~~6~~. Removal of County Executive. The County Executive may be removed in the manner provided in the Public Officers Law of the State of New York for the removal of other ~~C~~county officers.

~~Section 305. Deputy County Executive. The County Executive may appoint a Deputy County Executive, to serve at her pleasure. The Deputy County Executive shall act for and in place of the County Executive, except that a Deputy County Executive may not exercise the power of appointment, discharge or veto.~~

~~Section 306. Acting County Executive. The Chairperson shall be the acting County Executive and perform the duties of the County Executive when the County Executive is unable to perform for reasons other than absence from the County, temporary disability, or when a vacancy occurs in the office of the County Executive. The acting County Executive shall serve until the vacancy is filled pursuant to this Charter.~~

Section 307. ~~[REPEALED]~~Vacancy in the office of County Executive. In the event of a vacancy in the office of County Executive as described in Section 30 of the Public Officers Law of the State of New York, such office shall be filled by appointment of a qualified elector of the County by vote of a majority of the whole number of members of the County Legislature. The appointment shall be made within thirty (30) days after the vacancy occurs. If the appointment is not made within said thirty (30) days, a special election shall be conducted to fill the vacancy within ninety (90) days after the vacancy; provided, however, that if there shall be a general election within one hundred twenty (120) days after said vacancy occurs, the vacancy shall be filled at the general election. The person appointed shall hold office by virtue of such appointment until the commencement of the calendar year next succeeding the first annual election after the happening of the vacancy at which a successor can be elected, at which election a County Executive shall be elected for the balance of the unexpired term, if any. The Acting County Executive designated in the manner prescribed in this Article shall serve during any vacancy in the office of County Executive until such vacancy is filled.

~~Section 308. Appointment of officers and employees.~~

~~(a) — The County Executive shall appoint such officers and employees within the Executive branch as may be necessary for the performance of her duties. Any appointment by the County Executive shall be in writing and filed in both the office of the Clerk and the County Clerk within ten days after the date of such appointment. Except as otherwise provided in the Civil Service Law, no such appointee shall hold office beyond the term of the County Executive by whom the appointment was made, except as otherwise provided by this Charter and except that, unless removed, shall continue to serve until a successor is appointed and has qualified or until an interim appointment is made.~~

~~(b) — The County Executive shall have sole responsibility for the organization, appointment and removal of her staff. The County Executive shall also have responsibility for the compensation to be paid for such positions, within the appropriations approved by the County Legislature for such staff.~~

~~(c) — Except where inconsistent with this Charter, the officers and employees of each department shall be appointed by the head thereof and within appropriations made therefor.~~

~~(e) — Within appropriations made therefore, the Administrative Head of each Department and Administrative Unit may appoint a deputy who shall be authorized to act for and in place of such Administrative Head in the performance of his/her powers and duties.~~

~~Section 309. Veto Power.~~

~~(a) — Except as specifically provided in Article 6 of this Charter, the County Executive shall have the power to veto any local law, ordinance or resolution passed by the County Legislature, other than local laws, ordinances or resolutions which relate solely to the rules and regulations of the County Legislature, and other matters pertaining solely to the conduct, procedures and internal organization and operation of the County Legislature, including, but not limited to:~~

~~(i) — the creation, operation, funding and abolition of standing and special committees of the County Legislature, standing boards and commissions created pursuant to this Charter and temporary studies, commissions, committees, task forces or other such groups created by the County Legislature;~~

~~(ii) — the appointments to boards, commissions or other such bodies by the Chairperson or the County Legislature, where the legislation creating such bodies authorizes the appointment of members to such bodies by the Chairperson or the County Legislature;~~

~~(iii) — the day to day operations of the County Legislature;~~

~~(iv) — the organization of the County Legislative staff, including the creation and abolition of positions for such staff and the compensation to be paid for such positions; and the appointment and removal of such County Legislative staff, and~~

~~(v) — the adoption, amendment or repeal of rules of the County Legislature.~~

~~(b) (i) In the case of ordinances and resolutions, the County Executive shall have such veto power within 10 days (or in the case of a local law, 30 days) following receipt of a certified copy from the Clerk. A copy of such local law, ordinance or resolution shall, immediately after its passage, be separately certified by the Clerk and presented by the Clerk to the County Executive within two business days of passage. (ii) If the County Executive approves such local law, ordinance or resolution, the County Executive shall sign it and return it to the Clerk, and it shall be deemed to have been adopted. (iii) If the County Executive vetoes such local law, ordinance or resolution, it shall be returned to the Clerk with the objections stated, and the Clerk shall present such local law, ordinance or resolution, with such objections to the Chairperson within five days after receiving it from the County Executive for presentation at the County Legislature's next regular meeting, and such objections shall be entered in the County Legislature's journal. (iv) The County Legislature, within forty-five days after the return of such objection to the Clerk, may, by a three-fifths vote of its Whole Number, override such veto. Only one vote shall be had to override such veto, which shall be taken by roll call and entered in the County Legislature's journal.~~

~~(c) — If, within ten days (or in the case of a local law, thirty days,) after its passage, the County Executive shall not return any such local law, ordinance or resolution, either approved or vetoed, to the Clerk, it shall be deemed to have been adopted with such effect as if it had been approved and signed by the County Executive.~~

ARTICLE 4

DEPARTMENT OF AUDIT AND CONTROL

- Section 401. Department of Audit and Control established; County Comptroller.
- 402. Election; term; qualifications; compensation.
- 403. Powers and duties.
- 404. Deputy and Assistant County Comptrollers and Staff.
- ~~404. Vacaney.~~
- 405. Acting County Comptroller.

Section 401. Department of Audit and Control established; County Comptroller.
There shall be a Department of Audit and Control, ~~the~~ headed of which shall be by the County Comptroller ~~(the "Comptroller")~~.

Section 402. Election; term; qualifications; compensation. The County Comptroller shall be ~~aelected from the County at large. The County Comptroller's term of office shall be~~ four (4) years, beginning on the first (1st) day of January following his or her election. The County Comptroller shall ~~qualified elector of the County, and~~ have been a resident ~~continuously in~~ of the County continuously for at least one (1) year preceding his or her election, and, throughout his or her term of office, be a qualified elector of ~~be elected from the County at large. The term of office of the Comptroller shall be four years, and shall begin on January 1st next following her election. The election for Comptroller shall be conducted at the general election of 1995, and at general elections every fourth year thereafter. The County Comptroller~~ She shall may not hold ~~neany~~ other Public ~~Office~~ Commencing January 1995, she shall not hold or the positions of chair, vice-chair, secretary, treasurer or comparable office of a County political party committee. The compensation of the County

Comptroller shall ~~be fixed by the County Legislature and~~ not be increased nor decreased during his or her term of office.

Section 403. Powers and duties. The County Comptroller shall:

~~(a) except as otherwise expressly provided in this Charter, have all the powers and perform all the duties conferred or imposed upon a Comptroller under the County Law;~~

~~(b) A. B~~be the chief fiscal and auditing officer of the County;

B. Be the chief administrative officer of the Department of Audit and Control;

~~(c) C. k~~Keep records of appropriations, funds and expenditures, and prescribe approved methods of accounting for County officers and Aadministrative Uunits;

~~(d) D. e~~Examine all requisitions for the encumbering of funds for expenditure of which the County is responsible, and certify as to the availability of funds for such purposes;

~~(e) E. a~~Audit and certify for payment all lawful claims or charges against the County or against funds for which the County is responsible;

~~(f) F. a~~Audit the financial records and accounts of all officers and employees charged with any duty relating to County funds or funds for which the County is responsible;

~~(g)~~G. pProcure statements from all depositories of County funds and funds for which the County is responsible, and reconcile such statements with the County accounts, and to consult with the Commissioner of the Department of Management and Budget with respect to the designation of a depository for County funds;

~~(h)~~H. sSubmit to the ~~County Legislature and~~ County Executive and the County Legislature annually, at the close of each fiscal year, or as soon thereafter as practicable, but in no event later than ~~March~~the 15th fifteenth (15th) day of May, financial reports in such form and detail and at such times as may be prescribed by the County Legislature; ~~and~~

I. Organize the Department of Audit and Control into such administrative units as may be required; and

~~(i)~~J. Have all the powers and perform ~~such additional and related~~all the duties ~~as may be prescribed by local~~ conferred or imposed by law upon a County Comptroller, except as may be inconsistent with this Charter, and perform such other duties as may be required by the County Executive or the County Legislature.

Section 404. Deputy and Assistant County Comptrollers and staff. The County Comptroller shall appoint such Deputy and Assistant Comptrollers, assistants and employees of the Department of Audit and Control within appropriations made therefor. All Deputy and Assistant County Comptrollers, assistants and employees shall serve at the pleasure of the County Comptroller, subject to applicable law.

~~Section 404. Vacancy. A vacancy, other than one occurring by expiration of a term in the office of County Comptroller, shall be filled by appointment of a qualified elector of the County by the County Legislature within 45 days from the time the vacancy occurs. The appointee shall hold office by virtue of her appointment until the January 1st following the next general election, at which election a County Comptroller shall be elected for the balance of the unexpired term, if any. Any successor who shall be so appointed or elected shall possess all of the qualifications required for the office of County Comptroller as set forth in this Charter.~~

Section 405. Acting County Comptroller. The County Comptroller shall designate in writing, and in order of succession, the Deputy County Comptroller and assistants who shall be Acting County Comptroller in the event of the County Comptroller's absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designation shall be filed with the Office of the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Comptroller filing a new written designation and order of succession. The Acting County Comptroller shall have all the powers and perform all the duties of the County Comptroller. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the County Comptroller's designation of an Acting County Comptroller pursuant to this Section.

ARTICLE 5

DEPARTMENT OF MANAGEMENT AND BUDGET

- Section 501. Department of Management and Budget established; Commissioner; ~~term appointment; qualifications~~.
502. Powers and ~~D~~duties ~~of Commissioner~~.
503. Division of Purchase established; Director; appointment; qualifications; powers and duties.
5034. Real Property Tax Service Agency established; Director; ~~appointment; qualifications; term; powers and duties~~.

Section 501. Department of Management and Budget established; Commissioner; appointment; qualifications. There shall be a Department of Management and Budget, ~~the head of which shall be~~ headed by the Commissioner of Management and Budget. The Commissioner shall be ~~in the unclassified service of civil service and shall be~~ appointed by the County Executive, subject to confirmation by the County Legislature ~~as provided in Section 302[e] of this Charter~~, and ~~shall~~ serve at the pleasure of the County Executive. ~~Within the Department there shall be a Real Property Tax Service Agency.~~ The Commissioner shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office.

Section 502. Powers and ~~D~~duties. ~~Except as otherwise provided in the Charter, t~~The Commissioner of Management and Budget shall:

- a)A. Be the chief administrative head of the Department of Management and Budget;

B. ~~a~~ Assist the County Executive in the preparation and administration of the ~~Tentative~~proposed Annual Budget, ~~C~~apital ~~P~~rogram, and ~~F~~inal Annual Budget, and in the study of administrative efficiency and economy;

~~b~~C. ~~h~~Have charge of the administration of all the financial affairs of the County, except as otherwise provided in this Charter;

~~e~~D. Collect, receive and have custody of all public funds ~~belonging to or handled~~ byof the County or for which the County is responsible and have responsibility for the investment and management of such funds;

~~d~~E. ~~e~~Collect all taxes, assessments, license fees and other revenues of the County or for whose collection the County is responsible, except those payable by law to the County Clerk, Sheriff, or other County official;

~~e~~F. ~~d~~Deposit all funds coming into his or her hands in such depositories as may be designated by ~~her~~the Commissioner, ~~in~~after consultation with the County Comptroller, subject to the requirement of law as to depositories and depositories' undertakings;

~~f~~G. ~~h~~Have responsibility for the custody, investment and management of any sinking funds provided for the payment or redemption of County debts;

~~g)H.~~ ~~s~~Submit to the County Legislature, annually as required by law and at such other times as may be required by the County Legislature, a complete financial statement containing a general balance sheet for the County; ~~and~~

~~h)I.~~ ~~p~~Perform all duties required by any law to be performed by a ~~C~~county treasurer, unless such duties shall have been assigned to some other ~~A~~administrative ~~U~~unit.;

~~i)J.~~ ~~h~~Have responsibility for the provision of management information services in support of the County's departments and administrative units.;

K. Organize the Department of Management and Budget into such administrative units as may be required, with approval of the County Executive, including, but not limited to, a Division of Purchase as provided for in this Article; and

L. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 503. Division of Purchase established; Director; appointment; qualifications; powers and duties. There shall be within the Department of Management and Budget a Division of Purchase headed by a Director of Purchase. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be appointed on the basis of his or her

administrative experience and qualifications for the duties of the office. The Director shall promulgate a uniform system for the procurement of goods and services by the County and all its units, and, upon its approval by the County Executive, be responsible for its implementation. In addition, and except as may otherwise be provided in the Charter, the Director may promulgate standard specifications and advertisement of the solicitation for competitive bidding as set forth by applicable law, and shall perform such other and related duties as may be required by the Commissioner of Management and Budget, the County Executive or the County Legislature.

Section 5034. Real Property Tax Service Agency established; Director; appointment; qualifications; term; powers and duties. There shall be within the Department of Management and Budget an independent Real Property Tax Service Agency headed by the Director of the Real Property Tax Service Agency. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. At the time of the Director's appointment, and throughout his or her term of office, he or she shall possess such qualifications that conform to those prescribed by the State of New York for county directors of real property tax service agencies pursuant to Article 15-A, Section 1530 of the Real Property Tax Law of the State of New York. The Director shall be appointed on the basis of his or her administrative experience and other qualifications for the responsibilities of this office, except that if the Director is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard. ~~which shall undertake the duties and have the powers specified for such agency in the~~

~~Real Property Tax Law, and such other duties as may be required or delegated by the County Executive or the County Legislature. The Director of the Real Property Tax Service Agency shall be appointed by the County Executive subject to confirmation by the County Legislature as provided in Section 302(e) of this Charter, and serve at the pleasure of the County Executive. The Director of the Real Property Tax Service Agency shall serve as such for a term in accordance with the provisions of the Real Property Tax Law of New York.~~

The independent Real Property Tax Service Agency shall:

A. Have all of the powers and perform all of the duties conferred or imposed by Article 15-A of the Real Property Tax Law of the State of New York, including, but not limited to, the extension of real estate taxes, the issuance of tax bills, the maintenance of County assessment records, the submission to the County Executive of tax equalization rates and the rendering of assistance to assessors throughout the County in the performance of their respective responsibilities;

B. Prepare tax maps for the use of the assessor of all the assessing units in the County; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law of the State of New York;

C. Perform such other and related duties as required by the County Executive or the County Legislature; and

D. On or before the first (1st) day of March of each year, make an annual report to the County Executive and County Legislature for the immediately preceding calendar year, covering generally the work of the Agency. The Agency shall make such other reports at such times as may be required by the County Executive, County Legislature or any

applicable law. Copies of all reports shall be filed with the County Executive and the Clerk of the County Legislature.

ARTICLE 6

FINANCIAL PROCEDURES

- Section 601. ~~Oversight of County Financial Affairs~~Fiscal year.
602. ~~Fiscal Year~~Oversight of financial affairs.
603. Preparation of the ~~executive~~proposed budget ~~submission.~~
604. Legislative ~~A~~action on ~~executive~~proposed budget submission; adoption of final annual budget.
605. ~~Executive vetoes and legislative overrides~~Levy of taxes; inclusion of reserve for uncollected taxes.
606. Appropriations; Ssupplemental and emergency ~~appropriations.~~
607. Appropriations; Reduction and transfer ~~of appropriations~~ after budget adoption of budget.
608. Capital ~~P~~program.
609. Legislative action on capital ~~budget~~program.
610. Lapse of appropriations.
611. Performance of acts; scheduling.

Section 601. ~~Oversight of Financial Affairs. Oversight of the financial affairs of the County government shall reside in the County Legislature, which may, at any time, cause an examination and audit 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.~~Fiscal year. The fiscal year of the County shall begin with the first (1st) day of January and end with the last day of December of each year.

Section 602. ~~Fiscal year. The fiscal year of the County shall be the calendar year.~~Oversight of financial affairs. The County Legislature shall have the authority and duty to oversee the financial affairs of the County government. To that end, the County Legislature may, at any time, cause an examination and audit 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.

Section 603. Preparation of the ~~Tentative Annual~~proposed ~~B~~budget.

~~(a)~~A. Preparation. ~~A Tentative Annual Budget shall be prepared by t~~It shall be the duty of the County Executive, ~~or by~~ the Commissioner of the Department of Management and Budget, or such other officer as may be ~~appointed~~designated by the County Executive, on behalf of the County Executive, to prepare and file a proposed budget for each fiscal year, in accordance with the provisions of this Charter and applicable law.

~~(b)~~B. Departmental ~~request~~estimates. On or before the first (1st) day of July~~1st~~, each department and Aadministrative Uunit Hhead shall submit to the County Executive and County Legislature ~~estimates of revenues and appropriations required for their respective Administrative Unit for the ensuing year, including such estimates for contractual agencies funded through each Administrative Unit, with the cooperation of such contractual agencies,~~ in writing, and through such channels and processes as specified by the County Executive, an overall estimate for that department and administrative unit and estimates by program within that department or administrative unit of expected expenses and expected revenues for the next ensuing fiscal year. These estimates shall be called “departmental estimates” and shall be organized with proposed grand totals of expenses and revenues for personnel services and other than personnel services for the department or administrative unit

and proposed subtotal appropriations for personnel services and other than personnel services for each program within each department or administrative unit. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in departmental submission, prepared in the same specified format for comparison purposes. Each departmental estimate of expenses and revenue by program shall be supported by such other detail and other supporting information concerning the economy, efficiency and effectiveness of departmental performance as the County Executive shall require. Departmental estimates shall be public records and shall at all reasonable times be available and open to public inspection. In the event any department or Administrative Unit Head fails to submit an estimate by the first (1st) day of July~~1st~~, the Commissioner of the Department of Management and Budget shall prepare an estimate for that department or Administrative Unit.

~~(e)~~C. Review of requests. The Commissioner of the Department of Management and Budget, upon receipt of the departmental estimates ~~of each of the Administrative Units~~, shall proceed to review such estimates with the heads of the departments and Administrative Units heads~~and contractual agencies~~ as the Commissioner of the Department of Management and Budget deems necessary. Officers or employees of the various ~~D~~departments and administrative units shall furnish data and information and answer inquiries pertinent to such review. The Audit and Finance Committee of

the County Legislature shall be entitled to the information developed by the various departments and Administrative Units.

~~(d)~~D. Elements~~Components~~ of the ~~Tentative Annual~~proposed Budget. Upon completion of his or her review, the Commissioner of the Department of Management and Budget shall prepare the ~~Tentative Annual~~proposed Budget for the County Executive, which shall be filed with the Clerk on or before the tenth (10th) day of October-10th. Upon such filing, the ~~Tentative Annual~~proposed Budget submission shall become a public record, be posted on the County's website~~in the office of the Clerk~~, and copies of it shall be made available by the Clerk for distribution. ~~Elements~~Components of the ~~Tentative Annual~~proposed Budget submission shall be in compliance with the provisions of County ~~Law~~ of the State of New York and include such material as the County Executive deems desirable, or the County Legislature may require. ~~In addition, such~~ The ~~submission~~tted proposed budget shall include, but not necessarily be limited to the following components:

~~(i)~~1. A-bBudget message. The County Executive's shall submit with the Tentative Annual~~proposed B~~udget ~~shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial plans of the County for both the current and ensuing fiscal year, describe the important features of the budget, provide aggregate figures for, indicate any major changes from the current year in financial policies, appropriations and revenues, together with the reasons for such changes, and summarize the County's debt position.~~ a budget message summarizing and

explaining the main features of the proposed budget, including information identifying and analyzing new or changed programs, with such supporting schedules and explanatory materials as he or she may deem desirable or the County Legislature may by resolution require. The County Executive's budget message shall include a clear summary demonstration that there is a balanced relationship between the total estimated expenditures and the total estimated revenues for the next ensuing fiscal year and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the year-to-date actual and year-to-date projected total expenditures and revenues for the current fiscal year. The County Executive's budget message shall also outline the existing and any proposed financial policies of the County relating to the capital program, including a description of each capital project proposed to be undertaken in the preceding fiscal year and not yet completed. The budget message shall specify the manner in which the County Executive is overseeing management of departmental operations to assure economic, efficient, effective delivery of public services, and contain such additional information as the County Executive may deem appropriate, and shall be posted on the County's website.

