

# ONEIDA COUNTY

## CHARTER

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**ARTICLE I**  
**ONEIDA COUNTY AND ITS GOVERNMENT**

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**Section 101. Title and Purpose.** This charter, together with any and all amendments hereto, if any, shall provide for and constitute the form of government for Oneida County and shall be known and may be cited as the “Oneida County Charter”. Among other purposes of this charter are the following: separation of County Legislative and Executive functions and responsibilities; the securing of the greatest possible County Home Rule and the accomplishment of an increased efficiency, economy and responsibility in the Oneida County Government.

In furtherance hereof, there shall be convened once every five years beginning on January 1, 2012 a Charter Review Committee to formulate and recommend any amendments to the Oneida County Charter and Oneida County Administrative Code and to make such recommendations to the Board of County Legislators. The membership of such committee shall be as determined by the Chair of the Board of Legislators.

**Section 102. County Status, Powers and Duties.** Oneida County, upon adoption of this charter, as hereinafter provided, shall be and remain a municipal corporation under its then name and shall exercise all of the rights, privileges, functions and powers conferred upon it by this charter, code or any other applicable statute not inconsistent with such charter or code. It shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent herewith, including all powers necessarily incidental to or which may be fairly implied from the powers specifically conferred upon such County.

**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York, and all special laws relating to Oneida County and all general laws except to the extent that such laws have been repealed, amended, modified, or superseded in their application to Oneida County by enactment and adoption of this charter and code. Within the limitations prescribed in said Municipal Home Rule Law, wherever and whenever any state law, general, special

or local in effect, conflicts with this charter or the code or is inconsistent therewith, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by the charter and code insofar as the County of Oneida and its government are affected.

**Section 104. Charter Effect on Local Laws, Ordinances and Resolutions.**  
All local laws, ordinances and resolutions of the Board of County Legislators of the County of Oneida heretofore adopted, and all of the laws of the State relating to towns, cities, villages or districts of the County of Oneida, 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 Oneida County by the enactment and adoption of this charter and code.

**Section 105. Definitions.** Wherever used in this code, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

- (a) “County” shall mean the County of Oneida
- (b) “Charter” and “County Charter” shall mean the Oneida County Charter and all amendments thereto
- (c) “Code” shall mean the Oneida County Administrative Code and all amendments thereto
- (d) “Board of County Legislators” shall mean the elective legislative body of the County of Oneida \*
- (e) “Administrative unit” shall mean any department, executive division, institution, office or other agency of county government except a bureau, division, section or other subordinate part of any of the foregoing
- (f) “Administrative head” shall mean the head of any administrative unit
- (g) “Authorized agency” shall mean any agency authorized by this charter, administrative code, or applicable law, including but not limited to those authorized by Section 224 of the County Law, to receive and expend county funds for a county purpose
- (h) “Executive division” shall include but not be limited to the divisions of the budget, purchase, central services, traffic safety, youth bureau and such other divisions of the executive department as may be hereinafter authorized
- (i) “Quorum” shall mean a majority of the whole number of the membership of the board, commission, body or other group of persons or officers charged with any county public power, authority or duty to be performed

or exercised by them jointly, and not less than a majority of the whole number may perform and exercise such power, authority or duty. "Whole number" shall mean the total number which the board, commission, body or other group of persons or officers would have were there no vacancies and none of the persons or officers were absent or disqualified from acting for county purposes.

**Section 106. Gender Clause.** Wherever in this Charter the masculine gender is used, the feminine and neuter gender shall be deemed to be included, if otherwise applicable or appropriate.

*\* Due to change in Oneida County Legislative Branch, Local Law No. 5 of 1967 was enacted to change name to "Board of County Legislators" in place of "Board of Supervisors"; also change of name to Legislative Districts" in place of "Supervisory Districts"; for change of name to "County Legislator" in place of "Supervisor".*

*Article I was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE II  
LEGISLATIVE BRANCH**

- Section 201. The Board of County Legislators
- Section 202. Powers and Duties
- Section 203. Local Law; Definitions; Power to Adopt, Amend and Repeal; Effect on Legislative Acts
- Section 204. Form and Procedure
- Section 205. Filing and Publication of Local Laws; Judicial Notice
- Section 206. Referendum
- Section 207. Effective Date
- Section 208. Ordinances

**Section 201. The Board of County Legislators.** There shall be a Board of County Legislators to be elected one from each of the following legislative districts and sitting together they shall constitute the Oneida County Board Legislators:

LEGISLATIVE DISTRICT	TOWNS/CITY	ELECTION DISTRICT
1	ROME	4-1
		4-2
		5-1
		5-2
		5-3
		5-4
		7-1
2	VERNON	2
		3
		4
		5
		5
3	AUGUSTA	1
		2

	MARSHALL	1
		2
	SANGERFIELD	1
		2
	VERNON	1
4	ANNSVILLE	3
	VERONA	3
		4
		6
	VIENNA	1
		2
		3
		4
5	ANNSVILLE	1
		2
	CAMDEN	1
		2
		3
	FLORENCE	1
6	BOONVILLE	1
		2
		3
		4
	FORESTPORT	1
		2
	REMSEN	1
	STEUBEN	1
7	ROME	1-1
		3-1
		3-2
		3-3
		3-5
		4-3
		4-4
		4-5