~~(ii)~~2. ~~A-m~~Maintenance and operations budget. The maintenance and operations budget shall provide a complete financial plan of all County funds and activities for the ensuing fiscal year and, except as required by this Charter or applicable law ~~or this Charter~~, shall be in such form as the County

Executive deems desirable or the County Legislature may require. Such budget shall begin with a clear general summary of its contents, show in reasonable detail all estimated revenues, and indicate the proposed property tax levy and all proposed appropriations, including debt service for the ensuing fiscal year. It shall be arranged so as to demonstrate revenues and appropriations for each fund, account, and ~~A~~administrative ~~U~~unit by item, including but not limited to, a description of each item, the previous year appropriations or revenues, the current year amount appropriated as amended to date, the ensuing year's amounts requested by ~~A~~administrative ~~U~~units and the ensuing year amounts proposed by the County Executive. It shall indicate in separate ~~S~~sections:

~~(x)~~a. the proposed objectives and appropriations for current operations during the ensuing fiscal year, detailed for each fund by ~~A~~administrative ~~U~~unit, program, purpose or activity, and the method of financing such appropriations; and

~~(y)~~b. the estimated revenues and appropriations and appropriated fund balances for the ensuing year for each fund operated by the County. For any fund, the total of proposed appropriations shall not exceed the total of estimated revenues, plus appropriated fund balances.

(iii)3. ~~A~~Capital ~~B~~udget. The ~~C~~capital ~~B~~udget shall include the proposed capital expenditures, detailed for each fund, account, ~~A~~administrative ~~U~~unit item and the proposed method of financing each such expenditure. No capital expenditures for construction, reconstruction or acquisition of major ~~C~~capital ~~P~~projects or significant repairs, improvements or expansions, as defined in ~~—~~Subdivision F of Section 608 of this Charter, shall be proposed unless included in the ~~C~~capital ~~P~~program pursuant to Section 608 of this ~~Article~~Charter, inclusive of any amendments made thereto and adopted pursuant to Subdivision B of Section 609 of this Charter

(iv)4. ~~A~~Legislative ~~O~~perational ~~B~~udget. The ~~L~~egislative ~~O~~perational ~~B~~udget shall include an estimate of appropriations required by the County Legislature for its operations, as submitted to the County Executive by the Clerk or such other officer or employee designated by the Chairperson no later than the first (1st) day of August~~1st~~.

(v)5. Proposed local laws, resolutions or other ordinances. The County Executive shall propose any local laws, resolutions or ~~other~~ ordinances which may be required to implement the proposed budget including, but not limited to, such actions as authorizing the property tax levy, authorizing or amending other new or existing revenue sources or to restructure ~~A~~administrative ~~U~~units to carry out the purposes of the budget.

Section 604. ~~County~~ Legislative action on proposed budget submission; adoption of final annual budget.

~~(a)~~A. First Ppublic Hhearing. Not later than the twentieth (20th) day of October ~~20th~~, the Clerk shall cause to be published on the County's website and in the official newspapers of the County, and in such other newspapers as may be designated by the County Legislature, a notice of the place and time (not less than five (5) days after such publication, nor later than the thirtieth (30th) day of October ~~30th~~) at which the County Legislature will hold a public hearing on the ~~Tentative Annual~~proposed Bbudget as submitted by the County Executive.

~~(b)~~B. Legislative Bbudget Rreport. The Audit and Finance Committee (or other such committees as may be designated by the Chairperson) of the County Legislature may also hold public hearings or meetings with the heads of the ~~D~~departments and contractual agencies, as such committees deem necessary, to prepare the proposed ~~L~~legislative ~~B~~budget report containing proposed additions and deletions to the ~~Tentative Annual~~proposed Bbudget submitted by the County Executive. The place and time of such hearings and meetings shall be published in the same manner applicable to the publication for the first public hearing as provided above in this Section. The ~~L~~legislative ~~B~~budget ~~R~~report shall be filed with the Clerk no later than the twentieth (20th) day of November ~~20th~~.

~~(e)~~C. Second Ppublic Hhearing. Not later than the twentieth (20th) day of November-~~20th~~, the Clerk shall cause to be published on the County's website and in the official newspapers of the County, and in such other newspapers as may be required by the County Legislature, a notice of the place and time; (not less than five (5) days after such publication, nor later than the first (1st) day of December-~~1st~~) at which the County Legislature will hold a public hearing on the proposed legislative additions and/or deletions to the ~~Tentative Annual~~proposed Budget.

~~(d)~~D. Adoption of final annual budget.

~~(i)~~1. After the conclusion of the public hearings, but in no event later than the eighth (8th) day of December-~~8th~~, the Chairperson shall convene a regular or special meeting of the County Legislature to consider the ~~Tentative Annual~~proposed Budget and proposed legislative additions and/or deletions if any, for the ensuing year. The County Legislature may strike items from the ~~Tentative Annual~~proposed Budget appropriations or anticipated revenues from proposed maintenance and operation, capital and legislative budgets or reduce items therein, except appropriations required by law or for debt service. The County Legislature may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases or deletions shall not require County Executive approval nor be subject to County Executive veto. Capital appropriations for construction, reconstruction or acquisition of major capital projects or significant repairs,

improvements or expansion thereto, as ~~defined~~provided for in Section 608 of this ~~Article~~Charter, shall not be adopted unless included in the ~~C~~capital ~~P~~program pursuant to Section 608 of this ~~Article~~Charter; or by an amendment thereto pursuant to Subdivision B of Section 609 of this Charter.

~~(ii)~~2. If the ~~Tentative Annual~~proposed B budget, as submitted by the County Executive, is adopted by ~~the~~ resolution of the County Legislature with no changes, or with decreases or deletions as the only changes thereto, such budget shall be deemed to have been adopted as the ~~F~~final A ~~annual B~~budget without any further action by the County Executive. If the budget as adopted by the County Legislature contains any additions or increases, however, that budget shall be presented by the Clerk to the County Executive, not later than the eighth (8th) day of December~~8th~~, for his or her examination and consideration.

~~(x)~~a. If the County Executive approves all such additions and increases, he or she shall affix his or her signature to a statement to that effect and return the ~~Tentative Annual~~proposed B budget together with such statement to the Clerk, and the proposed budget, together with such additions and increases, shall then be deemed adopted as the ~~F~~final A ~~annual B~~budget.

(y)b. If the ~~Tentative Annual~~proposed Budget, with additions or increases, is not returned by the County Executive to the Clerk with his or her objection, if any, on or before 10:00 A.M. on the twelfth (12th) day of December~~12th~~, it shall be deemed adopted as the ~~F~~final Annual ~~B~~Budget.

(iii)3. If the County Executive objects to any one (1) or more of such added or increased items pursuant to this Section, he or she shall attach to the proposed budget a statement of the added or increased items to which he or she objects, setting forth his or her reason therefore and shall, not later than the twelfth (12th) day of December~~12th~~ by 10:00 A.M., return the ~~Tentative Annual~~proposed Budget with his or her objections to the Clerk, who shall present such ~~Tentative Annual~~proposed Budget to the County Legislature at a meeting to be held no later than the sixteenth (16th day) of December~~16th~~. The County Legislature shall thereupon enter the objections upon its record, journal or minutes of the proceeding and proceed to reconsider the additions and increases to which objection is made by the County Executive. If, upon such reconsideration, two-thirds (2/3) of the ~~W~~whole Number of the County Legislature vote to approve such additions and increases, or any of them, the proposed budget, with the additions and increases so approved, together with any additions and increases not so objected to by the County Executive, shall be deemed adopted as the final annual budget. If the County Legislature fails to act on or override such objections by a two-thirds' (2/3) vote on or before

the eighteenth (18th) day of December~~-18th~~, the objections and the budget shall become final and be deemed adopted as the final annual budget, without the additions and increases objected to by the County Executive.

~~4.(iv)~~ If the budget has not been adopted as herein provided on or before the twentieth (20th) day of December~~-20th~~, then the ~~Tentative Annual~~proposed ~~B~~udget, plus all deletions, additions and increases to which the County Executive has failed to object, shall constitute the ~~F~~final ~~A~~annual ~~B~~udget for the ensuing fiscal year.

~~(v)~~E. Certification and availability. Four (4) copies of the ~~F~~final ~~A~~annual ~~B~~udget as adopted, shall be certified by the County Executive and the Clerk, and one (1) each of such copies shall be filed in the office of the County Executive, the ~~office of the Comptroller~~Department of Audit and Control, the ~~office of the Director of Finance~~Department of Management and Budget and ~~the office of~~with the Clerk. The ~~F~~final ~~A~~annual ~~B~~udget as ~~so~~certified shall be a public record and be printed or otherwise reproduced and copies shall be made available to the public on the County's website and at suitable places in the County.

Section 605. Levy of taxes; inclusion of reserve for uncollected taxes. The net County tax requirement, determined by subtracting the total estimated revenues from the total proposed appropriations as set forth in the adopted ~~F~~final ~~A~~annual ~~B~~udget, shall be

levied in advance by the County Legislature on the taxable real property of the several tax districts of the eCounty. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes," which shall be a eCounty charge. The County Legislature shall fix ~~such an~~the amount of such sum as it may deem sufficient to produce in cash ~~ferom~~ the collection of taxes and other revenues during the year monies required to meet the estimated appropriations of such year; provided, however, that such reserve for uncollected taxes shall not be less than the face amount of unpaid taxes for the preceding completed fiscal year. The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the County Legislature shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first (1st) day of January ~~1st~~ of the fiscal year for which levied; and shall remain a lien until paid.

Section 606. Appropriations; Supplemental and emergency appropriations.

~~(a)~~A. Recommendation and adoption. If, during any fiscal year, there are available ~~(i)~~ for appropriation revenues received from sources not anticipated in the budget for that year or ~~(ii)~~ revenues received from anticipated sources but in excess of the budget estimates therefore, the County Legislature may, upon the written request of the County Executive; or upon its own initiative, make supplemental appropriations to meet a public emergency affecting life, health or property. To the extent that there are no available unappropriated revenues to meet such appropriations, the County Legislature may authorize the issuance of obligations pursuant to the Local Finance Law of the State of New York.

~~(b)~~B. Executive vetoes and legislative overrides. If the County Executive approves such supplemental appropriations, he or she shall affix his or her signature to a statement to that effect and return the resolution to the Clerk, and it shall then be deemed adopted. If the County Executive objects to such appropriation, he or she shall append to such resolution a statement setting forth the reason therefor and return it to the Clerk. The County Legislature shall thereupon enter the objections upon its record, journal or minutes of proceedings and proceed, should it so desire, to reconsider the appropriation to which objection is made by the County Executive. If upon reconsideration, two-thirds (2/3) of the ~~W~~whole ~~N~~number of the County Legislature votes to approve such ~~transfer~~appropriation, the resolution shall be deemed adopted. If the County Legislature fails to act on or override such objections by two-thirds (2/3) of the County Legislature, the objections shall become final, and the resolution ~~without the transfers objected to~~ shall be deemed adopted.

Section 607. Appropriations; R~~eduction and transfer~~ ~~of appropriations~~ after budget adoption.

~~(a)~~A. If, at any time during the fiscal year, it appears that a deficit exists, or is likely to exist in any budget classification, the County Executive shall report to the County Legislature without delay the estimated amount of the deficit, ~~any~~ remedial action taken by him or her, and his or her recommendations as to further action. The County Legislature shall take such action as it deems necessary to prevent or minimize any

deficit. For ~~this~~at purpose, the County Legislature may, by resolution, reduce one (1) or more appropriations; ~~;~~ but no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated. The County Legislature may also, if it so determines, borrow temporarily pursuant to the Local Finance Law of the State of New York in any amount not greater than such deficit for ~~such~~that purpose.

~~(b)~~B. The County Executive may, at any time during the fiscal year, transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same Aadministrative Uunit, provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer ~~(i)~~ would result in an increase exceeding fifty thousand dollars (\$~~150,000.00~~) annually, during the fiscal year in any one (1) line item in the budget as adopted, ~~(ii)~~ would affect any salary rate or salary total except as expressly permitted by this Charter or the Administrative Code, ~~(iii)~~3 would represent an annual total of greater than five percent (5%) of the appropriation total for a given Aadministrative Uunit, or ~~(iv)~~4 would transfer funds between Aadministrative Uunits. Upon written request by the County Executive, or upon resolution adopted on its own initiative, the County Legislature may ~~immediately~~ transfer part or all of any unencumbered appropriation balance from one (1) Aadministrative Uunit to another provided that no such transfer shall be made from appropriations for debt service and no appropriation shall be reduced below any amount required by law to be appropriated. If the County Executive approves such transfer, he or she shall affix his or her signature to a

statement to that effect and return the resolution to the Clerk of the County Legislature, and such resolution shall be deemed adopted. If the resolution is not returned by the County Executive within four (4) days of its receipt, it shall be deemed adopted and the transfer then may be made immediately. If the County Executive objects to such transfer, he or she shall attach a statement to the resolution setting forth the reasons for his or her objection and return the resolution to the Clerk of the County Legislature. The County Legislature thereupon shall enter the objections upon its record, journal or minutes of the proceeding and proceed, should it so desire, to reconsider the transfers to which objection is made by the County Executive. If upon such reconsideration, two-thirds (2/3) of its ~~W~~whole ~~N~~number votes to approve such transfer, the resolution shall be deemed adopted and the transfer then may be made immediately. If the County Legislature fails to act on or override such objections by two-thirds (2/3) of its ~~W~~whole ~~N~~number, the objections shall become final and the resolution, without the transfers objected to, shall be deemed adopted.

~~(e)~~C. A monthly report of all transfers of unencumbered appropriation balances between classifications of expenditures within the same ~~A~~aadministrative ~~U~~unity shall be filed with the County Legislature by the County Executive.

Section 608. Capital Program. All ~~C~~capital ~~P~~projects of the County shall be included in a ~~C~~capital ~~P~~program.

~~Submission to County Legislature.~~ The County Executive shall prepare and submit to the County Legislature a five (5) year ~~C~~capital ~~P~~program no later than the first (1st) day of July-1st. The ~~C~~capital ~~P~~program shall include:

~~(a)~~A. a clear summary of its contents;

~~(b)~~B. a list of all capital ~~improvements~~projects and other capital expenditures proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for each;

~~(c)~~C. cost estimates and recommended time schedules for each capital ~~improvement~~project and other capital expenditure;

~~(d)~~D. the proposed method of financing for each capital ~~project~~expenditure and capital ~~improvement~~expenditure, indicating:

1. the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds;

2. the amount, if any, estimated to be received from the federal and/or state governments; and

3. the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued;

~~(e)~~E. the estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and

~~(f)~~F. identification of ~~(i)~~ those portions of the ~~C~~capital ~~P~~program for the construction, reconstruction or acquisition of major capital projects. A "major capital project" shall be defined as ~~(i)~~ a building, capital facility or system comprising a component of the general fixed assets of the County which has a replacement cost of at least two hundred fifty thousand dollars (\$250,000.00) and has a period of probable usefulness of at least six (6) years, ~~and/or~~ ~~(ii)~~ any significant repairs, improvements or expansions to new or existing capital assets of the County, which have a cost of at least two hundred fifty thousand dollars (\$250,000.00).

The above shall be revised and extended each year with regards to ~~C~~capital ~~Improvements~~projects still pending or in the process of construction or acquisition.

Section 609. Legislative action on ~~C~~capital ~~P~~program.

~~(a)~~A. Notice and hearing. The County Legislature shall publish on the County's website and in the official newspapers of the County, and such other newspapers as it may designate, a summary of the ~~C~~capital ~~P~~program, and a notice stating:

(1) the times and places where copies of the capital program are available for inspection by the public; and

(2) the time and place (which shall be not less than two weeks after such publication) for a public hearing on the capital program.

B. Adoption. The County Legislature shall adopt by resolution the capital program, with or without amendment after the public hearing, and on or before the first (1st) day of September 1st.

Section 610. Lapse of appropriation. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Section 611. Performance of acts; scheduling. The scheduling as for the performance of an act may be changed by the Administrative Code, if adopted by the County Legislature.

ARTICLE ~~7~~14

DEPARTMENT OF PUBLIC WORKS

Section ~~7~~1401. Department of Public Works established; Commissioner; appointment; qualifications.

~~7~~1402. Powers and duties.

~~703.—Divisions of the Department.~~

Section ~~7~~1401. Department of Public Works established; Commissioner; appointment; qualifications. There shall be a Department of Public Works headed by a Commissioner of Public Works. ~~The Commissioner of Public Works shall be appointed on the basis of her experience and qualifications for the duties of office.~~ The Commissioner ~~of Public Works~~ shall be appointed by the County Executive, subject to confirmation by the County Legislature ~~as provided in Section 302(e) of this Charter,~~ and ~~shall~~ serve at the pleasure of the County Executive. The Commissioner shall be appointed on the basis of his or her experience and qualifications for the duties of office.

Section ~~7~~1402. Powers and duties. ~~Except as otherwise provided in this Charter,~~ ~~¶~~The Commissioner of Public Works shall:

~~(a)~~A. Be the chief administrative officer of the Department of Public Works;

B. ~~h~~Have all the powers and duties of a County engineer and a County Superintendent of Highways pursuant to the ~~h~~Highway ~~l~~Law of the State of New York ~~or~~and other applicable law;

C. Have all the powers and duties of a county director of planning and conservation, or metropolitan or regional planning board, as authorized by law;

~~(b)~~D. hHave charge and supervision of the design, construction, and alterations of the County parking fields, drives, walks, docks, marinas, parks and recreational facilities, beaches, erosion projects, and such other structures and facilities in the nature of public works under the jurisdiction of the County;

~~(e)~~E. hHave charge and supervision of County facilities for drainage, flood control and water supply;

~~(d)~~E. fFurnish engineering and other services to the County Legislature, the County Executive, ~~the Department of Planning,~~ and other County Departments except as may be otherwise provided in this Charter; ~~and~~

G. Assist the County Planning Board in the performance of its duties and functions;

H. Organize within the Department of Public Works such administrative units as may be required, with approval of the County Executive, including, but not limited to, divisions of highways, parks and recreation, and highway engineering; and an Office of Natural Resources Conservation that shall be advisory to and assist the

Commissioner, the County Executive and the County Legislature on matters related to the inventory, conservation, management, and use of the natural resources of the County and County compliance with related environmental regulations; and

~~(e)~~ I. p Perform such other ~~functions~~ duties concerning County property, public works and other matters as may be required by the County Executive or the County Legislature ~~or the County Executive may, from time to time, direct.~~

~~Section 703. Divisions of the Department. There shall be the following divisions within the Department of Public Works; (a) division of highways, (b) division of parks and recreation, (c) division of highway engineering, and (d) such other divisions as may be created within the Department by local law, or resolution of the County Legislature. The head of each such Division shall be appointed by the Commissioner of Public Works.~~

ARTICLE ~~7~~A13

DEPARTMENT OF GENERAL SERVICES

- Section ~~A~~A71301. Department of General Services established; Commissioner; appointment; ~~term~~qualifications.
- ~~A~~A71302. Powers and ~~D~~Dduties.
- ~~A~~A71303. Division of Code Enforcement established; Director; appointment; qualifications; powers and duties.
- ~~A~~A71304. Division of Consumer Affairs and Weights and Measures established; Director; appointment; qualifications; powers and duties.