8	MARCY	1
		2
		3
		4
9	DEERFIELD	1
		2
		3
	TRENTON	1
		2
		3
		4
10	KIRKLAND	1
		3
	WESTMORELAND	1
		2
	WHITESTOWN	15
11	WHITESTOWN	13
		4
		5
		6
		7
		8
		9
12	FLOYD	2
	ROME	1-4
		2-2
		3-4
	VERONA	1
		2
13	WHITESTOWN	1
		10
		11
		12
		14



		16
		2
		3
14	NEW HARTFORD	1-3
		2-1
		2-2
		3-2
		4-1
		4-2
		4-3
15	NEW HARTFORD	1-1
		1-5
		2-3
		2-4
		3-1
		3-3
		3-4
16	BRIDGEWATER	1
	NEW HARTFORD	1-2
		1-4
	PARIS	1
		2
		3
17	AVA	1
	LEE	1
		2
		3
		4
	WESTERN	1
		2
		3
18	KIRKLAND	10
		2
		4
		5
		6
		7

		8
		9
	NEW HARTFORD	4-4
19	UTICA	2-3 3-1 3-10 3-2 3-3 3-4 3-9
20	LEE	5
	ROME	6-1 6-2 6-3 6-4 7-3 7-5
21	UTICA	2-7 3-5 3-6 3-7 3-8 5-2 5-3
22	UTICA	2-1 2-2 2-4 2-5 2-6 5-7
23	UTICA	1-1 1-2 1-3 1-4 1-5 1-8 2-8

24	UTICA	6-1 6-2 6-3 6-4 6-5 6-6 6-7
25	UTICA	4-1 5-1 5-4 5-5 5-6
26	UTICA	4-2 4-3 4-4 4-5 4-8 4-9 6-8
27	UTICA	1-6 1-7 4-6 4-7 6-9
28	ROME	2-1 2-3
	WESTMORELAND	3 4
29	FLOYD	1 3
	ROME	1-2 1-3 6-5 7-2 7-4

That all references to towns apply to that territory wholly contained in each of the towns of Oneida County as of January 1, 2000. All references to election districts apply

to that territory wholly contained in each of the election districts enumerated on the official maps kept by the Oneida County Board of Elections as of August 1, 2006.

That the above described districts are enumerated and set forth on maps filed with the Clerk of the Board of County Legislators of Oneida County, which maps shall remain on file and shall be considered and hereby are made a part of the Oneida County Charter and the Oneida County Administrative Code.

The Chairman of the Board of County Legislators of Oneida County shall have the power to appoint after consultation with the Legislative body either (1) a bi-partisan committee of six Board members or (2) a five member non-partisan commission comprised of qualified individuals, that are not elected to the Board of Legislators or otherwise prescribed by State Law, for the purpose of reapportioning legislative districts as set forth under this provision. The Majority and Minority Leaders shall recommend two members each for appointment, and the Chairman of the Board of County Legislators shall appoint one member who will serve as chairman of the commission.

The appointed committee or commission shall evaluate the existing county legislative districts for equity and representation in relation to population within a reasonable time period after the publication of the results of the regular federal census taken in Oneida County in the year Two Thousand and Ten, or within a reasonable period of time after the publication of the results of any federal population census taken in Oneida County or within a reasonable period of time after the publication of the results of any federal or special population census taken pursuant to Section Twenty of the General Municipal Law and held not more than once every five years; or, after any annexation which has the effect of increasing or decreasing the population of any county legislative district by more than ten percent.

The committee shall study the population data and, within six months after its appointment, make recommendations, if necessary, in the form of a proposed local law as to changes in the boundaries of the county legislative districts. In their deliberations to redesign the legislative districts, the committee shall consider the application of the “one person, one vote” concept of previous federal court decisions and compliance with the Equal Protection Clause of the 14<sup>th</sup> amendment of the United States Constitution and Article I, Sections 1 and 11 of the New York State Constitution and shall apply same irregardless of municipal boundaries.

Within seven months after the submission of the report of the committee, which shall be submitted to the County Board of Legislators in the form of a local law, the Board of County Legislators shall conduct a public hearing on the proposed changes, if any, and shall then enact a local law setting forth revised district boundaries subject to a referendum on petition pursuant to Section 24 of the Municipal Home Rule Law.

If at any time a local law setting forth revised district boundaries is defeated in a referendum, within ninety days of such defeat of referendum, the legislative district revision committee shall be reactivated to study and prepare a new proposed local law for

submission to the Board of County Legislators, subject to the same procedures and requirements as provided for above.

**Section 202. Powers and Duties.** The Board of County Legislators shall be the governing body of the County and shall be the legislative, appropriating and policy determining body of the County, and shall have and exercise all powers and duties of the County, now or hereafter conferred or imposed on said Board 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 the administrative code. In addition to all powers conferred by the foregoing or other provisions of this charter and the administrative code, the Board of County Legislators shall have the power among others:

(a) To make appropriations, levy taxes, incur indebtedness and adopt a budget;

(b) To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts, ordinances or resolutions, subject to veto by the County Executive in only such instances as are specifically provided in this charter, in the code or by other applicable law;

(c) By local law, to adopt, amend and/or repeal an administrative code which shall set forth the details of the administration of the county government consistent with the provisions of this charter, and which code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this charter and any amendments thereto;

(d) By local law, create, alter, combine or abolish county administrative units not headed by elective officials;

(e) To adopt by resolution all necessary rules and regulations for its own conduct and procedure;

(f) Subject to the constitution and general laws of the State of New York, to fix the number of hours constituting a legal day's work for all classes of county officers and employees and grant to the employing officer or board the power to stagger working hours;

(g) To fix compensation of all officers and employees paid from county funds except members of the judiciary and of such other officers and employees when specifically authorized by statute;

(h) To fix the amount of bonds of officers and employees paid from County funds;

(i) To make such studies and investigations as it deems to be in the best interests of the county and in connection therewith to obtain and employ professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer

oaths, and require the production of books, papers and other evidence deemed necessary or material to such study or inquiry;

(j) To legalize and validate any act had and taken in connection with a lawful municipal purpose or for a lawful municipal object or purpose by the governing board or other local body, officer, or agency of a municipality, wholly within the county, in the manner provided by Section 227 of the County Law;

(k) To create and establish the office of deputy or deputies to the head of any department, administrative unit or to any principal executive county officer with the power vested in such deputy to act generally for and in place of his principal;

(l) To determine and make provision for any matter of county government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to this charter form of government;

(m) To convey or lease any county real property which the Board has determined is not necessary for public use, directly to the Economic Development and Growth Enterprise, successor in interest to the Oneida County Industrial Development Corporation, the Oneida County Industrial Development Agency or the Mohawk Valley Community College Dormitory Corporation for adequate and reasonable consideration, without public advertisement and without bidding, public or private, upon such terms and conditions as may be prescribed by the Board in the same manner and with the same rights and privileges as if owned by an individual;

(n) To employ such legal, financial or other technical advisers as may be necessary from time to time in relation to the performance of any of the functions of county government.

**Section 203. Local Law; Definitions; Power to Adopt, Amend and Repeal; Effect on Legislative Acts.** A local law is a law adopted pursuant to this charter within the power granted by the Constitution, act of the legislature or provision of this charter, and shall not include a resolution, ordinance, or legalizing act.

The county may adopt, amend and repeal a local law. A local law shall be passed by not less than a majority vote of the whole number of the members of the Board of County Legislators and may relate to the property, affairs or government of the county, or any other subject matter of county concern. In the exercise of such power, and within the limitations provided by the Municipal Home Rule Law or other applicable law, the county may change, supersede, or amend any act of the New York State Legislature. Such power shall include, but shall not be limited to, a power or powers vested in any county in the State of New York or the elective governing body thereof to adopt, amend and repeal local laws granted by any provisions of general laws, special laws, charters, administrative codes, special acts or local laws. The provisions of the Municipal Home Rule Law are hereby made applicable except as the same may be inconsistent with any provisions of this charter or code.

**Section 204. Form and Procedure.** Every local law shall be entitled, “Local Law No. \_\_\_\_\_.” If a local law amends a specific state statute or specific local law, the matter to be eliminated shall be enclosed in brackets or parenthesis and the new matter underscored or italicized.

Except as otherwise provided in this charter, the procedure for adoption of a local law, including referendum, mandatory or permissive, shall be as provided in the code and, in the absence thereof, by applicable law.

**Section 205. Filing and Publication of Local Laws; Judicial Notice.** The publication of local laws shall be as provided by Municipal Home Rule Law and County Law, except that the Clerk of the Board of County Legislators shall cause to be published in the official newspapers a notice of adoption of each local law with a summary thereof and a notice that the full text of the law may be examined at the office of the Clerk of the Board during normal business hours. Such notice shall be published at least once within ten days after such local law has become effective, provided however, that a notice of a local law which is subject to a permissive referendum shall be published within ten days after such local law is adopted. Every court shall take judicial notice of all local laws and of rules, regulations, and codes adopted pursuant thereto.

**Section 206. Referendum.** A local law shall be subject to mandatory or permissive referendum when required by this charter, the code or applicable law. Where no mandatory or permissive referendum is so required, the Board of County Legislators may nevertheless provide in a local law that a referendum shall be had or that it shall be subject to permissive referendum.

**Section 207. Effective Date.** After adoption, every local law shall become effective when filed in the office of the Secretary of State of New York, or on such later date thereafter as may be provided in said local law.

**Section 208. Ordinances.** Ordinances may be adopted by the Board of County Legislators 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. 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 Board of County Legislators.

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 for violations by civil penalty or by fine or imprisonment, or by two or more such penalties or punishments. Ordinances and their application, particular subjects and form, may be further provided in the code.