Section ~~A~~A71301. Department of General Services established; Commissioner; appointment; qualifications. ~~There shall be a Department of General Services, the head~~ed ~~of which shall be~~ by the Commissioner of General Services. ~~The Commissioner shall be~~in the unclassified service of civil service and shall be appointed by the County Executive, subject to confirmation by the County Legislature ~~as provided in Section 302[c] of this Charter" and shall~~ serve at the pleasure of the County Executive. ~~Within the Department there shall be a Division of Code Enforcement.~~ The Commissioner shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office.

Section ~~A~~A71302. Powers and Dduties. ~~Except as otherwise provided in the Charter,~~ The Commissioner of General Services shall:

- ~~a)~~A. mBe the chief administrative officer of the Department of General Services;
- B. Make all purchases of materials, supplies and equipment, and contract for rentals and servicing of equipment for the County in accordance with applicable law.

b)C. Provide management and maintenance services for the County's vehicle fleet with the exception of those heavy vehicles which maintain, improve and plow County highways.

D.e) Provide management, maintenance, custodial and security services for the County's owned and leased buildings and real property, except where inconsistent with this Charter.

d)E. Provide project management and engineering services in support of the County's capital program and ongoing major maintenance activities.

F. Organize the Department of General Services into such administrative units as may be required, with approval of the County Executive, including, but not limited to, a Division of Code Enforcement and Division of Weights and Measures as provided for in this Article; and

G. Perform such other duties as may be required by the County Executive or the County Legislature.

Section ~~A7~~1303. Division of Code Enforcement established; Director; appointment; qualifications; powers and duties. There shall be within the Department of General Services a Division of Code Enforcement headed by a Director. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be appointed on the basis of his or her

administrative experience and qualifications for the duties of the office. The Director shall enforce the New York State Uniform Fire Prevention and Building Code for all County owned buildings, premises and equipment. ~~The head of the Division of Code Enforcement shall be appointed by and serve at the pleasure of the County Executive, and perform such other and related duties as may be required by the County Executive or the County Legislature.~~

Section ~~A713~~04. County Division of Consumer Affairs and Weights and Measures established; Director; appointment; qualifications; powers and duties. There shall be a Division of Weights and Measures, ~~the head of which shall be the a Director of Weights and Measures.~~ The Director ~~of the Division of Weights and Measures~~ shall be in the competitive class of the civil service and appointed by the County Executive, subject to confirmation by the County Legislature ~~as provided in Section 302(e) of this Charter, and shall be in the competitive class of the civil service.~~ The Director shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office.

~~Section A704(2). Powers and duties.~~ The Director ~~of the Division of Weights and Measures~~ shall have and exercise all powers and duties now or hereafter conferred or imposed upon a county sealer by applicable law and perform such other and related duties as ~~shall~~ may be required ~~of or delegated~~ by the County Executive or the County Legislature.

ARTICLE 810

DEPARTMENT OF SOCIAL SERVICES

Section §1001. Department of Social Services established; Commissioner; appointment; ~~terms~~; qualifications.
§1002. Powers and duties.
1003. Division of Aging established; Director; appointment; qualifications; powers and duties.

Section §1001. Department of Social Services established; Commissioner; ~~term~~appointment; term; qualifications. There shall be a Department of Social Services headed by ~~a~~the Commissioner of Social Services. The Commissioner ~~who~~ shall be appointed by the County Executive for a term prescribed by the Social Services Law of the State of New York, subject to confirmation by the County Legislature. The Commissioner shall be appointed on the basis of his or her administrative experience and ~~her~~ qualifications for the duties of office as prescribed by such Social Services Law and the rules and regulations made pursuant thereto. ~~The Commissioner of Social Services shall be appointed by the County Executive subject to confirmation by the County Legislature as provided in Section 302(e) of this Charter. The term of office of the Commissioner of Social Services shall be five years.~~

Section §1002. Powers and ~~D~~duties. ~~Except as otherwise provided in this Charter,~~
The Commissioner of Social Services shall:
(a)A. Be the chief administrative officer of the Department of Social Services;

B. ~~h~~Have all the powers and perform all the duties conferred ~~up~~on or required of a County Commissioner of Social Services under the Social Services Law of the State of New York; or other applicable law;

~~(b)~~C. ~~a~~Administer all mandated and optional social service programs for needy persons throughout the County, ~~including, but not limited to, elderly assistance programs, aid to dependent children, aid to the disabled, child welfare, institutional care and other related programs;~~

D. Represent the Department of Social Services in the maintenance of all contracts or communications with public or private agencies regarding aid to qualified needy persons throughout the County;

E. Publish and otherwise disseminate such information regarding administrative procedures and practices affecting the public as shall facilitate the Department of Social Service's response to the needs of the community;

~~(e)~~F. ~~i~~Investigate suspected fraudulent applications for, and the receipt of, public assistance and refer cases where appropriate to the District Attorney for prosecution;

~~(d) — within such appropriations as the County Legislature may make, to employ attorneys who shall act in cooperation and consultation with the Department of Law as legal advisors to the Commissioner, her staff, agents, designees and other employees of the Department of Social Services regarding issues pertaining to the provisions of the Social Services Law of the State and the performance of mandated duties and services as now or hereafter set forth in such law; and~~

G. Organize the Department of Social Services into such administrative units as may be required, with approval of the County Executive, including, but not limited to, a Division of Aging as provided for in this Article; and

~~(e)H. have~~Perform all the such other~~powers and perform such other and related~~ duties as ~~shall~~may be required ~~or delegated to her~~ by the County Executive, or the County Legislature.

Section 803. Division of Aging established; Director; appointment; qualifications; powers and duties. There shall be within the Department of Social Services a Division of Aging headed by a Director. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office. The Director shall:

- A. Devise a comprehensive County-wide plan for services for the Aging;
- B. Identify gaps in services for the aging and encourage service provision;
- C. Apply for funds from all appropriate governmental and private sources for services for the aging;
- D. Provide information relative to programs and services for the elderly in the County and sources of support for such programs and services;
- E. Serve as liaison with existing organizations serving the needs of the elderly population of the County;

F. Recommend to and cooperate with federal, state, and local agencies in the development of public policy toward the elderly; and

G. Perform such other and related duties as may be required by the County Executive or the County Legislature.

ARTICLE 98

DEPARTMENT OF HEALTH

- Section 9801. Department of Health ~~established~~; Commissioner; appointment; ~~term~~qualifications.
9802. Powers and duties.
9803. County Board of ~~h~~HHealth.
9804. Sanitary ~~e~~Code.
805. Medical Examiner; appointment; qualifications; powers and duties.

Section 9801. Department of Health established; Commissioner; appointment; ~~term~~qualifications. There shall be a Department of Health headed by a Commissioner of Health. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive.

The Commissioner ~~of Health~~ shall be a physician licensed to practice medicine in the State of New York and possess the qualifications for that office as prescribed in the New York State Sanitary Code; or otherwise by the New York State Public Health and Health Planning Council ~~or otherwise by the Public Health Council of the State of New York.~~ ~~The Commissioner of the Department of Health shall be appointed by the County Executive subject to confirmation by the County Legislature as provided in Section 302(e) of this Charter, and shall serve at the pleasure of the County Executive.~~

Section 9802. Powers and duties. ~~Except as otherwise provided in this Charter, t~~The Commissioner of Health shall:

A. Be the chief administrative officer of the Department of Health;

B. ~~h~~Have all the powers and perform all the duties conferred or imposed upon a ~~C~~county ~~H~~health ~~C~~commissioners ~~and~~ a county boards of health by ~~applicable~~ law;

C. Organize the Department of Health into such administrative units as may be required, with approval of the County Executive; and

D. ~~In addition, she shall p~~Perform such other ~~and related~~ duties as ~~shall~~ may be required ~~or delegated to her~~ by the County Executive or the County Legislature.

Section ~~9~~803. County Board of Health. There shall be within the Department of Health a County Board of Health, ~~the~~whose members ~~of which~~ shall be appointed by the County Legislature. ~~The composition of such board in relation to the number of members and the professional, governmental, or other representation, and the terms of such members, shall be as~~ in the manner and for the term provided ~~for in~~ in the ~~p~~Public ~~h~~Health ~~l~~Law ~~for a County Board of Health~~of the State of New York. The County ~~b~~Board of Health shall, at the request of the Commissioner of Health, and may on its own initiative, advise the Commissioner of Health, ~~County Executive and~~ County Legislature and County Executive on matters relating to the preservation and improvement of the public health and be advisory only ~~except as provided for herein.~~ The County Board of Health shall also advise the County Legislature and County Executive with respect to the qualifications of candidates appointed to the position of Commissioner of Health.

Section ~~9~~804. Sanitary Code. ~~The Sanitary Code of the County in effect on the date this Charter becomes effective shall be the Sanitary Code of the County.~~ The County Legislature shall adopt, amend or repeal all rules, regulations, orders and directions relating to health in the County in such manner and form provided in and not inconsistent with the Public Health Law of the State of New York or the State ~~The Sanitary Code may be amended,~~

~~repealed or otherwise changed as provided by applicable law.~~ Any such rules, regulations, orders and directions so adopted, amended or repealed by the County Legislature shall be known as the “Albany County Sanitary Code” and published in the Administrative Code.

~~—The provisions of the Sanitary Code shall have the force and effect of law and shall be published as provided in the Public Health Law. Penalties for violation of the Sanitary Code shall be as provided in the Sanitary Code or other applicable law. Certified copies shall be filed with the Commissioner of Health, the Clerk and the County Clerk, and shall be received in evidence in all courts and proceedings in the State.~~

Section 805. Medical Examiner; appointment; qualifications; powers and duties; compensation; staff.

A. There shall be within the Department of Health a Medical Examiner, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Medical Examiner shall be a physician licensed to practice medicine in the State of New York, qualified to perform any autopsy and dissect bodies of human beings for the purpose of determining the cause of death, and be appointed on the basis of his or her administrative experience and qualifications for the duties of office. The Medical Examiner shall make inquiry into unnatural deaths within the County and have all powers and duties conferred or imposed upon him or her by law and such other and related duties as shall be required by the County Executive or the County Legislature. The Medical Examiner shall be paid such compensation as shall be provided within appropriations made therefor.

B. The Medical Examiner shall have the power to appoint such employees and assistants as may be necessary to assist in the performance of his or her duties and as shall be authorized by the County Legislature. Subject to the approval of the County Executive, the Board of Contract Administration or the County Legislature as required by this Charter, the Medical Examiner may also contract with the medical examiner or the like in another county to assist in the performance of his or her duties when such assistance is required due to his or her absence from the County or incapacity.

C. Upon the revised Charter becoming operative in the manner provided by Subdivision 7 of Section 33 of the Municipal Home Rule Law of the State of New York, the terms of office of all coroners elected and holding such office in the County at such time shall expire on the thirty-first (31st) day of December, following the general or special election at which the revised Charter was approved, provided that the County Legislature shall have the power, by local law, to extend the term expiration date beyond such thirty-first (31st) day December until a date certain as specified in such local law which shall not be more than thirty (30) days after the medical examiner has been appointed by the County Executive, confirmed by the County Legislature and been qualified to serve in the manner provided for in this Section. Thereafter the office of coroner in Albany County shall be abolished.

ARTICLE 109

DEPARTMENT OF MENTAL HEALTH

- Section ~~109~~01. Department of Mental Health established; ~~Director~~Commissioner; appointment; qualifications.
- ~~109~~02. Powers and duties.
- ~~109~~03. Community ~~Mental Health, Mental Retardation, and Alcoholism~~ Services Board; appointment; vacancies; powers and duties.

Section ~~109~~01. Department of Mental Health established; ~~Director~~Commissioner; appointment; qualifications. There shall be a Department of Mental Health headed by a ~~Director~~Commissioner of Mental Health. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Commissioner ~~and shall be appointed on the basis of her~~ experienced in public mental health administrative ~~on experience and qualifications for the duties of office. Such qualifications shall~~ and meet the qualifications standards fixed for this position as specified by the State Commissioner of Mental ~~Hygiene~~Health and ~~the~~ Mental Hygiene Law of the State of New York. ~~The Director of the Department of Mental Health shall be appointed by the County Executive, subject to confirmation by the County Legislature, as provided in Section 302(e) of this Charter, and serve at the pleasure of the County Executive.~~

Section ~~109~~02. Powers and duties. ~~Except as otherwise provided in this Charter, t~~The ~~Director~~Commissioner of Mental Health shall:

- A. Be the chief administrative officer of the Department of Mental Health;

B. ~~h~~Have all the powers and perform all the duties ~~now or hereafter~~ conferred or imposed upon a director or commissioner of community mental health ~~a~~ or community services board by ~~applicable~~ law.;

C. Organize the Department of Mental Health into such administrative units as may be required, with approval of the County Executive; and

D. ~~She shall p~~Perform such other duties as may be required ~~or delegated to her~~ by the County Executive or the County Legislature.

Section ~~109~~03. Community Services Board. There shall be within the Department of Mental Health a Community Services Board, whose members ~~which~~ shall be appointed by the County Legislature in the manner and for the term provided for the appointment of community mental health boards in the Mental Hygiene Law of the State of New York. ~~The composition of such board in relation to the number of members and the professional, governmental, or other representation, and the terms of such members, shall be as provided in the Mental Hygiene Law of the State for a community services board. Pursuant to the provisions of such law, such members may be reappointed without limitation~~ Vacancies in membership occurring other than by expiration of terms shall be filled by appointment of the County Legislature for the respective unexpired terms. The ~~e~~Community ~~s~~Services ~~b~~Board shall recommend and suggest to the County Legislature and County Executive a program of community mental health services and facilities, ~~adopt rules and regulations concerning the condition or operation of services and facilities in the community mental health program,~~ and exercise such other powers and duties as are prescribed in ~~the~~such Mental Hygiene Law ~~of~~

~~the State.~~ _The Board shall also advise the County Legislature and the County Executive with respect to the qualifications of candidates appointed to the position of ~~Director~~Commissioner of Mental Health.

~~ARTICLE 11~~

~~DEPARTMENT OF ECONOMIC DEVELOPMENT,
CONSERVATION AND PLANNING~~

~~Section 1101. Department of Economic Development, Conservation and Planning;
Director; qualifications.
1102. Powers and duties.
1103. County Planning Board.
1104. Divisions of the Department.
1105. Office of Natural Resource Conservation.~~

~~Section 1101. Department of Economic Development, Conservation and Planning;
Director; qualifications. There shall be a County Department of Economic Development,
Conservation and Planning headed by a Director. The Director shall be a person qualified by
professional training and experience in the field of metropolitan, regional, County or
municipal planning. The Director shall be appointed by the County Executive, subject to
confirmation by the County Legislature as provided in Section 302(e) of this Charter, and
shall serve at the pleasure of the County Executive.~~

~~Section 1102. Powers and duties. Except as otherwise provided in this Charter, the
Director shall promote economic development in the County and have all the powers and
duties now or hereafter conferred or imposed upon a County Director of Planning and
Conservation by applicable law, and perform such other and related duties as shall be
required or delegated to her by the County Executive or the County Legislature. The Director
shall assist the County Planning Board in the performance of its duties and functions.~~

~~Section 1103. County Planning Board. There shall be in the Department a County Planning Board. The County Planning Board shall be composed of eight members, namely, the Commissioner of Public Works, the Commissioner of Management and Budget and the County Comptroller, each of whom shall be an ex-officio member and five persons who shall be appointed by and serve at the pleasure of the County Legislature. The County Planning Board shall be advisory to and assist the County Legislature and the Director on matters related to comprehensive metropolitan, regional, county and municipal planning and in performing the duties and responsibilities conferred upon a County Planning Board by Article 12-B of the General Municipal Law and on such other related matters as shall be required or requested by the County Legislature. The County Planning Board shall also advise the County Legislature with respect to the qualifications of candidates appointed to the position of the Director.~~

~~Section 1104. Divisions of the Department. There shall be in the Department such divisions as may be created within the Department by the County Legislature.~~

~~Section 1105. Office of Natural Resource Conservation. There shall be in the Department an Office of Natural Resources Conservation. Such office shall be advisory to and assist the Director of Planning and Conservation, the County Executive and the County Legislature on matters related to the inventory, conservation, management, and use of the natural resources of the County and County compliance with related environmental regulations.~~

ARTICLE 125

DEPARTMENT OF HUMAN RESOURCES

- Section 12501. Department of Human Resources established; functions Commissioner; appointment; qualifications.
- 12502. Powers and ~~D~~uties.
- 12503. ~~Division of Personnel Services.~~ Directors of the Divisions of Labor Relations and Affirmative Action; appointment.
- ~~1204. Division of Employee Relations.~~
- ~~1205. Division of Affirmative Action.~~
- ~~1206. Directors of the Division of Labor Relations, and Affirmative Action appointment~~

Section 12501. Department of Human Resources established; Commissioner; appointment; qualifications. There shall be a Department of Human Resources headed by a Commissioner of Human Resources ~~who shall be appointed on the basis of her administrative experience and qualifications for the duties of office.~~ ~~Within such Department there shall be Divisions of Personnel Services, Labor Relations, and Affirmative Action.~~ The Commissioner ~~of the Department of Human Resources~~ shall be appointed by the County Executive, subject to confirmation by the County Legislature ~~as provided in Section 302(e) of this Charter~~, and serve at the pleasure of the County Executive. The Commissioner shall be appointed on the basis of his or her experience and qualifications for the duties of office.

Section 12502. Powers and Duties. ~~Except as otherwise provided in this Charter,~~ ~~†~~The Commissioner of Human Resources ~~Commissioner~~ shall:

- a) A. Be the chief administrative officer of the Department of Human Resources;

~~B. Formulate and direct the County's overall human resource program, including, but not limited to, each of the Divisions in the Human Resources Department;~~

~~b)C. Be responsible for, and direct the coordination and centralizing of, all County Human Resource Administrative Units and functions; and~~

~~D. Organize within the Department of Human Resources such administrative units as may be required, with approval of the County Executive, including, but not limited to, Divisions of Labor Relations and Affirmative Action; and~~

~~e)E. Perform such other duties as may be delegated to her by the County Executive or the County Legislature.~~

~~Section 1203. Division of Personnel Services. The Division of Personnel Services shall perform such personnel services as shall be directed by the Human Resources Commissioner.~~

~~Section 1204. Division of Labor Relations. The Division of Labor Relations shall exercise the duties of a negotiator in the area of employee relations and be the labor negotiator on behalf of the County and administer and implement the County's collective bargaining agreements.~~

~~Section 1205. Division of Affirmative Action. The Division of Affirmative Action shall administer all affirmative action programs and policies of the County and those required by applicable State and Federal law.~~

Section ~~125063~~. Directors of the Divisions of Labor Relations and Affirmative Action; appointment. The Divisions of Labor Relations and Affirmative Action shall be headed by directors. Such directors ~~who~~ shall be appointed by the County Executive, ~~after consultation with the Human Resources Commissioner, and such appointments shall be~~ subject to ~~the~~ confirmation ~~of~~ by the County Legislature, ~~as provided in Section 302(e) of this Charter,~~ and serve at the pleasure of the County Executive ~~and the Human Resources Commissioner.~~

ARTICLE ~~12A~~16

DEPARTMENT OF ~~CIVIL SERVICE~~ PERSONNEL

- Section ~~A126~~01. Department of ~~Civil Service~~ Personnel established; ~~functions~~ Personnel Officer; appointment; term; qualifications;
~~A126~~02. ~~Director of Civil Service, appointment~~ Powers and duties.

Section ~~A126~~01. Department of ~~Civil Service~~ Personnel established; Personnel Officer; appointment; term; qualifications. There shall be a Department of ~~Civil Service~~ Personnel ~~administered~~ headed by a ~~p~~ Personnel ~~o~~ Officer, ~~or a municipal civil service commission which shall have all the powers and duties~~ who shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Personnel Officer shall serve for a term as set forth provided in by Section 15 of the Civil Service Law of the State of New York. The Personnel Officer shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office.

~~Section A1202. Director of Civil Service. The Director of the Department of Civil Service shall be appointed by the County Executive, and such appointment shall be subject to the confirmation of the County Legislature. The term of office of the Director of Civil Service, who serves as the County's personnel officer, shall be in accord with the provisions of the New York State Civil Service Law.~~

Section 1602. Powers and duties. The Personnel Officer shall, with reference to the civil service of the County:

A. Be the chief administrative officer of the Department of Personnel;

B. Have the powers and duties of a County Personnel Officer as provided in the Civil Service Law of the State of New York;

C. Be subject to such supervision and control by the State Civil Service Commission as are County Personnel Officers;

D. Organize the Department of Personnel into such administrative units as may be required, with approval of the County Executive; and

E. Perform such other duties as may be required by the County Executive or the County Legislature.

ARTICLE ~~13~~7

BOARD OF CONTRACT ADMINISTRATION

Section ~~13~~701. Board of Contract Administration established.
702. Powers and duties.
~~13~~7023. Other Contract Approvals.
704. Other Responsibilities

Section ~~13~~701. Board of Contract Administration established. ~~For the purpose of simplifying, clarifying and centralizing the approval process for contracts, t~~There is hereby ~~established~~shall be a Board of Contract Administration, for the purpose of simplifying, clarifying and centralizing the approval process for contracts. The Board shall be composed of the County Executive, the Chairperson of the County Legislature and the County Clerk.

Section 702. Powers and duties. The Board of Contract Administration ~~is empowered to~~ shall:

A. aApprove contracts for execution by the County Executive in amounts of ~~not less than twenty~~fifty thousand ~~, and, dollars (\$50,000) or more, -but~~ not ~~more~~greater than one hundred fifty-five thousand dollars (\$50,000), or such higher amount as may be established by local law; and

B. ___ ~~The Board shall r~~Report ~~periodically~~monthly to the County Legislature, detailing the contracts approved by it.

Section ~~13~~7023. Other Contract Approvals. The County Executive shall be empowered to approve and execute contracts in an amount less than ~~twenty~~fifty thousand dollars (\$50,000). The County Legislature shall be empowered to approve contracts for

execution by the County Executive in amounts over one hundred fifty-five thousand dollars (\$50,000), in addition to those mentioned in Section 208(m) of this Charter.

Section 704. Other Responsibilities.

A. It shall also be the responsibility of the Board of Contract Administration to ensure that negotiation of contracts for public works and public purchases, including, but not limited to, such contracts executed in lease form shall be executed by the County so as to assure the prudent and economical use of public moneys for the benefit of the residents of the County and to facilitate the acquisition of facilities and commodities of maximum quality at the lowest possible cost to the taxpayers of the County.

B. All meetings of the Board of Contract Administration shall be open to the public, and the Board shall keep written minutes of its meetings, which shall be available for public inspection at all reasonable times.

C. The dollar limits set forth above in Sections 702 and 703 of this Article shall be adjusted annually on the first day of January of each year by the Consumer Price Index (“CPI”) to keep pace with inflation. As shall be set forth with detail in the Administrative Code, the County’s Department of Management and Budget shall use the annual CPI data for adjustment.

ARTICLE 124

SERVICE RELATIONSHIPS

Section 12401. Local Government ~~F~~functions, ~~F~~facilities and ~~P~~powers.
12402. Contracts with ~~P~~public ~~C~~corporations and ~~P~~public ~~A~~authorities.

Section 12401. Local government functions, facilities and powers. No function, facility, duty or power of any city, town, village, school district or other district or of any officer thereof is or shall be transferred, altered or impaired by this Charter.

Section 12402. Contracts with ~~P~~public ~~C~~corporations and ~~P~~public ~~A~~authorities. The County shall have power to contract (a) with any public corporation, including, but not limited to, a municipal, district or public benefit corporation, public authority or combination of the foregoing, and (b) for the establishment, maintenance and operation of any facility or the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for themselves. The costs and expenses incurred, as well as charges for central facilities and administrative services relating to such entities, shall be borne proportionately by each such contracting party, as agreed upon by the parties.

ARTICLE 157

DEPARTMENT OF LAW

Section 15701. Department of Law established; County Attorney; appointment; qualifications.
15702. Powers and ~~D~~uties.
15703. Assistant County Attorneys and staff.

Section 15701. Department of Law established; County Attorney; appointment; qualifications. ~~There shall be a Department of Law headed by the County Attorney. She shall be duly admitted to the practice of law in the State of New York and a resident of the County.~~ The County Attorney shall be appointed by the County Executive, subject to confirmation by the County Legislature ~~as provided in Section 302(e) of this Charter~~, and serve at the pleasure of the County Executive. The County Attorney shall be a qualified resident of the County and duly admitted to practice law in the State of New York.

Section 15702. Powers and duties. The County Attorney shall ~~be the chief legal advisor for the County, and every agency and officer thereof, on all civil matters and proceedings. The County Attorney shall prosecute and defend on behalf of the County all civil actions and proceedings brought by or against the County, County officers and employees. She shall prepare all necessary papers and written instruments in connection with such representation; prepare resolutions, ordinances, legalizing acts and local laws on request to be presented for action by the County Legislature, notices and other items in connection with the County Legislature, and perform such other and related duties as may be prescribed by applicable law, the County Executive or by resolution of the County Legislature.~~

A. Be the chief administrative officer of the Department of Law;

B. Be the legal adviser for the County;

C. Advise all County officers and employees in all County legal matters of a civil nature;

D. Prosecute and defend all actions or proceedings of a civil nature by or against the County;

E. Prepare resolutions, legislation, legalizing acts, local laws and ordinances to be presented for action by the County Legislature, together with notices and other items in connection therewith;

F. Organize the Department of Law into such administrative units as may be required, with approval of the County Executive; and

G. Have all the powers and perform all the duties conferred or imposed by law upon a County Attorney, except as may be inconsistent with this Charter, and perform such other and related duties required by the executive branch of County government.

Section 15703. Assistant County Attorneys and staff. The County Attorney shall ~~have the power to~~ appoint such confidential Assistant County Attorneys, officers and employees of ~~her~~the Department of Law, ~~as shall be authorized by the County Legislature and~~ within ~~the~~ appropriations made ~~therefor by the County Legislature.~~ All Assistant County Attorneys shall be duly admitted to practice law in the State of New York, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York, be in the exempt class of the civil service, and serve at the pleasure of the County Attorney, subject to applicable law.

ARTICLE ~~1622~~

COUNTY CLERK~~DEPARTMENT OF RECORDS~~

- Section ~~1622~~01. ~~Department of Records;~~ County eClerk; election; term; qualifications; compensation.
- ~~1622~~02. Powers and ~~D~~uties.
- ~~2203.~~ Deputy County Clerks and staff.
- ~~1603.~~ ~~Records Management Officer; Hall of Records~~
- ~~1622~~04. ~~Public Information Officer~~ County Historian.
- ~~2205.~~ Acting County Clerk.
- ~~2206.~~ Absence of restriction.

Section ~~1622~~01. ~~Department of Records;~~ County eClerk; election; term; qualifications; compensation. There shall be a ~~Department of Records headed by a~~ County Clerk ~~who shall be~~ elected from the County at large. The County Clerk's. ~~Her~~ term of office shall be ~~for~~ four (4) years, beginning on the first (1st) day of January ~~1st~~ following his or her election. The County Clerk shall have been a resident of the County continuously for at least one (1) year preceding his or her election~~At the time of her election,~~ and, throughout his or her term of office, ~~she shall~~ be a qualified elector of the County. The County Clerk and may not hold ~~no any~~ other pPublic oOffice or~~and. Commencing January 1st, 1995,~~ ~~she shall not hold~~ the position of chair, vice-chair, secretary, ~~or~~ treasurer or other comparable office of a County Ppolitical Pparty Ccommittee. ~~She shall have been a resident of the County continuously for at least of one year preceding her election.~~ The compensation of the County Clerk shall not be increased or decreased during his or her term of office.

Section ~~1622~~02. Powers and Duties. ~~Except where inconsistent with this Charter,~~ The County Clerk shall ~~appoint such deputies, officers and employees of the Department as~~

~~may be authorized by resolution of the County Legislature, and shall~~ have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not necessarily limited to, the following:

A. Be the head and chief administrative officer of the Office of the County Clerk;

B. Serve as the County's records management officer, or such successor office as may be established under State law, with all powers and duties of such office;

C. Operate the County Hall of Records and provide central management of the County's records and archives, within such appropriations as shall be made annually by the County Legislature;

D. Serve as the County's contact person for records access as described in Article 6 of the Public Officers Law of the State of New York;

E. Organize the Office of the County Clerk into such administrative units as may be required; and

F. ~~shall p~~Perform such other ~~and related~~ duties as ~~may~~shall be required ~~or delegated to her~~ by the County Executive or the County Legislature.

Section 2203. Deputy County Clerks and staff. The County Clerk shall appoint such Deputy County Clerks, assistants and employees of the Office of County Clerk within appropriations made therefor. All such appointees shall serve at the pleasure of the County Clerk, subject to applicable law.

~~Section 1603. Records Management Officer; Hall of Records. The County Clerk shall serve as the County's records management officer, or such successor office as may be established under State law, with all powers and duties of such office. The County Clerk shall operate the County Hall of Records for the purpose of central management of the County's records and archives, within such appropriations as shall be made annually by the County Legislature.~~

~~Section 1604. Public Information Officer. The County Clerk shall also serve as the County's contact person for records access as described in Article 6 of the Public Officers Law.~~

Section ~~1622054~~. County Historian. The role and duties of the County Historian are directly linked to the historical records maintained by the County Clerk. The County Executive shall appoint the County Historian pursuant to the ~~New York State~~ Arts and Cultural Affairs ~~Law~~ of the State of New York, subject to ~~the~~ confirmation ~~of~~ by the County Legislature ~~as provided in Section 302(e) of this Charter~~. Compensation for the County Historian ~~such office, if any~~, shall be fixed by the County Legislature, except that, in the event that an employee of the County ~~be~~ is appointed to such office, he or she ~~such County Historian~~ shall serve without additional compensation.

Section 2205. Acting County Clerk. The County Clerk shall designate in writing, and in order of succession, the Deputy County Clerk and assistants who shall be Acting County Clerk in the event of the County Clerk's absence from the County or inability to

perform and exercise the powers and duties of his or her office. Such designation shall be filed with the Office of the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Clerk filing a new written designation and order of succession. The Acting County Clerk shall have all the powers and perform all the duties of the County Clerk. The Acting County Clerk shall have all the powers and perform all the duties of the County Clerk. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the County Clerk's designation of an Acting County Clerk pursuant to this Section.

Section 2206. Absence of restriction. Nothing in this article shall be construed to limit the powers and duties of the office of County Clerk, as provided by the New York State Constitution and other laws.

ARTICLE ~~17~~20

DISTRICT ATTORNEY

- Section ~~17~~2001. District Attorney; ~~E~~election; term; qualifications; compensation.
~~17~~2002. Powers and duties.
2003. Deputy and Assistant District Attorneys and staff.
2004. Acting District Attorney.
2005. Absence of restriction.

Section ~~17~~2001. District Attorney; ~~E~~election; term; qualifications; compensation.
There shall be a District Attorney elected from the County at large. ~~The District Attorney's~~Her term of office shall be ~~for~~four (4) years, beginning on the first (1st) day of ~~with~~ January ~~1st~~ following his or her election. The District Attorney shall have been a resident of the County continuously for at least one (1) year preceding his or her election, and, ~~At the time of her election and~~ throughout his or her term of office, ~~she shall be~~ be a qualified elector of the County, ~~and be~~ duly admitted to ~~the~~ practice of law in the State of New York. The District Attorney may not~~She shall~~ hold ~~no~~any other ~~P~~ublic ~~O~~ffice-
~~or~~Commencing January 1st, 1995, she shall not hold the position of chair, vice chair, secretary, ~~or~~ treasurer or other comparable office of a County ~~P~~olitical ~~P~~arty ~~C~~ommittee. ~~She shall be a resident of the County continuously for at least one year preceding her election.~~The compensation of the District Attorney shall ~~not~~ be ~~increased or decreased during her term of office~~as provided in § 183-a of the Judiciary Law of the State of New York or other applicable law.

Section ~~172~~2002. Powers and duties. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not necessarily limited to, the following:

- A. Be the head and chief administrative officer of the Office of District Attorney;
- B. Prosecute crimes and offenses of a criminal nature for the people;
- C. Assist in the investigation of crimes committed in the County;
- D. Present evidence to the Grand Jury and serve as its legal counsel;
- E. Devise programs which assist in the prevention of crime, respond to the needs of victims thereof, and educate the public in regard to the law and Office of District Attorney;
- F. Organize the Office of the District Attorney into such administrative units as may be required; and
- G. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 2003. Deputy and Assistant District Attorneys and staff. The District Attorney shall appoint such ~~have the power to appoint~~ Deputy and Assistant District Attorneys, investigators and employees of the Office of District Attorney ~~as may be authorized by~~ within appropriations made ~~the County Legislature~~ therefor. All Deputy and Assistant District Attorneys ~~Any Assistant District Attorneys appointed~~ shall be duly admitted ~~qualified~~ to practice law in the State ~~of New York,~~ except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. ~~The District Attorney shall perform such other and related duties as shall be required of or~~

~~delegated to her by the County Legislature or County Executive.~~ All Deputy and Assistant District Attorneys, investigators and employees shall serve at the pleasure of the District Attorney, subject to applicable law.

Section 2004. Acting District Attorney. The District Attorney shall designate in writing, and in order of succession, the Deputy and Assistant District Attorneys who shall be Acting District Attorney in the event of the District Attorney's absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the District Attorney filing a new written designation and order of succession. The Acting District Attorney shall have all the powers and perform all the duties of the District Attorney. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the District Attorney's designation of an Acting District Attorney pursuant to this Section.

Section 2005. Absence of restriction. Nothing in this article shall be construed to limit the powers and duties of the office of District Attorney, as provided by the New York State Constitution and other laws.

ARTICLE ~~18~~21

SHERIFF

- Section ~~18~~2101. Sheriff; Election; term; qualifications; compensation.
~~18~~2102. Powers and duties.
~~1803. Office of Natural Disaster and Preparedness and Emergency Management Service~~
2103. Undersheriff, Deputy Sheriffs and staff.
2104. Acting Sheriff.
2105. Absence of restriction.

Section ~~18~~2101. Sheriff; Election; term; qualifications. As authorized and set forth in the New York State Constitution and other applicable laws, ~~There~~ shall be a ~~County~~ Sheriff elected from the County at large. ~~Her~~The Sheriff's term of office shall be ~~for~~ four (4) years, beginning on the first (1st) day with of January ~~1st~~, following his or her election. The Sheriff shall have been a resident of the County continuously for at least one (1) year preceding his or~~At the time of~~ her election, and, throughout his or her term of office, ~~she shall~~ be a qualified elector of the County, ~~and hold no other Public Office.~~ The Sheriff may not hold any other public office ~~Commencing January 1st, 1996, she shall not hold or~~ the position of chair, vice-chair, secretary, treasurer or other comparable office of a County ~~P~~political ~~P~~party ~~C~~committee. ~~She shall have been a resident of the County continuously for at least one year preceding her election.~~—The compensation of the Sheriff shall not be increased or decreased during his or her term of office.

Section ~~18~~2102. Powers and duties. The Sheriff shall ~~appoint such deputies, officers and employees as may be authorized by resolution of the County Legislature and within the appropriations made therefore.~~—~~She shall~~ have and exercise all powers and duties now or

hereafter conferred or imposed upon him or her by any applicable law, including, but not necessarily limited to, the following:

A. Be the head and chief administrative officer of the Office of Sheriff;

B. Organize and maintain a trained and operational law enforcement staff to protect and otherwise serve the needs of the County and cooperate with other law enforcement agencies within and outside the County in furtherance thereof;

C. Manage the County Correctional Facility and provide for the care and custody of persons committed to the Sheriff's custody by competent courts or by intergovernmental agreement;

D. Manage the Department of Natural Disaster Preparedness and Emergency Management Services within the Office of Sheriff and assist the County Executive and County Legislature in developing and implementing disaster preparedness programs and coordinating emergency response functions and such other functions and related duties as shall be authorized or required pursuant to provisions of the Executive Law of the State of New York and other applicable law;

E. Perform the civil duties specified in applicable law;

F. Organize the Office of the Sherriff into such administrative units as may be required; and

G. ~~She shall p~~Perform such other ~~duties and related duties~~ as ~~shall~~ may be required ~~of or delegated to her~~ by the County Executive or the County Legislature.

Section 2103. Undersheriff, Deputy Sheriffs and staff. The Sheriff shall appoint an Undersheriff, Deputy Sheriffs, attorney, and such assistants and employees of the Office of

Sheriff within appropriations made therefor. Such Undersheriff, Deputy Sheriffs, attorney, assistants and employees shall serve at the pleasure of the Sheriff, subject to applicable law.

Section 2104. Acting Sheriff. The Sheriff shall designate in writing, and in order of succession, the Undersheriff, Deputy Sheriffs and Assistants who shall serve as Acting Sheriff in the event of the Sheriff's absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Sheriff filing a new written designation and order of succession. The Acting Sheriff shall have all the powers and perform all the duties of the Sheriff. The provisions of Section 30 of the Public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the Sheriff's designation of an Acting Sheriff pursuant to this Section.

~~Section 1803. Office of Natural Disaster Preparedness and Emergency Management Services. There shall be within the Office of the Sheriff an Office of Natural Disaster Preparedness and Emergency Management Services. The Office of Natural Disaster Preparedness and Emergency Management Services shall assist the County Executive and County Legislature in developing and implementing disaster preparedness programs and coordinating emergency response functions and such other functions and related duties as shall be authorized or required pursuant to the provisions of the Executive Law or other law or as may be delegated to said office by the County Legislature or the County Executive.~~

Section 2106. Absence of restriction. Nothing in this article shall be construed to limit the powers and duties of the office of Sheriff, as provided by the New York State Constitution and other laws.

~~ARTICLE 19~~

~~CORONERS~~

~~Section 1901. Election.~~

~~1902. Powers and duties.~~

~~1903. Vacancy.~~

~~Section 1901. Election. There shall be four Coroners who shall be elected from the County at large. Their terms of office shall be four years, beginning with January 1st following their election. At the time of the election of a Coroner and throughout her term of office she shall be a qualified elector of the County and hold no other Public Office. Commencing January 1st, 1995, she shall not hold the position of chair, vice chair, secretary or treasurer of a County Political Party Committee. She shall have been a resident of the County continuously for at least one year preceding her election. The compensation of the Coroner shall not be increased nor decreased during her term of office.~~

~~Section 1902. Powers and duties. The Coroners shall have and exercise all powers and duties now or hereafter conferred or imposed upon coroners by any applicable law and perform such other and related duties as shall be required or delegated to them by the County Legislature.~~

~~Section 1903. Vacancy. A vacancy, other than one occurring by expiration of a term in the office of a County Coroner, shall be filled by appointment of a qualified elector of the County by the County Legislature within 45 days from the time the vacancy occurs. The appointee shall hold office by virtue of her appointment until the January 1st following the~~

~~next general election, at which election a County Coroner shall be elected for the balance of the unexpired term, if any. Any successor who shall be so appointed or elected shall possess all of the qualifications required for the office of County Coroner as set forth in this Charter.~~

ARTICLE 20

[REPEALED]

DEPARTMENT OF PROBATION

Section 2001. Department of Probation established; Commissioner; appointment; qualifications.

2002. Powers and duties.

2003. Deputy Commissioners and Staff.

Section 2001. Department of Probation established; Commissioner; appointment; qualifications. There shall be a Department of Probation headed by the Commissioner of Probation. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, in accordance with Article 12-A of the Executive Law of the State of New York. The Commissioner shall meet qualifications as prescribed by the Department of Personnel in conjunction with the New York State Office of Probation and Correctional Alternatives and appointed on the basis of his or her administrative experience and qualifications for the duties of office.