*Section 201 amended as a whole by Local Law No. 3 of 1966 and inserted provision for a new 37 member Board effective January 1, 1968; Local Law No. 1 of 1975 and Local Law No. 5 of 1981 providing a procedure whereby necessary changes to the boundaries of Legislative Districts shall be acted upon as provided in these amendments. Local Law No. 4 of 1983 provided for necessary changes in the Legislative boundaries; Local Law No. 12 of 1984 corrected errors in Local Law No. 4 of 1983.*

*Section 202 was amended by Local Law No. 1 of 1964 and Local Law No. 1 of 1965 by adding a new sub-division (m) and by Local Law No. 3 of 1977 by adding a new sub-division (n).*

*Section 203 was amended by Local Law No. 2 of 1964 - second paragraph in the sentence beginning "A local law shall", substituted "majority" for "2/3".*

*Due to change in Oneida County Legislative Branch, Local Law No. 5 of 1967 was enacted to change name to "Board of County Legislators" in place of "Board of Supervisors"; also change of name to "Legislative Districts" in place of "supervisory districts"; for change of name to "County Legislator" in place of "Supervisor".*

*Section 205 was amended by Local Law No. 6 of 1984 which changed the procedure for publication of local laws.*

*Section 201 was amended by Local Law No. 2 of 1986 by deletion of the whole thereof and the addition of a new section pursuant to §4 -100 (3) (a) of the Election Law of the State of New York.*

*Article II, Section 201. The last two paragraphs of Section 201 were amended by enactment of Local Law No. 9 of 1991.*

*Article II, Section 201(a) was enacted by Local Law No. 2 of 1993 and reduced the number of County Legislative Districts to twenty-nine.*

*Article II, Section 201 was amended by Local Law No. 5 of 1994 by the deletion of the whole of the description of legislative districts and insertion of new descriptions of legislative districts to comply with Section 201(a).*

*Article II, Section 201 was amended by Local Law No. 2 of 1996 to correct the number of wards and districts in County Legislative Districts within the City of Utica.*

*Article II, Section 201 was amended by Local Law 1 of 2003 setting forth a Plan of Reapportionment.*

*Article II, Section 201 was amended by Local Law No. 3 of 2006 amending the election districts in certain towns and cities.*



*Article II was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

## **ARTICLE III EXECUTIVE BRANCH**

- Section 301. County Executive; Election; Qualifications and Compensation
- Section 302. Powers and Duties
- Section 303. Removal of County Executive
- Section 304. Acting County Executive; How Designated; When to Act
- Section 305. Division of Budget
- Section 306. Division of Purchase
- Section 306.1. Bureau of Weights and Measures
- Section 307. Division of Central Services
- Section 308. Office of Emergency Services
- Section 309. Division for Youth
- Section 310. Administrative Heads; Term; Interim Appointments; Appointment of Other Officers and Employees
- Section 311. Confirmation by Board of County Legislators
- Section 312. Division of Consumer Affairs; Consumer Affairs Board

**Section 301. County Executive; Election; Qualifications and Compensation.** There shall be a county executive who shall be elected from the county at large and who shall at all times be a qualified elector of the county. He shall hold no other public office except as otherwise herein provided; he shall give his whole time to the duties of the office, and shall receive therefore compensation as fixed by the Board of County Legislators. His term of office shall begin with the first day of January, next following his election and shall be for four years.

**Section 302. Powers and Duties.** It shall be the duty of the County Executive, subject to the provisions of this charter and code, to supervise, direct and control the administration of all departments of the county government. Except as may otherwise be provided in this charter and subject to confirmation by the Board of County Legislators where provided, he shall appoint the head of every county department and office and members of county boards and commissions. The county executive must appoint, or

reappoint, the head of every county department, subject to confirmation by the Board of County Legislators where provided, upon his commencement of a four (4) year term of office, except where the term of any department head is otherwise provided by law.

In addition to any other powers and duties provided by this charter or code, the county executive shall:

(a) Supervise and direct the internal structure and organization of each department or other administrative unit, the head of which he has power to appoint

(b) Determine and fix real property equalization rates among the various county taxing districts for county purposes and file same with the Board of County Legislators on or before the first day of December in each year

(c) Be chief budget officer of the county

(d) Have authority to appoint and terminate, except as hereinafter provided, one or more temporary advisory boards of citizens of the county who shall, without compensation other than such necessary expenses as may otherwise be provided in the budget, assist in the consideration of county administrative policies and programs. Such executive, however, shall not have the power to terminate an advisory board appointed by the Board of County Legislators

(e) Designate one or several depositories located within the county for deposit of county funds

(f) Approve or disapprove sufficiency of sureties on official bonds and undertakings

(g) Report to the Board of County Legislators annually at the close of the fiscal year, or as soon thereafter as practicable but in no event later than the first day of March, and at such other times as the Board of County Legislators shall direct, the activities of the several administrative units and departments of the county during the preceding fiscal or current year in such detail as the Board of County Legislators shall require and direct

(h) Appoint a member of the Board of County Legislators to serve as chairman of such board: (1) for the remainder of the calendar year in case the Board of County Legislators has failed to select a chairman on or before February 1, or (2) for the unexpired term of the previous chairman in case the Board of County Legislators has failed to select a Chairman within 30 days after a vacancy has occurred in the office of the Chairman.

(i) Perform such other duties and have such other powers as may be prescribed for him by law, code, ordinance or resolution of the Board of County Legislators.

(j) Have such necessary, implied and incidental powers to perform and exercise the duties and functions specified above or lawfully delegated to him.

**Section 303. Removal of County Executive.** The County Executive may be removed in the manner provided in the Public Officers Law for the removal of other county officers.

**Section 304. Acting County Executive; How Designated; When to Act.** The County Executive shall designate in writing one or more appointive department or executive division heads to perform the duties of the County Executive during the County Executive's temporary inability to perform by reason of absence from the county or disability. Such appointment, with the order of succession specified, shall be filed with the Clerk of the Board of County Legislators and any such designation may be revoked at any time by the County Executive by filing a new designation with the Clerk of the Board of County Legislators. If a vacancy occurs in the office of the County Executive, the designated acting County Executive shall serve until the vacancy is filled pursuant to this charter.