Section 2002. Powers and duties. The Commissioner of the Department of Probation shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not limited to, the following:

A. Be the head and chief administrative officer of the Department of Probation;

B. Organize the Department of Probation into such administrative units as may be required, with approval of the County Executive; and

C. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 2003. Deputy Commissioners and staff. The Commissioner of the Department of Probation shall have the power to appoint such Deputy Commissioners, assistants and employees of the Department within appropriations made by the County Legislature. At the times of their appointment, and throughout their service in office, all Deputy Commissioners shall have such qualifications as may be required by law. Except as otherwise provided by this Charter, the Administrative Code or applicable law, all Deputy Commissioners, assistants and employees of the Department shall be responsible to, and serve at the pleasure of, the Commissioner.

ARTICLE 21

HUMAN SERVICES ADVISORY BOARD

~~Section 2101. Human Services Advisory Board.~~

~~Section 2101. Human Services Advisory Board. The County Legislature shall establish a Human Services Advisory Board. The purposes of the Human Services Advisory Board shall include:~~

~~(a) offering advice designed to promote and coordinate the delivery of human services by the County;~~

~~(b) advising the County Legislature with respect to the qualifications of candidates appointed to the positions of administrative head of the Departments of Social Services, Aging, Residential Health Care Facilities and the Department for Children, Youth and Families including the Youth Bureau.~~

~~(c) reporting from time to time to the County Legislature and the County Executive on progress in the coordination of the delivery of human services.~~

~~Section 2102. Members of the Human Services Advisory Board shall be appointed by the County Legislature. The Human Services Advisory Board shall include representation of client groups and the community at large.~~

ARTICLE ~~22~~11

DEPARTMENT OF RESIDENTIAL HEALTH CARE FACILITIES

- Section ~~22~~1101. Department of Residential Health Care Facilities; Director; appointment; qualifications.
- ~~22~~1102. Powers and ~~D~~uties.

Section ~~22~~1101. Department of Residential Health Care Facilities; Director; appointment; qualifications. There shall be a Department of Residential Health Care Facilities headed by a Director. The Director ~~of Residential Health Care Facilities shall have the qualifications of a nursing home administrator. She~~ shall be appointed by the County Executive, subject to confirmation by the County Legislature ~~as provided in Section 302(e) of this Charter~~, and serve at the pleasure of the County Executive. The Director shall have the qualifications of a nursing home administrator and be certified and licensed by the State of New York.

Section ~~22~~1102. Powers and ~~D~~uties. The Director of the Department of Residential Health Care Facilities shall:

A. Be the chief administrative officer of the Department of Residential Health Care Facilities;

B. have ~~and exercise~~ all ~~the~~ powers and duties ~~heretofore or hereafter lawfully granted~~ conferred on or required of a Director ~~imposed~~ by this Charter, local law or resolution of the County Legislature, or by applicable law not inconsistent with this Charter, which shall be necessary to enable him or her to manage and supervise the County Nursing Home ~~and the Ann-lee Home~~, and any similar institution of the County;:-

C. ~~The Director is responsible to and shall r~~Report to the County Executive and the Chairperson of the County Legislature any deficiencies in the operation of the Department of Residential Health Care Facilities, and submit proposed measures to correct such deficiencies;-

D. Organize the Department of Residential Health Care Facilities into such administrative units as may be required, with approval of the County Executive; and

E. Perform such other duties as may be required by the County Executive or the County Legislature.

ARTICLE ~~23~~19

PUBLIC DEFENDER

- Section ~~23~~1901. Public Defender; appointment; term; reappointment; qualifications.
1902. Powers and duties.
1903. Deputy and Assistant Public Defenders and Staff.
~~23~~190~~24~~. ~~Division of~~ Alternate Public Defender; appointments; term;
reappointment; qualifications; requirements; powers and duties.
1905. Acting Public and Alternate Public Defenders.

Section ~~23~~1901. Public Defender; appointment; term; reappointment; qualifications.

A. There shall be ~~an office of the~~ Public Defender ~~headed by an attorney duly admitted to the practice of law in the State. who~~ ~~The Public Defender~~ shall be appointed by the County Executive, subject to confirmation by the County Legislature, ~~as provided in Section 302(e) of this Charter, and serve at the pleasure of the County Executive. The Public Defender shall have the power to appoint such assistant public defenders and employees as may be authorized by the County Legislature and within the appropriations made for such purpose.~~ chosen in the following manner: Upon the vacancy of the office of Public Defender, the County Executive shall choose a new Public Defender, subject to confirmation by the County Legislature, from a list submitted by a Merit Selection Committee. The Committee shall advertise, accept applications and interview candidates for the position of Public Defender. After completing its interview process, the Merit Selection Committee shall submit to the County Executive a list of at least three (3) candidates in order of preference unless it determines that there are fewer than three (3) candidates who are qualified for the position. In that event, the Merit Selection Committee will submit the names of those candidates it determines are qualified. The Merit Selection Committee's decisions will be based on a simple majority.

B. The Merit Selection Committee shall be comprised of the following individuals:

1. Three (3) members of the Albany County Bar Association, to be chosen by the Board of Directors of the Albany County Bar Association;

2. Three (3) members to be appointed by the County Executive; said members shall not be officers or employees of this County; and

3. One (1) representative from the Albany County Legislature, appointed by its Chairperson.

C. The County Executive shall convene the Merit Selection Committee, and the Committee shall select a Chair at its first meeting.

D. The Public Defender shall be appointed to serve a term of five (5) years. The first six (6) months of such term shall constitute a probationary period, during which time the Public Defender may be removed at the pleasure of the County Executive. After the probationary period, the Public Defender may be removed only in accordance with the provisions of Section 75 of the Civil Service Law of the State of New York. This provision is not intended to convey civil service status upon the position of Public Defender. In the event that there is a vacancy in the office of the Public Defender prior to the expiration of the term, a new Public Defender shall be chosen pursuant to the merit selection process. Such new Public Defender shall be appointed for a full five (5) year term commencing from the date of appointment.

E. Upon the expiration of the term of a sitting Public Defender, the County Executive, in his or her discretion, may reappoint such Public Defender, subject to

confirmation by the County Legislature, for a succeeding term without undergoing the merit selection process. If the County Executive decides not to reappoint the Public Defender, then a new Public Defender shall be chosen pursuant to the merit selection process. No later than three (3) months prior to the expiration of the term of the Public Defender, the County Executive shall notify the Public Defender as to whether the term will be renewed. Notice of this decision shall also be given to the Chairperson of the County Legislature and the President of the Albany County Bar Association. Upon notification of the decision not to reappoint the Public Defender, the Merit Selection Committee shall commence its selection process. Nothing herein shall preclude the Public Defender from being renewed for more than one (1) successive term.

F. The Public Defender shall have been a resident of the County continuously for at least one year preceding his or her appointment, and, throughout his or her term of office, be a qualified elector of the County, duly admitted to practice law in New York State for at least five (5) years. The Public Defender may not hold any other public office or the position of chair, vice chair, secretary, treasurer or other comparable office of a County political party committee.

Section 1902. Powers and duties. The Public Defender shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not limited to, the following:

A. Be the head and chief administrative officer of the Office of Public Defender;

B. Provide legal representation, without charge, as requested by a court of competent jurisdiction, to persons whom the court has determined are financially unable to retain private counsel and who are charged with a crime as defined in Section 722-a of the County Law of the State of New York, or who are entitled to assigned counsel pursuant to the Family Court Act of the State of New York or other statutory provision;

C. Organize the Office of the Public Defender into such administrative units as may be required; and

D. Perform such other duties as may be required by the County Executive or the County Legislature.

Section 1903. Deputy and Assistant Public Defenders and staff. The Public Defender shall appoint such Deputy and Assistant Public Defenders, investigators and employees of the Office of Public Defender within appropriations made therefor. At the time of their appointment, and throughout their service in office, all Deputy and Assistant Public Defenders shall be duly admitted to practice law in New York State, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant Public Defenders, investigators and employees shall serve at the pleasure of the Public Defender.

Section ~~2319024~~. ~~Division of~~ Alternate Public Defender; appointments; term; qualifications; requirements; powers and duties. There shall be an ~~Division of~~ Alternate Public Defender to provide representation for indigent-defendants who qualify for

representation by the Office of Public Defender's Office under the state law of New York State, but where a conflict of interests precludes the Office of Public Defender's Office from providing such representation. The Alternate Public Defender shall be appointed by the County Executive, subject to confirmation by the County Legislature ~~as provided in Section 302(e) of this Charter, and serve at the pleasure of the County Executive,~~ chosen pursuant to the same merit selection process as the Public Defender. The Alternate Public Defender shall have the same term of office, qualifications and attributes and possess the same powers and duties as the Public Defender. The County Executive shall have the power to appoint such assistant alternate public defenders and employees as may be authorized by the County Legislature and within the appropriations made for such purpose. The assistant alternate public defenders shall serve at the pleasure of the County Executive. The Alternate Public Defender may be reappointed by the County Executive in the same manner as applicable to the reappointment of the Public Defender. The Alternate Public Defender shall appoint such Deputy and Assistant Public Defenders, investigators and employees of the Office of Alternate Public Defender within appropriations made therefor. At the time of their appointment, and throughout their service in office, all Deputy and Assistant Public Defenders shall be duly admitted to practice law in New York State, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant Public Defenders, investigators and employees shall serve at the pleasure of the Alternate Public Defender, subject to applicable law.

ARTICLE 24

DEPARTMENT OF AGING

~~Section 2401. Department of Aging; Commissioner. There shall be a Department for Aging which shall be responsible for devising a comprehensive County wide plan for services for the Aging; for identifying gaps in such service and encouraging service provision; for applying for funds from all appropriate governmental and private sources for services for the aging; and for providing information relative to programs and services for the elderly in the County and sources of support for such programs and services. The Department Head shall be the Commissioner of Aging. The Commissioner of the Aging Department shall be appointed by the County Executive, subject to confirmation by the County Legislature as provided in Section 302(e) of this Charter, and serve at the pleasure of the County Executive. The Commissioner of the Department for Aging shall perform such other and related duties as shall be required or delegated to her by the County Executive or the County Legislature.~~

ARTICLE ~~24A~~12

DEPARTMENT FOR CHILDREN, YOUTH AND FAMILIES

Section ~~A2412~~01. Department for Children, Youth and Families established;
Commissioner; appointment; term; qualifications.
~~A2412~~02. Powers and Duties.
~~A2412~~03. Youth Bureau established; ~~Director~~; appointment; qualifications;
powers and duties.

Section ~~A2412~~01. Department for Children, Youth and Families established;
Commissioner; appointment; term; qualifications. There shall be a Department for Children,
Youth and Families, ~~the~~ headed by ~~of which shall be the~~ a Commissioner for Children,
Youth and Families. The Commissioner shall be in the ~~noncompetitive~~unclassified class of
~~the~~ civil service, ~~and shall be~~ appointed by the County Executive, subject to confirmation by
the County Legislature ~~as provided in Section 302(e) of this Charter. The term of office of~~
~~the Commissioner shall be five years.~~ The Commissioner shall be appointed on the basis of
his or her administrative experience and qualifications for the duties of office.

Section ~~A2412~~02. Powers and Duties. The Commissioner for Children, Youth and
Families shall:

~~a)~~A. Be the chief administrative officer of the Department for Children, Youth and
Families;

B. ~~e~~Establish, provide and administer a centralized intake and assessment service
to address issues involving children, youth and families;

~~b)C.~~ ~~be responsible for the functions, powers, duties and obligations previously performed by the Commissioner of Social Services concerning~~Provide preventive and child protective services ~~to~~for children and their families within the scope of Article 6 of the Social Services Law of the State of New York;

~~e) — be responsible for the functions, powers, duties and obligations previously performed and assumed by the Commissioner of Social Services concerning child protective services to children and their families within the scope of Article 6 of the Social Services Law;~~

~~d)D.~~ ~~b~~Be responsible for the functions, powers, duties and obligations ~~previously performed and assumed by the Commissioner of Social Services~~ concerning out-of-home placement; and adoption services ~~to~~for children within the ~~S~~cope of Article 6 of ~~the~~such Social Services Law;

~~e) — be responsible for and coordinate the operation and functions of the County Youth Bureau; and~~

E. Organize the Department for Children, Families and Youth into such administrative units as may be required, with approval of the County Executive; and

~~F.~~ p Perform such other ~~and related functions~~ duties concerning children, youth and families as may be therquired by the County ~~Legislature or the County Executive~~ may from time to time direct or the County Legislature.

With respect to these ~~such- functions~~ powers and duties, the Commissioner shall be deemed a “social services official” as that term is defined under New York State law.

Section ~~A24~~1203. Youth Bureau established; Director; appointment; qualifications; powers and duties. There shall be within the Department for Children, Youth and Families a Youth Bureau headed by a Director of the Youth Bureau. ~~which shall be responsible for devising, in consultation with the Youth Board established pursuant to the Executive Law, a comprehensive County wide plan for services for Youth. The Youth Bureau shall also be responsible for identifying gaps in youth services and encouraging service provisions, applying for funds from all appropriate governmental and private sources for services for youth, stimulating and revising programs and services for the young, cooperating with young residents of the County and organizations servicing or representing such individuals, and providing information relative to programs and services for the young in the County and sources of support for such programs and services.~~ The Director ~~of the Youth Bureau~~ shall be appointed by the County Executive, subject to the confirmation by the County Legislature ~~as provided in Section 302(e) of this Charter~~, and serve at the pleasure of the County Executive. The Director ~~of the Youth Bureau shall perform such other and related functions as the County Legislature or the County Executive may from time to time direct.~~ The Director shall be a person qualified by, at a minimum, an earned graduate degree in human

services or a related field and five (5) years of experience in youth services or a related field, or the equivalent training and experience, to administer and supervise the Youth Bureau in the discharge of the powers and duties granted thereto. The Director shall:

A. Devise, in consultation with the Youth Board established pursuant to the Executive Law of the State of New York, a comprehensive County-wide plan for services for youth;

B. Identify gaps in youth services and encourage service provisions;

C. Apply for funds from all appropriate governmental and private sources for services for youth;

D. Stimulate and revise programs and services for the young;

E. Cooperate with young residents of the County and organizations servicing or representing such individuals, and providing information relative to programs and services for youth in the County and sources of support for such programs and services; and

F. Perform such other duties as may be required or delegated by the County Executive or the County Legislature.

ARTICLE 253

OTHER COUNTY BOARDS, OFFICES, INSTITUTIONS AND FUNCTIONS

- Section 25301. ~~Probation Office; Director.~~ Additional appointments by the County Executive.
25302. ~~[REPEALED]~~ Miscellaneous administrative functions.
2303. Power to administer oaths and issue subpoenas.
253034. ~~Airport; Director.~~ Board of Elections.
253045. ~~[REPEALED]~~ County Sewer District.
253056. ~~[REPEALED]~~
- ~~2506. Other boards, how appointed.~~
- ~~2507. Additional appointments by the County Executive.~~
- ~~2508. Ethics Commission.~~
2507. Human Services Advisory Board.
2508. County Planning Board.

Section 25301. ~~Probation Office; Director. There shall be a County Office of Probation headed by a Director appointed by the County Executive as provided in the Executive Law.~~

~~—The Director of Probation shall exercise all powers and duties conferred upon Directors of Probation by applicable law.~~ Additional appointments by the County Executive.

The County Executive shall appoint the head of any other administrative unit not provided for in this Charter as it may be amended from time to time. All such appointees shall serve at the pleasure of the County Executive and have such powers and duties as shall be provided by law, except where such law shall be inconsistent with this Charter.

Section 25302. ~~[REPEALED]~~ Miscellaneous administrative functions.

Administrative functions not otherwise assigned by this Charter shall be assigned by the County Executive to an administrative unit.

Section 2303. Power to administer oaths and issue subpoenas. The Chairperson of the County Legislature, in accordance with Section 209 of the County Law of the State of New York, and the County Executive and such other County officers as may be authorized by this Charter, local law or other applicable law shall have the power to subpoena and compel the attendance of witnesses and the production of books, records and papers, as the same may be pertinent to their respective offices. Any County officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths in connection with such hearing or investigation.

Section 2304. Board of Elections. There shall be a County Board of Elections. The Board shall administer applicable provisions of such Election Law and perform such other duties as may be set forth in the Administrative Code, and as may be required by other laws.

~~Section 2503. County Airport; Director. The County may have an Airport Director responsible for managing the County Airport. Any such Airport Director shall be appointed by the County Executive subject to confirmation by the County Legislature as provided in Section 302(e) of this Charter, and serve at the pleasure of the County Executive. Any such Airport Director shall have such powers and duties as provided by law and perform such other duties as may be required of her by the County Executive or the County Legislature.~~

~~Section 2504. [REPEALED]~~

~~Section 2505. [REPEALED]~~

Section 253065. ~~Other boards; how appointed.~~ County Sewer District. There shall be a County Sewer District ~~Board of Elections, the Alcoholic Beverage Control Board, the Forest District Practice Board, the Board of Commissioners of the County Sewer District and the County Youth Board shall continue~~ as provided by law. ~~Appointments to these Boards shall be made by the County Legislature.~~ The County Legislature shall ~~appointment of~~ any head, board or agency in relation to a County sewer, water, or any other County District of a similar nature ~~shall be made by the County Legislature.~~

~~Section 2507. Additional appointments to be made by the County Executive. The County Executive shall appoint the head of any other Administrative Unit not provided for in this Charter as it may be amended from time to time. All such appointees shall serve at the pleasure of the County Executive and have such powers and duties as shall be provided by law, except where such law shall be inconsistent with this Charter.~~

Section 253086. Ethics Commission. There shall be an Ethics Commission established pursuant to Article 18 of the General Municipal Law of the State of New York. The membership, powers and duties shall be established by local law.

Section 2307. Human Services Advisory Board. There shall be a Human Services Advisory Board whose members shall be appointed by the County Legislature and include representation of client groups and the community at large. The Human Services Advisory Board shall:

A. Offer advice designed to promote and coordinate the delivery of human services by the County;

B. Advise the County Legislature and the County Executive with respect to the qualifications of candidates appointed to the positions of administrative head of the Department of Social Services and Division of Aging, the Department of Residential Health Care Facilities, the Department for Children, Youth and Families and the Youth Bureau; and

C. Report from time to time to the County Legislature and the County Executive on progress in the coordination of the delivery of human services.

Section 2308. County Planning Board. There shall be a County Planning Board composed of the following members: the Commissioner of Public Works, the Commissioner of Management and Budget and the County Comptroller, each of whom shall be an ex-officio member; and five (5) persons who shall be appointed by and serve at the pleasure of the County Legislature. The County Planning Board shall be advisory to and assist the County Legislature and the County Executive on matters related to comprehensive metropolitan, regional, county and municipal planning and in performing the duties and responsibilities conferred upon a County Planning Board by Article 12-B of the General Municipal Law of the State of New York and on such other related matters as may be required by the County Executive or the County Legislature.

ARTICLE 265

GENERAL PROVISIONS

- Section 26501. Civil service rights continued; status of certain County officers previously elected or appointed.
- ~~26502. Members of County Legislature filling vacancies in County service.~~
- ~~2603. Members of County Legislature filling vacancies in County service.~~
2503. Filling vacancy in elective office of Comptroller, County Clerk, District Attorney or Sheriff.
2504. Acting administrative unit head.
2505. Officers and employees engaging in other transactions.

Section 26501. Civil service rights continued; status of certain County officers previously elected or appointed. The civil service status and rights of all County employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this Charter. Nothing contained in this Charter shall affect the terms of office of the County Legislature, County Executive, Comptroller, County Clerk, District Attorney, and Sheriff, ~~and Coroners~~ as presently constituted. ~~Nothing contained in this Charter shall affect the term of office of any County officer or member of any board or commission who shall have been appointed prior to the effective date of this Charter.~~ The terms of office shall be fixed for four (4) years, and shall begin on the first (1st) day of January next following their election.

~~Section 2602. Classified service; exemptions. (a) All positions in all Administrative Units shall be in the classified service, except those held by the following: (i) elective Public Officers; (ii) Department Heads; (iii) members of all boards, commissions and committees. (b) The following positions in the classified service shall be included in the exempt class: (i) deputies authorized to act generally for and on behalf of their principals;~~

~~(ii) the confidential secretaries to any Department Head; (iii) assistant attorneys; (iv) assistant County attorneys; and (v) assistant public defenders.~~

Section ~~265032~~. Members of County Legislature filling vacancies in County service. A person, otherwise qualified, who is a member of the County Legislature at the time a vacancy occurs in an office or position in County government service may be appointed to fill such vacancy provided that he or she shall have resigned prior to such appointment.

Section 2503. Filling vacancy in elective office of Comptroller, County Clerk, District Attorney or Sheriff. A vacancy, otherwise than by expiration of term in the elective office of Comptroller, County Clerk, District Attorney or Sheriff shall be filled by appointment, by the County Executive, subject to confirmation by the County Legislature, of a qualified elector of the county. The person so appointed shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first (1st) annual election after the happening of the vacancy, at which election a Comptroller, County Clerk, District Attorney or Sheriff, as the case may be, shall be elected for the balance of the term, if any.

Section 2504. Acting administrative unit head. Except as otherwise provided in this Charter, each administrative unit head, subject to confirmation by the County Legislature, shall designate in writing, and in order of succession, the person or persons within their respective administrative unit who shall serve as its acting administrative unit head in the event of the administrative unit head's inability to perform and exercise the powers and

duties of his or her office. This designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the administrative unit head filing an approved new written designation and order of succession. If the powers and duties of an administrative unit head's office are exercised by an acting administrative head for more than one (1) year, such office shall be deemed vacant.—

Section 2505. Officers and employees engaging in other transactions. No officer or employee of the County or member of the County Legislature shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.

ARTICLE 276

APPLICATION OF CHARTER

- Section ~~276~~01. ~~Adoption of Charter; when effective.~~
~~2702.~~— Amendment of Charter.
~~276~~03~~2~~. Continuity of authority; completion of unfinished business.
~~276~~04~~3~~. ~~Charter clarification.~~Severability.
~~276~~05~~4~~. ~~Severability~~Dates.
~~276~~06~~5~~. ~~Dates~~Charter to be liberally construed.
~~2707.~~— ~~Offices Abolished; Incumbent Continued.~~
~~2708.~~— ~~Submission of Electors.~~

Section ~~276~~01. ~~Adoption of Charter; when effective.~~ This Charter shall become effective on and after January 1, 1994, upon approval by public referendum in the manner provided by applicable law. An Administrative Code may be adopted and amended by local law at any time subsequent to the approval and adoption of this Charter.

— ~~Section 2702.~~ Amendment of Charter. This Charter may be amended in the manner provided by the Municipal Home Rule Law of the State of New York. ~~Any proposed~~ amendment to this Charter ~~which would have the effect of transferring a function or duty of the County, or of a city, town, village, district or other unit of local government wholly contained within the County, shall not become operative unless it is approved by mandatory referendum as required by the Municipal Home Rule Law.~~ must be enacted by a local law passed by a two-thirds (2/3) vote of the whole number of the County Legislature, subject to referendum as provided in such Municipal Home Rule Law.

— ~~Further, a~~ Any proposed amendment ~~which~~that would (a) create or abolish an elective County office, (b) change the power or method of removing an elective County officer

during his or her term of office, (c) abolish, curtail or transfer to another County office or agency any power of an elected County officer, or (d) change the form or composition of the County Legislature, but not include decennial reapportionment, shall be subject to a mandatory referendum.

Section 276032. Continuity of Authority; Completion of Unfinished Business.
The performance of functions pursuant to the provisions of this Charter shall be deemed and held to constitute a continuation of such functions for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or Administrative Unit responsible ~~for therefor such proceedings or other business~~ under this Charter or Administrative Code.

~~_____~~ This Charter shall not be deemed to invalidate any obligations previously issued by the County or by any of its commissions, boards or agencies, and such obligations shall be and remain binding obligations of the County. In the event any obligation shall have been issued in anticipation of the issuance of bonds by the County, or by any of its commissions, boards or agencies, the County is hereby empowered to issue such bonds as legal and binding obligations of the County.

Section 276043. ~~Charter Clarification. In the event any provision of this Charter is unclear or requires elaboration in its application to the County, the County Legislature may~~

~~interpret such provisions in a manner not inconsistent with the provisions of the Municipal Home Rule Law.~~

~~Section 2705.~~ Severability. If ~~part of any provision~~ any clause, sentence, paragraph, section, or Article of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder ~~of such provision~~ thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or aArticle thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 2760~~64~~. Dates. If any date specified in this Charter, falls, in any year, on a Saturday, Sunday or legal County holiday, then such date shall be deemed to refer to the next succeeding date which is not a Saturday, Sunday or legal County holiday.

Section 2760~~75~~. ~~Office Abolished; Incumbent Continued.~~

~~(a) Any person serving as a Department Head on December 31, 1993 shall continue to serve in such capacity in the following manner:~~

~~(i) Persons appointed for a fixed term shall continue in their office until the expiration of such fixed term. In the event a vacancy shall arise in any such office, the vacancy shall be filled in accordance with the provisions of this Charter.~~

~~(ii) Persons appointed by the County Legislature and serving at its pleasure shall continue to serve at its pleasure in their offices until December 31, 1995. In the event that a vacancy shall arise in any such office, the vacancy shall be filled in accordance with the provisions of this Charter.~~

~~(b) Effective January 1, 1996, the Buildings Department shall be consolidated into the Department of Public Works and the position of Superintendent of Buildings shall be incorporated into the Department of Public Works, Division of Buildings. Until such date, the Department of Buildings shall remain as established in the existing Albany County Charter.~~

~~Section 2708. Recognition of Districts. For the purpose of electing County Legislators, this Charter incorporates herein the Legislative Districts described in local Law No. 2 adopted on May 28, 1992.~~

~~Section 2709. Submission of Electors. This Charter shall be submitted to the electors of Albany County at the general election occurring November 2, 1993.~~ Charter to be liberally construed. This Charter shall be liberally construed to effectuate its objectives and purposes.

ARTICLE 28

OTHER COUNTY FUNCTIONS

~~Section 2801. Miscellaneous Administrative Functions.~~

~~2802. Power to Administer Oaths and Issue Subpoenas.~~

~~Section 2801. Miscellaneous Administrative Functions. Administrative functions not otherwise assigned by this Charter or the Administrative Code shall be assigned by the County Executive to an appropriate Administrative Unit.~~

~~Section 2802. Power to Administer Oaths and Issue Subpoenas. The Chairperson of the County Legislature, in accordance with Section 209 of the County Law and the County Executive and such other County officers as may be authorized by applicable law shall have the power to subpoena and compel the attendance of witnesses and the production of books, records and papers, as the same may be pertinent to their respective offices. Any County officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths in connection with such hearing or investigation.~~

~~SECTION 2. Pursuant to Municipal Home Rule Law Section 33, this Local Law, repealing the present Albany County Charter and enacting a revised Albany County Charter in public thereof, shall not become operative unless and until this Local Law is approved by the duly qualified voters of Albany County in the manner prescribed by law at the general election of November 2, 1993.~~

Minutes of Commission Meetings

Appendix C

Albany County Charter Revision Committee
Meeting Two: February 13, 2013

Members Present:

Willow Baer
Antonio "Tony" Cortes
Jacob Crawford
Patrick Dalzell
Henry Greenberg
Paul Weafer

Paul Weafer called the meeting to order and welcomed all in attendance.

County Director of Operations Fischer, Assistant County Attorney Patrick Collins, and Dept. of General Services Commissioner John Evers were in attendance.

Mr. Brad Fischer notified the Committee that Mary Ann Kentoffio, the existing Chair of the Committee, is resigning from the Charter Revision Committee in its entirety due to unexpected personal circumstances. Mr. Brad Fischer mentioned that he reached out to Chairman Morse and is awaiting a response on how and when the legislature will fill the vacancy in the Committee. The Committee decided to hold on appointing a Committee Chair until the next meeting when more members are present.

Patrick Collins distributed hard copies of the County Charter as well as the organizational chart of the County, which the Committee had asked for in the previous meeting.

Paul Weafer, Henry Greenberg, and Jacob Crawford discussed strategies to break down the committee into sub groups to review the Charter. Consensus was reached that prior to proceeding to make amendments to the Charter, information would be gathered by interviewing Department Commissioners and elected officials. The Committee decided to use the County organizational chart as a basis to schedule these interviews.

Paul Weafer suggested that the Committee request the assistance of Law interns at the Government Law Center to review the provisions of other County Charters to determine if they should be considered for inclusion in the Albany County Charter.

A work plan and schedule will be discussed at the next meeting. Additionally, County Attorney Tom Marcelle will be asked to give a presentation on the structure of the county.

Antonio "Tony" Cortes moved to adjourn at 8:20pm. Motion seconded by Patrick Dalzell. All in favor. Meeting concluded.

Next Committee meeting – To be determined.

Albany County Charter Revision Committee
Meeting Four: March 13, 2013

Members Present

Robert Batsen
Henry Greenberg, Chairman
Antonio "Tony" Cortes
Jacob Crawford
Chris Hanifin
Michael Elmendorf
Willow Baer
William Smith, new member

Henry Greenberg called the meeting to order and welcomed all in attendance.

Chairman of the Legislature Morse, County Director of Operations Fischer, County Attorney Marcelle, Assistant County Attorney Collins, and Dept. of General Services Commissioner John Evers were in attendance.

Chairman Morse started off the meeting by informing the Committee that he has appointed Henry Greenberg as the Committee Chair. Chairman Morse mentioned that he has the power according to the Charter and the Legislative Rules. On the request of Mr. Hanifin, Mr. Collins will be putting this opinion into writing for the next Committee meeting. Chairman Morse mentioned that he trusts Mr. Greenberg in providing the leadership needed to get the work of the Committee done in a timely and adequate manner. Chairman Morse also welcomed William Smith, who he has appointed to fill the vacancy left by Mary Ann Kentoffio.

Mr. Greenberg was thankful for the appointment and presided over the meeting. Mr. Greenberg motioned to extend the deadline of the Committee's report to December 31, 2013, motion seconded by Michael Elmendorf. All voted in favor. The Committee also approved the minutes from previous meeting.

The Committee discussed the need for a Vice Chair and Secretary to ensure that future meetings are organized. Mr. Greenberg wanted to ensure that the leadership of the committee be competent and diverse in order to be representative of the county. Mr. Greenberg nominated Willow Baer as Vice Chair, and Chris Hanifin as Secretary. Chris Hanifin was honored to be nominated; however, he was unable to confirm whether he could accept the position at the moment because of his current obligations with the U.S. Army reserves. Willow Baer accepted her nomination as Vice Chair, motion seconded by Jacob Crawford. All voted in favor. Willow Baer elected Committee Vice Chair.

Mr. Bradley Fischer spoke about the creation of the Charter Commission's website, which is part of the Albany County website. The website includes a mission statement, personal information, schedule of the meetings, minutes, and will be accessible to the public.

County Attorney Marcelle made a presentation on the structure of the County government. Mr. Marcelle discussed the responsibilities of each county department, the County Executive, and the County Legislature. Mr. Marcelle also discussed how the charter is used by the various government entities, and the interplay between them. Mr. Marcelle opined that there are certain areas worth studying such as the need for an appellate public defender. Michael Elmendorf questioned whether there was any language in the charter that was outdated and could be removed. Mr. Marcelle confirmed that there was, and Mr. Collins would assist with this task.

Chairman Morse and Mr. Marcelle left the meeting at approximately 7:50 p.m.

The Committee discussed breaking down Articles 7 – 28 by County Department function, and interviewing the Commissioners of each function to get their opinions on problems with the County Charter. The Committee desires to meet with Commissioners from Public Safety in the next meeting.

Robert Batson mentioned that he will review the provisions of other County Charters in New York to determine if they should be considered for inclusion in the Albany County Charter.

The Committee discussed putting together an action plan in the next meeting for next 8 – 9 months. Henry Greenberg proposed that the Committee meet every 2 weeks to ensure that work is progressing.

Henry Greenberg moved to adjourn at 8:30. Motion seconded by Willow Baer. All in favor. Meeting concluded.

Next Committee meeting on March 28, 2013 at 6:30 p.m. at 112 State Street, 12th Floor.

Albany County Charter Revision Commission
Meeting Five: March 28, 2013

Members Present

Willow Baer
Bob Batson
Antonio Cortes
Jacob Crawford
Patrick Dalzell
Michael Elmendorf
Henry Greenberg, Chairman
Ami J. Schnauber
William Smith, Vice-Chair
Paul Weafer

Henry Greenberg called the meeting to order. Willow Smith made a motion to approve minutes, seconded by Jacob Crawford. All approved.

County Director of Operations Bradley Fischer, Assistant County Attorney Patrick Collins, and Commissioners from the county Sherriff's Office, Department of Probation, Coroners, Office of the Public Defender were in attendance.

Given technical issues with the Committee email system, Henry Greenberg proposed using personal email accounts to exchange information and copying County Attorney Patrick Collins in every email. Additionally, they discussed having a point person receive all email inquiries from the public, Willow Baer volunteered for this role.

The Committee discussed strategies to formalize outreach to the community. Henry Greenburg proposed writing a letter to various constituents to inform them of the work that the Committee does in order to encourage participation from the public. The Committee agreed to develop a list of groups and individuals to reach out to. Willow volunteered to oversee community outreach efforts.

The Committee proceeded to interview each Public Safety Commissioners regarding their opinions on the county charter. Commissioners from each department expressed overall satisfaction with the county charter and suggested minor amendments. Sherriff Apple recommends that all 5 offices in the department get recognized in order for the public to understand the work of the Sherriff's Office. Sheriff Apple also recommends amending the charter to allow for flexibility in hiring EMT professional living outside of Albany County.

The Public Defender, Jim Milstein, recommended changes in order allow for a more efficient way of providing indigent services. Representatives from the Coroner's office and the Probation Department did not express desire to change the charter. All Public Safety Commissioners left by 8:30pm.

Mr. Patrick Collins distributed a summary of his analysis on whether Chair of the Legislature is to appoint Chair. His conclusion was that protocol on this matter was not clear and recommended that the Committee interpret it however they choose. Tony made a motion to elect Henry as Chair, Jacob Seconded. All in favor. All.

Henry Greenberg proposed that a member of the Committee summarize recommended changes to the charter for each department interviewed to date. Henry Greenberg, Paul Weafer, Bob Batsen, Antonio volunteered to do summary of Public Defenders Office, County Sheriff, Coroners, and Probation Department, respectively.

Jacob Crawford created a work plan that the Committee will use to organize meetings with County Government officials over the coming months.

Paul Weafer moved to adjourn meeting. All in favor. Meeting concluded.

Next meeting is 4/08/13 at 6:00pm

Albany County Charter Revision Commission
Meeting: April 9, 2013

Members Present:

Willow Baer
Bob Batson
Patrick Dalzell
Michael Elmendorf
Henry Greenberg
Chris Hanifin
Ami J. Schnauber
Paul Weafer

Others in Attendance:

James Crucetti
John Thune
Arnis Zilgme

Mr. Greenberg called the meeting to order at approximately 6:00 p.m.

Mr. Greenberg made a motion to approve the minutes from the last Commission meeting, which motion was seconded by Mr. Dalzell and unanimously approved.

Mr. Greenberg distributed a proposed questionnaire for County Commissioners to use as a means to record the desired changes to the charter, if any.

The Commission interviewed James Crucetti, Commissioner of the Health Department, regarding his views on Article 9, which establishes his office. The Commission asked Mr. Crucetti if there were opportunities for consolidation between the Department of Health and other human services departments in order to avoid duplication of efforts. With respect to the Charter, Mr. Crucetti did not recommend any substantive changes.

The Commission reviewed the summary of the charter recommendations from the previous meeting. Mr. Greenberg, who reviewed the Office of the Public Defender (Article 23) noted that compared to other county charters, the Albany County Charter for the Office of Public Defender is less detailed when it comes to qualifications, term limits of Commissioner's, type of work performed, and succession plans. Mr. Weafer, who reviewed the Sheriff's Office (Article 18) noted that there were no significant changes recommended by the Sheriff, however other county charter's do write explicit succession plans. Mr. Batson, who reviewed the County Coroners, Article 19, noted that the charter does not specify duties. Moreover, Mr. Batson noted that Coroners could either be elected or appointed, and summarized the advantages and disadvantages of each system.

John Evers, Commissioner of the Dept. of General Services, distributed a county flow chart, which shows how the different offices interact with one another. The Commission asked if the flow charts could list articles under each department headings. Mr. Evers agreed to make this

amendment and said he would create another flow chart, which would display all departments under the County Executive.

The Commission discussed logistical support offered by the County. Discussion focused on the charter commission website and the need to update it to be more comprehensive and inviting in order get the public more involved. Mr. Evers volunteered to assist the Commission with this issue.

Following the last meeting's discussions to formalize outreach efforts, Ms. Baer who is overlooking outreach efforts drafted a letter and is currently working on compiling a list of groups and individuals to reach out to. The list consists of town supervisors, NAACP, League of Woman Voters, Homeowner associations, Chambers of Commerce. She's looking for input from other committee members regarding other groups and individuals to contact. Mr. Evers volunteered to provide Ms. Baer with the contact information of all elected officials. The Commission plans to have this list complete by the next meeting.

The Commission agreed that its next meeting should be scheduled for Thursday, April 25, 2013, at 6:00 p.m.

Mr. Weafer moved to adjourn the meeting, which motion was seconded and unanimously approved.

Albany County Charter Revision Commission
April 25, 2013
Room 620 Albany County Office Building

Members Present:

Willow F. Baer
Robert C. Batson
Jacob M. Crawford
Patrick O. Dalzell
Michael J. Elmendorf II
Henry M. Greenberg
Christopher J. Hannifin
Ami J. Schnauber

Others in Attendance:

Patrick Collins
Stephen J. Giordano, Ph.D.
David Kircher
John Thune
Arnis Zilgme

Mr. Greenberg called the meeting to order at 6:30 p.m.

Mr. Greenberg distributed an "Issues List" and a tentative work plan for the Commission to review and discuss.

The Commission interviewed Stephen J. Giordano, Ph.D., the Commissioner of the Department of Mental Health ("DMH"), regarding his views on Article 10, which establishes DMH. Mr. Giordano expressed overall satisfaction with the Charter, but suggested that it could provide more detail on the type of work performed by DMH.

The Commission interviewed David Kircher, the Acting Commissioner of the Department of Social Services ("DSS"), regarding his views on Article 8, which establishes DSS. The Commission asked Mr. Kircher questions regarding the relationship between DSS and the Department for Children, Youth and Families. With respect to the Charter itself, Mr. Kircher did not recommend any substantive changes.

Ms. Schnauber provided a report on her review of Article 9, which establishes the Department of Health. Ms. Schnauber noted that, unlike other county charters, the Albany County Charter does not provide a succession plan for the Commissioner of Health. Ms. Schnauber also observed that other county charters do not make a medical degree a necessary qualification to serve as a public health director; and that New York law dictates that the County Executive is responsible for appointing the Board of Health, not the County Legislature as noted in the Albany County Charter.

The Commission revisited the subject of its website and taking steps to make it more user-friendly and informative. Mr. Elmendorf volunteered to work with the County in this regard.