In the event that no acting County Executive has been designated or is able to serve, the Board of County Legislators shall designate an appointive department or executive division head to perform the duties of the office during the inability of the County Executive to perform by reason of absence from the county or disability.

**Section 305. Division of the Budget.** There shall be, in the office of the County Executive, a division of budget, the head of which shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of Legislators. The head of the division of budget shall be designated the Budget Director and he or she shall assist the County Executive in the preparation and administration of the operating and capital budgets and programs and in the study of administrative efficiency and economy.

**Section 306. Division of Purchase.** There shall be in the office of the County Executive, a division of purchase, the head of which shall be a Purchasing Director who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of Legislators. The Purchasing Director shall, in accordance with the requirements as to advertising and competitive bidding, make purchases and sales of all materials, supplies and equipment and contract for the rental or servicing of equipment for the county, except as otherwise provided in this charter or the code. He shall not contract for or furnish any services, equipment or other articles except upon the receipt of authorized requisitions and the certification as to availability of funds.

**Section 306.1 Bureau of Weights and Measures.** The Bureau of Weights and Measures shall be headed by the County Director of Weights and Measures. He shall possess all of the qualifications required for, and shall have all the powers and duties of, a county director of weights and measures now or hereafter granted or imposed by Article 16 of the Agriculture and Markets Law of the State of New York, local law, ordinance or resolution of the Board of Legislators, order or direction of the County Executive, or

purchasing director, and any applicable provision of any act of the legislature not inconsistent with the charter or code.

Whenever the county director of weights and measures is required by any state law to make a report, he shall, at the same time, file a written copy thereof with the purchasing director and the Board of Legislators.

The county director of weights and measures shall be appointed by the County Executive, subject to confirmation by the Board of Legislators.

**Section 307. Division of Central Services.** There shall be in the office of the County Executive a division of Central Services headed by a Central Services Director who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of Legislators. Such director shall have the powers and perform such duties in relation to and including but not limited to establishing and implementing an information technology infrastructure comprised of an integrated, secure, scalable and modernized system which serves to promote the efficient and cost effective delivery of services, to, from, and between the citizens of the County, our departments and allied agencies, both public and private; maintaining a central repository of commonly used goods and materials for departmental use; and printing and mail delivery services as shall be prescribed in the administrative code.

**Section 308. Office of Emergency Services.** (a) There shall be in the Office of the County Executive an Office of Emergency Services headed by a Director who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators. The Office of Emergency Services shall assume the duties and obligations heretofore performed by the Divisions of Emergency Management and Mutual Aid.

(b) The Director of Emergency Services shall be subject to all obligations and liabilities heretofore and hereafter granted or imposed by charter, code, local law, ordinance or resolution of the Board of Legislators, order or direction of the County Executive or any applicable provision or act of the legislature not inconsistent with the Charter or Code. The Director of Emergency Services shall have all of the rights, obligations and liabilities previously conferred upon the director of Emergency Management and the director of Mutual Aid.

(c) There shall be in the Office of Emergency Services an Office of Traffic Safety and Administrator of the Oneida County STOP-DWI program who shall act as Coordinator and assume the duties and obligations of the program in accordance with Section 1197 of the New York State Vehicle and Traffic Law and he or she shall be subject to all obligations and liabilities heretofore or hereafter granted or imposed by Charter, Administrative Code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision or act of the New York State Legislature.

**Section 310. Division for Youth.** There shall be in the office of the County Executive, a division for youth headed by a director who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of Legislators. The director shall have such powers and perform such duties relating to county youth programs and initiatives as shall be prescribed in the code or hereafter granted or imposed by charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision or act of the New York State Legislature.

**Section 311. Administrative Heads; Term; Interim Appointment; Appointment of Other Officers and Employees.** Except as otherwise provided by law or by this charter, and subject to the approval and confirmation of the Board of County Legislators where provided, the County Executive shall appoint the heads of every county department and office and the members of county boards and commissions not administered by any elected official. The County Executive may appoint one head for two or more departments or other administrative units, subject to any and all requirements as to qualification and confirmation, or may himself so serve without such confirmation.

All appointments by the County Executive shall be in writing and filed in the Office of the Clerk of the Board of County Legislators and the County Clerk within ten days after the date of such appointment. 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, he shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made.

Upon confirmation by the Board of County Legislators and upon qualifying for the office, an appointee to the position of a head of a department or any administrative unit shall enter upon the duties thereof. In the event the Board of County Legislators has neither confirmed nor rejected an appointment within a period of forty days after the filing thereof with the Clerk of the Board, such appointment shall be deemed to be confirmed. Awaiting action by the Board of County Legislators, the County Executive may designate a qualified person to serve as such head for a period not to exceed forty days in any calendar year.

All other officers and employees of each department or other administrative unit shall be appointed by the head thereof and within appropriations made therefore. The County Executive shall appoint, without the approval of the Board of County Legislators, such officers and employees in his own office as may be necessary for the full discharge and performance of his duties.

**Section 312. Confirmation by Board of County Legislators.** Confirmation of appointment when required shall be by affirmative vote of a majority of the whole number of the members of the Board of County Legislators taken at a regular or special meeting.