The Commission discussed establishing committees/workgroups to review complex issues and provisions in the Charter. Ms. Baer volunteered to research the types of committees/workgroups that other charter review commissions have utilized in going about their work. Mr. Greenberg noted the possibility of establishing a committee/workgroup to research provisions in the Charters addressing the County's budget process (Articles 4, 5, 6). Mr. Dalzell and Mr. Crawford volunteered to serve on such committee/workgroup.

The Commission agreed that its next meeting should be scheduled for Thursday, May 9, 2013, at 6:30 p.m.

A motion was made to adjourn the meeting, which motion was seconded and unanimously approved.

Albany County Charter Revision Committee
Meeting Six: May 9, 2013

Members Present:

Jacob Crawford
Henry Greenburg
Chris Hannifin
Antonio Cortes
Willow Baer
Paul Weafer
Patrick Dalzell
Mike Elmendorf (by Telephone)

Others in Attendance:

Carina Comiskey
Bradley Fischer
Theresea Giffen

Mr. Greenburg called the meeting to order at approximately 6:30 pm.

Mr. Greenburg a motion was made to approve the minutes from the April 25, 2013, Commission meeting. The motion was seconded and unanimously approved.

The Commission decided to move future meetings to Wednesdays at 6:30 p.m.

The Commission addressed the status of the "Issues List". Mr. Greenburg suggested that the Commission wait until the Commission has heard all of the agency issues before tackling any of the proposals to the issues listed, in order to develop a uniform policy regarding agency issues.

The Commission discussed the possible sub-committees needed to review articles that are more complex. In addition to the sub-committee dealing with Fiscal Procedure (Articles 4, 5 & 6), sub-committees will begin to research the Legislative Division of Powers (Article 2), the Stature of the County Legislature (Article 2), Succession Planning and the County Executive (Article 3). Mr. Dalzell, Mr. Crawford and Mr. Weafer volunteered to be included in the Fiscal Procedure sub-committee. Mr. Cortes volunteered, and Mr Greenburg volunteered Mr. Batson, to be included in the Stature of the County Legislature Committee. Mr. Greenburg, Mr. Hanifin, Mr. Elmendorf, Mr. Weafer and Mr. Crawford volunteered to be included in the Legislative Division of Powers sub-committee. Ms. Baer volunteered to be included in the Succession Planning sub-committee. Mr. Greenburg volunteered to be included in the County Executive sub-committee.

Mr. Hanifin made a motion to turn the Commission's attention to the agency representatives here to be interviewed, Mr. Crawford seconded and the motion was unanimously approved.

The Commission interviewed George Brown, the Fiscal Director of the Dept. of Aging, regarding his views on Article 24 of the County Charter which establishes the Dept. of

Aging. The Commission asked Mr. Brown questions regarding the relationship between the Dept. of Aging and the Dept. of Social Services. The Commission informed Mr. Brown that they may have follow-up questions for the Commissioner of the Dept. of the Aging. With respect to the charter, Mr. Brown did not recommend any substantive changes.

The Commission interviewed Gail Geohagen, Deputy Commission for the Department of Children, Youth and Families, regarding her views on Article 24A, which establishes her office. The Commission asked Ms. Geohagen questions regarding the relationship between the Dept. of Children, Youth & Families and the Youth Bureau. With respect to the charter, Ms. Geohagen did not recommend any substantive changes.

The Commission discussed reviewing the list of Departments that had at one time been a part of the Dept. of Social Services, but have since migrated out.

Mr. Cortes reported on the charter issues involving the Head of Probation.

Mr. Elmendorf updated the Commission on the status of improvements to the Commission website. Currently, the Commission website consists of previous Commission minutes, the date and location of the next Commission meeting as well as an email address allowing the public to submit comments to the Commission.

The Commission agreed that its next meeting should be scheduled for Wednesday, May 22, 2013, at 6:30 p.m.

Mr. Cortes moved to adjourn the meeting. The motion was seconded by Mr. Greenburg and unanimously approved.

Albany County Charter Revision Commission
May 22, 2013
Room 620 Albany County Office Building

Members Present:

Jacob M. Crawford
Henry M. Greenburg
Christopher J. Hannifin
Antonio C. Cortes
Willow F. Baer
Paul L. Weafer
Patrick L. Weafer
Patrick O. Dalzell
Michael J. Elmendorf

Others in Attendance:

Carina Comiskey
Bradley Fischer
Patrick Collins
John Evers
Arnis Zilgme

Mr. Greenburg called the meeting to order at 6:30p.m.

The Commission interviewed David Soares, the Albany County District Attorney, regarding his views on Article 17 of the County Charter which establishes that office. The Commission asked Mr. Soares questions regarding how the County Charter affects his office. With respect to the Charter itself, Mr. Soares recommended that the Charter be amended to allow the District Attorney's office the opportunity to voice an opinion on legislation that would impact the District Attorney's office.

The Commission interviewed Judy Coyne, the Commissioner of Aging, regarding her views on Article 24 of the County Charter which establishes that agency. The Commission asked Ms. Coyne questions regarding the relationship between the Department of Aging and the Department of Social Services. With respect to the Charter itself, Ms. Coyne did not recommend any substantive changes.

The Commission interviewed Sheri Brooks, the Albany County Alternate Public Defender, regarding her views on Article 23 of the County Charter which establishes that office. The Commission asked Ms. Brooks questions regarding how the Alternate Public Defenders

office differs from the Public Defender's Office. With respect to the Charter itself, Ms. Brooks did not recommend any substantive changes.

Mr. Crawford made a motion to approve the minutes from the Commission's April 25, 2013 and May 10, 2013 meetings, which motion was seconded by Mr. Elmendorf and unanimously approved.

Ms. Baer reported on her review of the Department of Social Services, raising, in particular, the question of the role of the Youth Bureau and its relationship with the Department of Social Services.

Mr. Greenburg requested a chronological index of the County Charter amendments from Mr. Collins for the next meeting.

The Commission agreed that its next meeting should be scheduled for Wednesday, June 12, 2013, at 6:30 p.m.

Mr. Greenburg moved to adjourn the meeting, which motion was seconded by Mr. Crawford and unanimously approved.

Albany County Charter Review Commission
June 26, 2013
Room 620 Albany County Office Building

Members Present:

Jacob M. Crawford
Henry M. Greenburg
Patrick O. Dalzell
Bob Batson
Amy Schnauber
Mike J. Elemendorf

Others in Attendance:

Bradley Fischer
Carina Comiskey
Patrick Collins

Mr. Greenberg called the meeting to order at 6:30 p.m.

The Commission interviewed Thomas Marcelle, the Albany County Attorney, regarding his views on Article 15 of the County Charter which establishes that office. County Attorney Marcelle provided the Commission with a general overview of the daily functions of the County Attorney's Office. The Commission asked County Attorney Marcelle questions regarding how the County Charter affects his office.

The Commission interviewed John Evers, the Commissioner of the Department of General Services, regarding his views on Article 7A of the County Charter which establishes that office. Commissioner Evers provided the Commission with a general overview of the daily functions of Department of General Services. The Commission asked Commissioner Evers questions regarding the relationship between the Department of General Services and the Consumer Affairs Department. Commissioner Evers will provide the Commission with recommendations for the Charter, in regards to his Department, at a later date.

The Commission interviewed Darrel Duncan, the Commissioner of the Department of Public Works, regarding his views on Article 7 of the County Charter which establishes that office. The Commission asked Commissioner Duncan questions regarding the relationship between the Department of Public Works and the Department of General Services. With respect to the Charter itself, Commissioner Duncan did not recommend any substantive changes.

Mr. Crawford made a motion to approve minutes from the Commission's May 22, 2013 meeting, which motion was seconded by Mr. Elemendorf and unanimously approved.

Ms. Schnauber reported on her review of the Department of Mental Health, raising, in particular the role of the Community Services Board in relation to the Director of the Department.

The Commission requested a consolidated County Charter, with a brief legislative history, from Mr. Collins for the next meeting. The Commission also requested a certified County Charter from the Secretary of State from Mr. Collins for the next meeting.

The Commission agreed that its next meeting should be scheduled for Wednesday, July 10, 2013, at 6:30 p.m.

A motion to adjourn the meeting was made by Mr. Crawford, which motion was seconded by Mr. Elemendorf and unanimously approved.

Albany County Charter Review Commission
July 10, 2013
Room 620 Albany County Office Building

Members Present:

Henry M. Greenberg
Bob Batson
Jacob M. Crawford
Willow Baer
Paul Weafer
Antonio Cortes
Patrick O. Dalzell
Ami Schnauber

Others in Attendance:

Bradley Fischer
Patrick Collins
Colleen O'Connor

Mr. Greenberg called the meeting to order at 6:30 p.m.

The Commission interviewed Thomas G. Clingan, the Albany County Clerk, regarding his views on Article 16 of the Albany County Charter, which establishes the Department of Records. County Clerk Clingan provided the Commission with a general overview of the daily functions of the Department of Records. The County Clerk proposed for the County to make accessible local laws and resolutions that affect the public. He provided the Commission with general information about General Code, a company that supplies document management and municipal codification, and discussed Dutchess County, who updated their print records and online website to increase public awareness about local laws. The County Clerk also suggested changing the language from "Department of Records" to "Office of the County Clerk." Lastly, the County Clerk proposed extending the roles of the County Clerk to appointing the County Historian, a position that has been vacant for over six years. The Commission asked the County Clerk questions regarding the accessibility of local laws in addition to the utility of changing the language from "Department of Records" to "Office of the County Clerk."

The Commission interviewed Evelyn A. Kinnah, the Commissioner of the Department of Human Resources, and Jennifer Clement, the Deputy Commissioner, regarding their views on Article 12 of the Albany County Charter, which establishes the Department of Human Resources. Commissioner Kinnah provided the Commission with a general overview of the daily functions of the Department of Human Resources. Commissioner Kinnah detailed the three divisions that

comprised the Department — the Division of Personnel Services, the Division of Affirmative Action, and the Division of Employee Relations. Commissioner Kinnah did not provide any recommendations for the Charter. The Commission asked Commissioner Kinnah questions regarding the language in the Charter, clarifying that the syntax change from “Division of Labor Relations” to “Division of Employee Relations” as well as change from the “Director of Labor Relations” to the “Director of Employee Relations.” The Commission further sought clarification on the powers and duties of the Human Resources Commissioner, specifically the lack of authority to appoint Directors of the Division of Employee Relations and Affirmative Action, which resides with the County Executive. Commissioner Kinnah responded that with the current method of appointment, the Department of Human Resources receives the most qualified employee for the position. Mr. Weafer inquired about the authority of the Grievance Committee to overturn decisions made by the Department of Human Resources. Commissioner Kinnah and Deputy Commissioner Clement responded that the powers and duties of the Grievance Committee were codified under the personnel manual, the Albany County Rules and Regulations, by the County Legislature.

The Commission interviewed Michael Cummings, the Director of Civil Service, regarding his views on Article 12A of the Albany County Charter, which establishes the Department of Civil Service. Director Cummings provided the Commission with a general overview of the daily functions of the Department of Civil Service. Director Cummings provided the Commission with recommendations to Article 26 and distributed a handout detailing those changes. He further provided that he had no recommendations for the Charter pertaining to Article 12.

The Commission interviewed John T. Evers, the Commissioner of the Department of General Services, regarding his views on Article 7A of the Albany County Charter, which establishes the Department of General Services. Commissioner Evers provided the Commission with a general overview of the daily functions of the Department of General Services and distributed a handout detailing the functions of the Department of General Services. Commissioner Evers discussed the need for clarification of the County Division of Weights and Measures, which appears both in Article 7A, § A704 and in Article 20, § 2003.

Mr. Weafer reported on Article 17 concerning the District Attorney, raising the compensation issue and the need to clarify appointment power.

Ms. Baer reported on Article 24A concerning the Department for Children, Youth & Families, raising the issue of Section 802(d) of the Charter concerning the power to hire attorneys as a continuing issue.

Mr. Collins reported on the certified copy of the Albany County Charter and provided the Local Law of 1993 that created the current Albany County Charter as well as all the amendments and local laws since 1993.

The Commission agreed to divide up the reports. Mr. Greenberg will be responsible for the County Clerk’s office. The Department of General Services and the Department of Public Works are assigned to Mr. Batson, and Mr. Cortes will be responsible for the Department of

Human Resources and the Department of Civil Service. Furthermore, Ms. Baer and Ms. Schnauber will work together as a subcommittee for solving working issues. A motion to adjourn the meeting was made by Mr. Batson, which motion was seconded by Ms. Schnauber and unanimously approved.

Albany County Charter Review Commission
July 25, 2013
Room 620 Albany County Office Building

Members Present:

Henry M. Greenberg
Antonio C. Cortes
Patrick O. Dalzell
Christopher J. Hanifin

Others in Attendance:

Bradley Fischer
Patrick Collins
Kevin Cannizzaro
Arnis Zigler

Mr. Greenberg called the meeting to order at 6:30 p.m.

The Commission interviewed Thomas Coffey, Interim Director of the Department of Residential Health Care Facilities, on his views relating to the operation of residential health care facilities in Albany County. Mr. Coffey gave a brief background of his history with Albany County and his educational background. He continued with a discussion of the history of long-term care facilities in Albany County. Mr. Coffey briefly explained the organization of the Albany county nursing home facility, including the current number of patients served as well as staff levels. He went on to discuss both the annual revenue as well as the annual deficit figures of the nursing home. Mr. Greenberg asked about the history of the Albany County nursing home involvement with the Department of Social Services. Mr. Coffey gave a brief background. Mr. Greenberg asked if Mr. Coffey had any thoughts related what state law requirements there were for the appointment of a director for the nursing home. The interim-director responded that he believed that State law required a director to be appointed. Mr. Hanifan asked if the interim-director knew which section of State law requires a director of the nursing home to be appointed. Mr. Coffey responded that he believed it was N.Y.C.R.R § 10.415.216. Mr. Hanifin asked if the Department keeps copies of local laws on file to refer to given that they are bound to follow them. The interim director responded that they did not; however, they do keep a copy of all relevant state laws and regulations. The Commission asked for more description on the exact makeup of the staff at the nursing home. Mr. Cortes asked about the number of staff at the nursing home who worked 24/7. Mr. Coffey responded that, given the needs of the facility, there

is always a certain amount of staff on call at all times. Mr. Cortes asked the interim-director a question regarding the annual deficit and who was responsible for covering any deficit. Mr. Coffey responded that Albany County pays for the \$11 million deficit out of county funds. Mr. Hanifan asked for clarification regarding the turnover rates of patients at the nursing home. The commission expanded on the average turnover rates.

The Commission interviewed Laura DeGaetano, Commissioner of the Department of Economic Development, Conservation, and Planning, regarding the functions of her department in relation to the Charter. Ms. DeGaetano gave the Commission a brief background of her experience in Albany County. She discussed the functions which the Department of Economic Development, Conservation, and Planning perform for the county. Ms. DeGaetano expanded on the creation and organization of the Department. Mr. Greenberg asked whether Albany County had a functioning planning board. Ms. DeGaetano responded that the planning board does in fact exist and it meets monthly. However, Ms. DeGaetano made clear that the planning board does not function according to the Charter. All members of the Commission asked Ms. DeGaetano to expand on the functions of the Department and the staff that is involved. Ms. DeGaetano explained that she is the sole member of the Department and is responsible for handling all issues that come before it. Mr. Greenberg asked Ms. DeGaetano who she reports to. She responded that she reports directly to the County Executive's office. Mr. asked if there were any current plans for reorganization of her Department. Mr. Fischer Hanifin suggested that the County Executive's office was currently seeking ways to increase the Department's involvement with local municipalities in the most efficient way possible. Mr. Greenberg emphasized the anomaly of a one person "department" and inquired who could, on behalf of the County, explain or justify the existing organizational structure. Mr. Fischer answered that the County Executive's office was currently developing plans to address the issue; however, the decision would ultimately be made by the County Legislature. The Commission expressed concerns over the need of a 1-2 person Department and asked the Commissioner if it would be detrimental if the Department was reorganized as part of another Department. Ms. DeGaetano said that it would not be a good idea to drastically change the current structure of the Department because it performs vital tasks for the county. She made clear that the size of the Department did not influence its ability to operate during her tenure. Mr. Dalzell asked if there were internal guidelines the Department follows. Ms. DeGaetano answered that there are guidelines for when she needs to submit reports to the County Executive. Mr. Greenberg again asked if there would be problems with making the Department a smaller unit. Ms. DeGaetano said that there would certainly be issues if the Department were changed significantly. Mr. Hanifin asked if the Charter itself has caused any issues that prevent the Department from performing its duties. Ms. DeGaetano said that generally the Charter did not cause major problems. Mr. Cortes asked about the relationship between the Department and DPW. Ms. DeGaetano expanded on the relationship. Mr. Cortes expressed concerns that if this Department is not functioning according to the Charter than how is the county economically developing. Ms. DeGaetano indicated that the Department has been functioning for more than a decade even though it does not comply with the Charter.

The Commission interviewed David Friedfel, the Commissioner of the Department of Management and Budget (OMB), regarding Article 5 of the Charter. Mr. Greenberg asked the Commissioner his views on the Department of Economic Development, Conservation, and Planning. The Commissioner indicated that he believes it does still perform necessary functions and is important to the proper functioning of the County. Mr. Fischer indicated that it would be up to the Legislature to determine the continued utility of Article 11. The Commissioner discussed his background and the functions of the Office of Management and Budget. The Commissioner walked through structural issues of Article 5 in the Charter. He indicated that there were several provisions which conflicted with Article 4 and that Article 5 lacked sufficient specificity. The Commission asked Mr. Friedfel to go through Article 5 in the Charter. The Commissioner indicated that § 501 is problematic because it does not make clear that he is the Department head. He indicated that the language of this section is confusing and the lack of specificity could lead to problems in the future. The Commissioner indicated that § 502(b) needed to be more specific. Mr. Greenberg asked if OMB receives and controls County funds. The Commissioner answered that OMB and the Comptroller have roles in the handling of County funds. He went on to discuss the investment structure put in place by OMB on behalf of the County. The Commissioner indicated that § 503 is not problematic in its current form. The Commissioner indicated that he is concerned with limitations placed on the County Executive's veto power over legislative adjustments of the budget. Mr. Greenberg asked about the veto power of the County Executive and the role of the Legislature in the budget. The Commissioner responded that the County Executive has the power to veto any increases in the budget. Mr. Hanifin asked about the process for adopting the budget and about the process for legislative increases or decreases to items in the budget. The Commissioner expanded on the process that occurs when the budget is being created. Mr. Greenberg asked the Commissioner to explain the public policy benefits of the veto power. Mr. Friedfel responded that it would be desirable for the County Executive to be able to veto legislative decreases as well so that innovative projects are not stopped before they get started. The Commissioner indicated that there are problems caused by Article 5 when they apply for grants. He indicated that there is too much oversight by the County legislature. Mr. Greenberg asked for clarification as to the types of grants the Commissioner was referring to. Mr. Friedfel indicated that these were State and Federal grants. The Commissioner suggested that the County Executive should be able to introduce new legislation without needing the support of a member of the legislature. He indicated that this would allow the County to be more creative in proposing projects to benefit it.

Mr. Greenberg gave a report on Article 16 of the Charter which deals with the Department of Records.

Mr. Dalzell moved to adjourn the meeting for the evening. The motion was seconded by Mr. Hanifin and unanimously approved.

Albany County Charter Review Commission
August 14, 2013
Room 620 Albany County Office Building

Members Present:

Jacob M. Crawford
Henry M. Greenburg
Patrick O. Dalzell
Robert Batson
Ami Schnauber
Mike J. Elemendorf
Bob Carlson
Paul Weafer

Others:

Carina Comiskey
Patrick Collins
Arnis Zigler

Mr. Greenberg called the meeting to order at 6:30 p.m.

Mr. Crawford made a motion to approve minutes from the Commission's July 10, 2013 meeting, which motion was seconded by Mr. Batson and unanimously approved.

Mr. Dalzell made a motion to approve minutes from the Commission's July 25, 2013 meeting, subject to the suggested changes. Mr. Greenberg seconded the motion, which was unanimously approved.

The Commission interviewed Charles Burke, the Director of the Veterans Services Bureau, which is not established by the County Charter. Director Burke provided the Commission with a general overview of the Veterans Services Bureau and the services that it provides. The Commission asked Director questions regarding the relationship between the Veterans Services Bureau and the Department of Social Services. Director Burke did not recommend any substantive changes in the Charter regarding the Veterans Services Bureau.

The Commission interviewed David Friedfel, the Commissioner of the Department of Management and Budget, for the second time, regarding Article 5 of the Charter, which establishes that department. Mr. Friedfel identified specific issues in the current Charter affecting his Department and proposed potential amendments to the Charter. Such issues included the County's budget, grant application and contract approval processes. Mr. Greenberg requested that Mr. Friedfel provide the Commission with further support for each of his proposed

amendments, to which Friedfel assented, stating that he would subsequently submit a memorandum.

Mr. Batson reported on his review of the Department of General Services and the Department of Public Works.

Mr. Greenberg reported on his review of the Department of Residential Health Care Facilities.

Mr. Greenberg presented drafts of Article 16, Article 17 and Article 18 of the Charter, to the Commission, which included proposed amendments. The Commission discussed Mr. Greenberg's proposed amendments and recognized them as a starting point in crafting proposed changes to the Charter.

Mr. Carlson agreed to provide the Commission with a report at its next meeting on the Veterans Services Bureau.

The Commission scheduled its next meeting for Wednesday, August 28, 2013, at 6:30 p.m.

A motion to adjourn the meeting was made by Mr. Crawford, which motion was seconded by Mr. Batson and unanimously approved.

Albany County Charter Review Commission
August 28, 2013
Room 620 Albany County Office Building

Members Present:

Henry M. Greenberg
Ami Schnauber
Willow F. Baer
Mike J. Elmendorf
Bob Carlson
Paul L. Weafer
Bob Batson
Jacob M. Crawford
Antonio C. Cortes

Others in Attendance:

Bradley Fischer
Carina Comiskey
Patrick Collins
Arnis Zilgme

Mr. Greenberg called the meeting to order at 6:30 p.m.

The Commission interviewed Michael F, Connors, II, the Albany County Comptroller of the Department of Audit and Control, regarding his views on Article 4 of the County Charter which establishes that office. Comptroller Connors provided the Commission with a general overview of the daily functions of the Department of Audit and Control. With respect to the Charter itself, Comptroller Connors recommended some substantive changes. Comptroller Connors proposed changes to Article 4 of the Charter, in regards to the schedule of the budgetary process. Comptroller Connors proposed changes to the Contract Authorization Board, including increasing the Contract Authorization Board limit and including someone from Comptrollers office on the board. Comptroller Connors also proposed that the Comptroller's Office should have subpoena power, and that that power should come directly from the Charter. Last, Comptroller Connors proposed that, where applicable, the Charter should make reference to superseding state law.

Mr. Weafer made a motion to approve minutes from the Commission's August 14, 2013 meeting, subject to the suggested changes. Mr. Crawford seconded the motion, which was unanimously approved.

Mr. Carlson reported on his review of the Veterans Services Bureau.

Mr. Greenberg presented drafts of Article 12A, Article 15 and Article 23 of the Charter, to the Commission, which included proposed amendments. The Commission discussed Mr. Greenberg's proposed amendments and recognized them as an addition to the proposed changes to the Charter which were discussed at the previous meeting.

The Commission agreed that its next meeting should be scheduled for Wednesday, September 11, 2013, at 6:30 p.m.

A motion to adjourn the meeting was made by Mr. Crawford, which motion was seconded by Mr. Batson and unanimously approved.

Albany County Charter Revision Commission
September 11, 2013
Room 620 Albany County Office Building

Members Present:

Henry M. Greenburg
Jacob M. Crawford
Christopher J. Hannifin
Willow F. Baer
Michael J. Elmendorf

Others in Attendance:

Bradley Fischer
Patrick Collins
Arnis Zilgme

Mr. Greenburg called the meeting to order at 6:30p.m.

The Commission interviewed E. Nancy Wiley, the Chair of the Community Services Board, regarding her views on Article 10, § 1003 of the County Charter which establishes that board. The Commission asked Ms. Coyne questions regarding the various functions and duties of the Community Services Board, including the subcommittees on mental health, developmental disabilities and alcohol and substance abuse. With respect to the Charter itself, Ms. Wiley did not recommend any substantive changes.

The Commission interviewed Patrick Collins, regarding the duties of the Ethics Commission in Article 25, § 2008 of the County Charter which establishes that Commission. The Commission asked Mr. Collins questions regarding how the Ethics Commission functions and its primary duties within the county. With respect to the Charter itself, Mr. Collins expressed that the largest concern of the Ethics Commission is that it is an unfunded mandate.

Mr. Hannifan reported on his review of the Department of Economic Development, Conservation & Planning.

Mr. Greenburg reported on his review of the Department of Audit and Control.

Mr. Greenberg presented drafts of Article 4, Article 10 and Article 13 of the Charter, to the Commission, which included proposed amendments. The Commission discussed Mr. Greenberg's proposed amendments and recognized them as an addition to the proposed changes to the Charter which were discussed at the previous meeting.

The Commission agreed that its next meeting should be scheduled for Wednesday, September 25, 2013, at 6:30 p.m.

Mr. Greenburg moved to adjourn the meeting, which motion was seconded by Mr. Crawford and unanimously approved.

Albany County Charter Review Commission
September 25, 2013, 6:30 p.m.
Room 620 Albany County Office Building

Members Present:

Henry M. Greenberg
Willow F. Baer
Mike J. Elmendorf
Bob Carlson
Bob Batson
Jacob M. Crawford
Patrick O. Dalzell

Others in Attendance:

Bradley Fischer
Carina Comiskey
Patrick Collins
Arnis Zilgme
John Evers

Mr. Greenberg called the meeting to order at 6:30 p.m.

The Commission interviewed former County Executive, Hon. Michael J. Hoblock and former Deputy County Executive, Daniel D. Hogan. Mr. Hoblock and Mr. Hogan spoke to the Commission about the circumstances surrounding the adoption of the 1993 version of the Albany County Charter. The Commission asked Mr. Hoblock and Mr. Hogan questions regarding how they garnered county-wide support for the charter adoption in 1993, including their use of public hearings. The Commission also asked Mr. Hoblock and Mr. Hogan questions regarding sections of the Charter which, with hindsight, they would have liked to add, modify or remove.

Mr. Batson reported on his status in regards to the review of the legislature.

Mr. Greenberg presented drafts of Article 7A, Article 20 and Article 24 of the Charter, to the Commission, which included proposed amendments. The Commission discussed Mr. Greenberg's proposed amendments and recognized them as an addition to the proposed changes to the Charter which were discussed at the previous meeting.

The Commission agreed that its next meeting should be scheduled for Wednesday, October 15, 2013, at 6:30 p.m.

A motion to adjourn the meeting was made by Mr. Elmendorf, which motion was seconded by Mr. Crawford and unanimously approved.

Albany County Charter Review Commission
October 15, 2013, 6:30 p.m.
Room 620 Albany County Office Building

Members Present:

Henry M. Greenberg
Willow F. Baer
Jacob M. Crawford
Patrick O. Dalzell
Paul L. Weafer
Ami Schnauber

Others in Attendance:

Bradley Fischer
Carina Comiskey
Patrick Collins

Mr. Greenberg called the meeting to order at 6:30 p.m.

Mr. Crawford made a motion to approve minutes from the Commission's September 25, 2013 meeting. Ms. Baer seconded the motion, which was unanimously approved.

The Commission interviewed Albany County Executive, Daniel P. McCoy. County Executive McCoy spoke to the Commission about his time as Chairman of the Albany County Legislature, and how those experiences helped shape his views as County Executive and on the Albany County Charter. The Commission asked County Executive McCoy questions regarding his view on the Charter as Chairman and how that view has changed since becoming County Executive. County Executive McCoy also spoke to the Commission about sections of the Charter which he considers important, including sections dealing with the budget process and economic development. The Commission also asked County Executive McCoy questions regarding any sections of the Charter to which he would suggest substantive changes.

Mr. Greenberg presented drafts of Articles 1, 5, 6, 7, 7A, 8, 9, 10, 11, 12, 14, 18, 19, 21, 22, 24A, 25, 26, 27 and 28 of the Charter, to the Commission, which included proposed amendments. The Commission discussed Mr. Greenberg's proposed amendments and recognized them as an addition to the proposed changes to the Charter which were discussed at the previous meeting.

The Commission agreed that its next meeting should be scheduled for Wednesday, October 23, 2013, at 6:30 p.m.

A motion to adjourn the meeting was made by Mr. Crawford, which motion was seconded by Ms. Baer and unanimously approved.

Albany County Charter Review Commission
October 23, 2013, 6:30 p.m.
Room 620 Albany County Office Building

Members Present:

Henry M. Greenberg
Willow F. Baer
Jacob M. Crawford
Patrick O. Dalzell
Paul L. Weafer
Ami Schnauber
Bob Batson
Mike Elmendorf
Chris Hannifan

Others in Attendance:

Carina Comiskey
Patrick Collins
Arnis Zilgme

Mr. Greenberg called the meeting to order at 6:30 p.m.

Mr. Crawford made a motion to approve minutes from the Commission's October 15, 2013 meeting. Ms. Baer seconded the motion, which was unanimously approved.

The Commission interviewed Albany County Legislative Chairman, Shawn M. Morse and Albany County Legislature Majority Leader, Frank J. Commisso. Chairman Morse spoke to the Commission about the functions, duties and general practices of the Albany County Legislature. The Commission asked Chairman Morse questions regarding his view on the Albany County Charter both as an Albany County Legislator and as Chairman of the Legislature. The Commission asked Chairman Morse and Mr. Commisso about specific sections of the Charter relating to the budget process. The Commission also asked Chairman Morse and Mr. Commisso questions regarding any sections of the Charter to which they would suggest substantive changes.

Mr. Batson reported on his review of the size of the Albany County Legislature, including comparisons between Albany County and the rest of the counties in New York State.

The Commission agreed that its next meeting should be scheduled for Thursday, November 7, 2013, at 6:30 p.m.

A motion to adjourn the meeting was made by Mr. Greenberg, which motion was seconded by Mr. Crawford and unanimously approved.

Albany County Charter Review Commission
November 7, 2013, 6:30 p.m.
Room 620 Albany County Office Building

Members Present:

Henry M. Greenberg
Jacob M. Crawford
Patrick O. Dalzell
Paul L. Weafer
Bob Batson
Antonio C. Cortes

Others in Attendance:

Carina Comiskey
Patrick Collins
Arnis Zilgme
John Evers

Mr. Greenberg called the meeting to order at 6:30 p.m.

The Commission interviewed Albany County Legislature Minority Leader, Christine Benedict. Ms. Benedict spoke to the Commission about the functions and general practices of the Albany County Legislature. Ms. Benedict also spoke to the Commission about substantive changes that she would suggest in regards to the duties and functions of the Albany County Legislature as mandated in the Albany County Charter. The Commission asked Ms. Benedict about specific sections of the Charter relating to the budget process.

The Commission discussed proposed options for holding a public hearing.

Mr. Crawford made a motion to approve minutes from the Commission's September 11, 2013 and November 7, 2013 meetings. Mr. Cortes seconded the motion, which was unanimously approved.

The Commission agreed that its next meeting should be scheduled for Wednesday, November 20, 2013, at 6:30 p.m.

A motion to adjourn the meeting was made by Mr. Greenberg, which motion was seconded by Mr. Crawford and unanimously approved.

Albany County Charter Review Commission
November 20, 2013, 6:30 p.m.
Room 620 Albany County Office Building

Members Present:

Henry M. Greenberg
Jacob M. Crawford
Patrick O. Dalzell
Paul L. Weafer
Bob Batson
Ami Schnauber
Chris Hannifan

Others in Attendance:

Carina Comiskey
Patrick Collins
Arnis Zilgme
John Evers

Mr. Greenberg called the meeting to order at 6:30 p.m.

The Commission reviewed drafts of Articles 7, 8, 9, 10, 11, 12, 13 and 14 of the Charter and discussed the revised organization of each Article in order to make the County Charter, as a whole, more cohesive. The Commission also discussed the concerns and benefits of having a county Medical Examiner versus a county Coroner.

The Commission agreed that the public hearing would take place in Guilderland on December 11, 2013 at 6:30 pm.

The Commission agreed that its next meeting should be scheduled for Wednesday, December 4, 2013, at 6:30 p.m.

A motion to adjourn the meeting was made by Mr. Batson, which motion was seconded by Mr. Dalzell and unanimously approved.

Albany County Charter Review Commission
December 11, 2013, 6:30 p.m.
Guilderland Town Hall

Members Present:

Henry M. Greenberg
Jacob M. Crawford
Patrick O. Dalzell
Paul L. Weafer
Bob Batson
Ami Schnauber
Chris Hannifan
Willow Baer

Others in Attendance:

Carina Comiskey
Patrick Collins
Arnis Zilgme

Mr. Greenberg called the meeting to order at 6:30 p.m.

The Commission heard from Aimee Allaud, the Communications Director for the League of Women Voters. Ms. Allaud spoke about the five concerns that the League of Women Voters have with the current charter. Those issues are:

1. The League sees accountability and efficiency as the most important issues to be addressed.
2. The League would give the County Executive full veto power, with a possible 2/3 override by the legislature.
3. The League has recommended for many years moving to the appointed medical examiner system rather than the current four elected coroners.
4. An Administrative Code is included in the current charter, but has not been funded.
5. Independent Redistricting Commission. The League is a proponent of adopting such a commission as a basis for redistricting in 2021 after the next census.

The Commission then asked Ms. Allaud questions regarding the list of concerns posed by the League of Women Voters.

The Commission heard from Albany County Coroner Paul Marra. Mr. Marra spoke about the functionality of the Albany County Coroner system and how it differentiates from that of a medical examiner system in name only. Mr. Marra spoke in detail about the duties of an Albany County Coroner and how those duties are replicated in a medical examiner system by Death Scene Investigators. Mr. Marra was joined by Dr. Michael Sikirica, the Rensselaer County Medical Examiner who also spoke about the similarities between a county coroner system and a medical examiner system. The Commission asked Mr. Marra and Dr. Sikirica questions regarding their duties as a county coroner and a medical examiner, respectively.

The Commission continued a discussion from the previous meeting of the language in Article 26, as well as throughout the Albany County Charter regarding the vacancies of department heads in the county. The Commission discussed the current protocol of filling department head vacancies within the county and the possible benefits of changing that protocol.

The Commission agreed that its next meeting should be scheduled for Tuesday, December 17, 2013, at 6:30 p.m.

A motion to adjourn the meeting was made by Mr. Greenburg, which motion was seconded by Mr. Crawford and unanimously approved.

**Albany County Charter Review Commission
January 8, 2014, 6:30 p.m.
Room 620 Albany County Office Building**

Members Present:

Henry M. Greenberg
Jacob M. Crawford
Patrick O. Dalzell
Chris Hannifan
Willow Baer
Bob Carlson

Others in Attendance:

Carina Comiskey
Patrick Collins
Arnis Zilgme
John Evers

Mr. Greenberg called the meeting to order at 6:30 p.m.

Ms. Baer made a motion to approve minutes from the Commission's September 11, 2013, October 5, 2013, October 23, 2013, November 20, 2013 and December 11, 2013 meetings. Mr. Hannifin seconded the motion, which was unanimously approved.

The Commission discussed the previous meeting which included a public hearing portion. The Commission reviewed the comments of the members of the public who spoke at the public hearing and discussed the issues and changes that they presented as related to the Albany County Charter.

The Commission reviewed drafts of Articles 1, 2, 3, 4 and 5 of the Charter and discussed the revised organization of each Article in order to make the County Charter, as a whole, more cohesive. The Commission agreed that the discussion of Article 2 was generally tabled for this meeting. The Commission discussed each section in Articles 1, 3, 4 and 5, ensuring that any previously discussed changes, including the use of specific language were included in the revised draft.

The Commission agreed that its next meeting should be scheduled for Wednesday, January 15, 2014, at 6:30 p.m.

A motion to adjourn the meeting was made by Mr. Crawford, which motion was seconded by Mr. Hannifin and unanimously approved.

Commission Work Plan

Appendix D

Work Plan

Date	Topic	Presenters	Depts., Offices & Issues
Jan. 9, 2013		Organizational Meeting	
Jan. 23, 2013		Organizational Meeting	
Feb. 13, 2013		Organizational Meeting	
March 28, 2013	Public Safety	<p>Craig D. Apple, Sr. (Sheriff)</p> <p>Patricia L. Aikens (Probation Director)</p> <p>Timothy Cavanaugh (Coroner)</p> <p>Paul Marra (Coroner)</p> <p>Dr. Jeffrey Hubbard (Pathologist)</p> <p>Dr. Michael Sikirica (Pathologist)</p> <p>James Milstein (Public Defender)</p>	<ul style="list-style-type: none"> ● Sheriff (18) ● Probation Office (25) ● Coroners (19) ● Public Defender (23)
April 9, 2013	Health & Human Services	Dr. James B. Crucetti (Commissioner of Health)	● Dept. of Health (9)
April 25, 2013	Health & Human Services	<p>David Kircher (Acting DSS Commissioner)</p> <p>Stephen J. Giordano, Ph.D. (DMH Director)</p>	<ul style="list-style-type: none"> ● Dept. of Social Services (8) ● Dept. of Mental Health (10)
May 9, 2013	Health & Human Services	<p>George Brown (Fiscal Director, Dept. of Aging)</p> <p>Gail Geohagen (Deputy Commissioner, Dept. of Children, Youth & Families)</p>	<ul style="list-style-type: none"> ● Dept. of Aging (24) ● Dept. for Children, Family and Families (24A)

Date	Topic	Presenters	Depts., Offices & Issues
July 25, 2013	Admin. & Finance General Government Health & Human Services	David Friedfel (Commissioner) Laura DeGaetano Thomas Coffey (Interim Director)	<ul style="list-style-type: none"> ● Dept. of Management & Budget (5) ● Dept. of Economic Development, Conservation & Planning (11) ● Dept. of Residential Health Care Facilities (22)
August 14, 2013	Admin. & Finance	David Friedfel (Commissioner) Charles Burkes (Director)	<ul style="list-style-type: none"> ● Dept. of Management & Budget (5) ● Veterans Services Bureau
August 28, 2013	Admin. & Finance	Michael F. Conners, II, the County Comptroller	<ul style="list-style-type: none"> ● Dept. of Audit & Control (4) ● County Comptroller (4) ● Dept. of Finance (5) ● Financial Procedures (6) ● Service Relationships (14)
Sept. 11, 2013	Health & Human Services	E. Nancy Willey Member & Chair, Mental Health Subcommittee Patrick Collins County Atty's Office	<ul style="list-style-type: none"> ● Community Service Bd. (10) ● Ethics Commission (25)
Sept. 25, 2013	Executive	Michael J. Hoblock former County Exec. Daniel D. Hogan former Dep. Co. Exec.	<ul style="list-style-type: none"> ● Office of County Executive (3)

Date	Topic	Presenters	Depts., Offices & Issues
Oct. 15, 2013	Executive	Daniel P. McCoy County Executive	• Office of County Executive (3)
Oct. 23, 2013	Legislature	Shawn M. Morse Chairperson Frank J. Commisso Majority Leader	• County Legislature (2)
Nov. 7, 2013	Legislature	Christine M. Benedict Minority Leader	• County Legislature (2)
Nov. 20, 2013	Article Review	Review of Articles 7 through 14	
Dec. 4, 2013	Article Review	Review of Articles 15 through 25	
Dec. 11, 2013	Public Hearing/ Article Review	Review of Articles 26 through 28	
Jan. 8, 2014	Article Review	Review of Articles 1 through 5	
Jan. 15, 2014		Review of Article 6	