*Section 302 was amended by the enactment of Local Law No. 8 of 1984 which pertains to the powers of the county executive to appoint department heads.*

*Section 307 and Section 313 were amended by Local No. No. 3 of 1980 which transferred the County Sealer of Weights and Measures from the Division of Central Services to the Division of Consumer Affairs.*

*Section 313 – Division of Consumer Affairs and Consumer Board established by Local Law No. 1 of 1977.*

*Section 305 was deleted by Local Law No. 4 of 1985. Local Law No. 4 of 1985 is repealed by Local Law No. 2 of 1998.*

*Section 313 is repealed by Local Law No. 1 of 1986.*

*Section 306 is amended by Local Law No. 1 of 1986, which transferred the Bureau of Weights and Measures to the Division of Purchase.*

*Section 309 was amended in its entirety by Local Law No. 2 of 1992 to create the Office of Emergency Services.*

*Section 305 is added by Local Law No. 2 of 1998 transferring the Division of Budget from the Finance Department to the Office of the County Executive in order to assist the County Executive with the timely preparation and submission of annual county budgets.*

*Section 309 was amended by Local Law No. 6 of 1996 by the deletion there from of any references to the inclusion or function of the Division of Traffic Safety.*

*Section 309-A was added by Local Law No. 6 of 1996 to create the Office of Traffic Safety and thereby separate its function from the Office of Emergency Services as previously merged by Local Law No. 2 of 1992.*

*Article III was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

## ARTICLE IV OFFICE OF THE COUNTY COMPTROLLER

Section 401. Office of the County Comptroller

Section 402. Powers and Duties

**Section 401. Office of the County Comptroller; Election; Comptroller's Act Repealed.** There shall be an office of the County Comptroller headed by a comptroller who shall be elected from the county at large. His term of office shall be for four years beginning with the first day of January next following his election, and every comptroller elected thereafter shall have a term of four years. At the time of his election and throughout his term of office, he shall be a qualified elector of the county, shall devote his whole time to the duties of his office and shall hold no other public office. The Oneida County Comptroller's Act, being chapter 446 of the Laws of 1909, as amended, is hereby repealed as of January 1, 1963.

**Section 402. Powers and Duties.** The County Comptroller shall:

- a) Except as otherwise expressly provided in this charter or code, have all the powers and perform all the duties conferred or imposed upon a county comptroller under the county law or any applicable state or local law, rule or ordinance;
- b) Be the chief fiscal officer of the county;
- c) Examine, audit and verify all books, records and accounts of the various administrative units, departments, offices or officials paid from county funds, institutions and other agencies of the county, including bond and note registers and trust accounts, and the accrual and collection of all county revenues and receipts, and for this purpose have access to all such books, records and accounts at any time;
- d) Prescribe the form of receipts, vouchers, bills or claims to be filed by all administrative units, departments, offices or officials, institutions, and other agencies of the county;
- e) Examine and approve for payment all contracts, purchase orders, and other documents by which the county incurs financial obligations, having ascertained before approval that such monies have been duly appropriated or provided for and allotted to meet such obligations and that such monies will be available when such obligations shall have become due and payable, and shall record such obligations and encumbrances of the respective appropriations accounts from which such obligations are to be paid;
- f) Audit and approve all bills, invoices, payrolls and other evidences of claims, demands, or charges paid from county funds or by any county agency or payment for which the county, its officers or agents are responsible, except when payment



- shall be ordered by a court of competent jurisdiction, and determine the regularity, legality and correctness of same;
- g) Submit reports to the Board of County Legislators in such form and detail and at such times as may be prescribed by the Board of County Legislators;
  - h) Be the chief accounting and auditing authority of the county;
  - i) Prescribe such methods of accounting for the county and its administrative units and agencies as he may deem necessary, provided the same shall have been approved by the County Executive and the state comptroller;
  - j) Perform such other duties pertaining to the financial affairs of the county as may be directed by the Board of County Legislators, the County Executive or by any law or by any officer of the state authorized to so direct by law.

*Article IV was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE V**  
**DEPARTMENT OF FINANCE**

Section 501. Department of Finance; Commissioner, Board of Equalization and Elective Office of Treasurer Abolished.

Section 502. Powers and Duties.

**Section 501. Department of Finance; Commissioner; Board of Equalization and Elective Office of Treasurer Abolished.** There shall be a department of finance headed by a commissioner. He shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office, by the County Executive subject to confirmation by the Board of County Legislators and shall serve at the pleasure of the County Executive. The Oneida County Equalization Board Act, being chapter 202 of the Laws of 1897, as amended, is hereby repealed, and the elective office of county treasurer shall be abolished, as of January 1, 1963.

**Section 502. Powers and Duties.** Except as otherwise provided in this charter or code, the commissioner of finance shall:

(a) Collect, receive, have custody of, deposit and disburse all fees, revenues and other funds of the county or for which the county is responsible;

(b) Submit to the Board of County Legislators annually on or before the first day of April, or at such other times as the board may require, a complete financial statement containing a general balance sheet for the county;

(c) Perform all duties now performed by a county treasurer or other county officer in relation to the collection of taxes;

(d) Perform all duties in relation to the extension of taxes and such other and related duties in connection therewith as shall be prescribed by the County Executive or Board of County Legislators;

(e) Keep a record of the transfer of title to real property and immediately notify the town clerk or the city assessors of all such transfers in each town or city, as the case may be;

(f) Make available a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices;

(g) Submit annually to the County Executive on or before the 1<sup>st</sup> day of December, proposed county tax equalization rates consistent with standards prescribed by the legislature of the State of New York;

(h) Work in conjunction with the budget director in the preparation of the annual operations budget and capital budget of Oneida County.

(i) Perform such other and related duties as shall be required or delegated to him by the County Executive or Board of County Legislators.

*Section 502(h) is renumbered to 502(i) and a new section 502(h) is added by enactment of Local Law No. 4 of 1985.*

*Section 502(h) is deleted in its entirety by Local Law No. 2 of 1998 and Section 502 is amended by renumbering Article V, Section 502 subdivision (i) to Section 502 Subdivision (h).*

*Article V was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

## ARTICLE VI FINANCIAL PROCEDURES

- Section 601. Fiscal Year
- Section 602. Preparation of Proposed Budget and Capital Program
- Section 603. Proposed Budget and Capital Program by County Executive
- Section 604. Budget Message
- Section 605. Review of Proposed Budget; Capital Program and Message
- Section 606. Public Hearing
- Section 607. Adoption of Budget
- Section 608. Levy of Taxes; Inclusion of Reserve for Uncollected Taxes
- Section 609. Appropriations; Supplemental and Emergency
- Section 610. Appropriations; Reduction and Transfer After Budget Adoption
- Section 611. Certain Resolutions of the Board of County Legislators Require a Two-Thirds Vote
- Section 612. Certain Obligations and Payments Prohibited
- Section 613. Performance of Acts; Scheduling
- Section 614. Compensation of Elected Officials
- Section 615. Audit Advisory Committee

**Section 601. Fiscal Year.** The fiscal year of the county shall begin with the first day of January and end with the last day of December of each year.

**Section 602. Preparation of Proposed Budget and Capital Program.** The budget director and the commissioner of finance shall prepare a proposed budget and capital program for submission to the County Executive in such manner and form as shall be prescribed by this charter or the code.

**Section 603. Proposed Budget and Capital Program by County Executive.** The County Executive shall submit to the clerk of the Board of County Legislators, on or

before the 5<sup>th</sup> day of October of each year, for consideration by such board, a proposed budget for the ensuing fiscal year, and a capital program for the next six fiscal years.

Upon its submission, the proposed budget and capital program and budget message hereinafter provided for shall become a public record in the office of the clerk of the Board of County Legislators and copies of the same shall be made available by such clerk for distribution.

The proposed budget shall present a complete financial plan for the county and its administrative units for the ensuing fiscal year setting forth proposed expenditures and anticipated revenues, and shall include: (1) an operation and maintenance expense budget and (2) a capital budget covering debt service, down payments and other current capital financing, and proposed borrowing, if any. Unencumbered balances at the end of each completed fiscal year, unless otherwise prescribed by statute and except where appropriated for a capital improvement or other authorized continuing project, shall be treated as revenues in the county budget of the ensuing fiscal year.

**Section 604. Budget Message.** The county executive shall also submit with the proposed budget a message explaining the main features of the budget including among other things, a general summary thereof with such supporting schedules as he may deem desirable or as the Board of County Legislators may, by resolution, require. Such schedules shall exhibit the aggregate figures of the proposed budget in such manner as to show a balanced relationship between the total estimated expenditures and the total estimated income for the ensuing fiscal year, and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the appropriations for the current fiscal year. Such budget message shall also outline the existing and any proposed financial policies of the county relating to the capital program describing each capital improvement proposed to be undertaken within the ensuing fiscal year, showing the estimated cost, the pending or proposed method of financing it and the projected operation and maintenance expense. The budget message shall contain such additional information or comments as are deemed advisable by the county executive.

**Section 605. Review of Proposed Budget; Capital Program and Message.** The Board of County Legislators or a committee designated by such Board shall review the proposed budget, the capital program and the budget message as submitted by the County Executive and shall, not later than one week prior to the first regular Board meeting in November of each year, file with the Clerk of the Board of County Legislators its report including any recommendations proposed therein. Such report shall become a public record in the office of the Clerk of the Board of County Legislators, and copies thereof shall be made available by such Clerk for distribution.

**Section 606. Public Hearing.** The Board of County Legislators shall hold a public hearing on the proposed budget and capital program submitted by the County Executive no later than seven days from the date of the County Executive's Budget Message and shall thereafter hold public hearings related to the budget and the report submitted by the Ways and Means Committee on the Monday and Tuesday immediately

preceding the first Board meeting in November of each year. The Clerk of the Board of County Legislators shall cause to be published in the official newspaper or newspapers and such other newspapers as may be designated by the Board of County Legislators, a notice of the place and time of such hearings. Said notice shall be published not later than five days prior to the date of such hearings.

**Section 607. Adoption of Budget.**

(a) After the conclusion of the public hearings, the Board of County Legislators may strike items of appropriation or anticipated revenues from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The board may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval nor be subject to executive veto.

(b) If the budget as submitted by the county executive is adopted by the resolution of the Board of County Legislators with no changes thereto at the first Board of Legislators meeting in November, such budget shall be deemed to have been adopted without any further action by the County Executive. If, however, the budget as passed by the Board of County Legislators contains any additions or increases, the same shall be presented by the clerk of the board to the County Executive, not later than the Friday following the first Board of Legislators meeting in November, for his examination and consideration. If the County Executive approves all the additions and increases, he shall affix his signature to a statement thereof and return the budget together with such statement to the clerk of the board, and the budget including the additions and increases as part thereof, shall then be deemed adopted.

(c) If a budget with additions or increases is not returned by the County Executive to the clerk of the Board with his objections on or before 10:00 o'clock in the forenoon of the Friday preceding the second Board of Legislators meeting in November, then the budget with such additions and increases shall be deemed adopted.

(d) If the County Executive objects to any one or more of such added or increased items, he shall append to the budget a statement of the added or increased items to which he objects setting forth his reasons therefor and shall, not later than 10:00 o'clock in the forenoon of the Friday preceding the second Board of Legislators meeting in November return the budget with his objections to the clerk of the board who shall present the same to the Board of County Legislators at the second Board of Legislator's meeting in November. The Board of County Legislators shall thereupon enter the objections upon its journal and proceed to reconsider the additions and increases to which objection is made by the County Executive. If upon such reconsideration two-thirds of all members of the Board of County Legislators vote to approve such additions and increases, or any of them, the 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. If the board fails to act on or override such objections by a two-thirds vote, at the second Board of Legislators meeting in November, the objections shall become final

and the budget shall become final and deemed adopted without the increases objected to by the County Executive.

(e) If a budget has not been adopted, as herein provided, at the second Board of Legislators meeting in November of each year, then the proposed budget as submitted by the County Executive, plus all additions and increases as to which he has failed to object, shall be the budget for the ensuing fiscal year.

(f) Four copies of the budget as adopted shall be certified by the County Executive and by the clerk of the Board of County Legislators, and one each of such copies shall be filed in the office of the County Executive, the offices of the comptroller, the commissioner of finance and the clerk of the Board of County Legislators. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

(g) The Board of County Legislators reserves the right to make adjustments to the dates set forth herein for the filing of the report of the Ways and Means Committee, the conduct of public hearings, the submission of additions and increases to the County Executive and the filing of objections to such additions and increases by the County Executive and to convene special meetings of the Board only in those years where the dates provided for herein fall on days which do not accommodate the time frames necessary for the consideration of the annual budget.

**Section 608. 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 expenditures as set forth in the adopted budget, shall be levied in advance by the Board of County Legislators 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 Board of County Legislators shall fix the amount of such a sum as they may deem sufficient to produce, in cash from the collection of taxes and other revenues during the year, the monies required to meet the estimated expenditures of such year, provided, however, that such reserve for uncollected taxes shall be not 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 Board of County Legislators shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.

**Section 609. Appropriations: Supplemental and Emergency.** If, during any fiscal year, there are available for appropriation (1) revenues received from sources not anticipated in the budget for that year, or (2) revenues received from anticipated sources but in excess of the budget estimates therefor, the Board of County Legislators may make supplemental appropriations for the year not in excess, however, of such additional revenues.

To meet a public emergency affecting life, health or property, the Board of County Legislators may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Board of County Legislators may authorize the issuance of obligations pursuant to the local finance law.

**Section 610. Appropriations: Reduction and Transfer After Budget Adoption.** If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the County Executive shall report to the Board of County Legislators without delay the estimated amount of the deficit; remedial action taken by him, and his recommendations as to further action. The Board of County Legislators shall take such action as it deems necessary to prevent or minimize any deficit. For that purpose, it may by resolution reduce one 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 board may also, if it so desires, borrow temporarily pursuant to the local finance law in an amount not greater than such deficit for such purpose.

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 Board of County Legislators shall be required if the proposed transfer (1) would result in a cumulative increase exceeding five thousand dollars annually or (2) would affect any salary rate or salary total except as expressly permitted in this charter or code. If the County Executive requests in writing, the Board of County Legislators, by resolution effective immediately, may transfer part or all of any unencumbered appropriation balance from one county administrative unit to another provided, however, that no such transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

**Section 611. Certain Resolutions of the Board of County Legislators Requiring a Two-Thirds vote.** A resolution of the Board of County Legislators for any of the following specified purposes shall be passed by not less than a 2/3 vote of the whole number of the members of the Board of County Legislators: (a) a supplemental or emergency appropriation, (b) the issuance of budget notes or notes in anticipation of the collection of taxes or revenues, (c) the issuance of bonds, bond anticipation notes or capital notes and (d) any amendment offered to any of the above.

**Section 612. Certain Obligations and Payments Prohibited.** No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made, or except as permitted otherwise by the local finance law; provided that this shall not be construed to prevent contracting for capital improvements to be financed by borrowing, or entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.



**Section 613. Performance of Acts; Scheduling.** Whenever the scheduling of the performance of an act shall be fixed by this article, the same may be changed by the code or an amendment thereof.

**Section 614. Compensation of Elected Officials.**

(a) All elected offices filled by the electors of the County of Oneida whose compensation is established in the county budget may be increased during their term of office in the manner set forth herein: in the case of the members of the County Board of Legislators, the salary fixed and paid during a fiscal year shall not exceed the salary specified in the notice of public hearing on the tentative budget prepared for such fiscal year and published pursuant to Section 606 of this charter; in the case of the other elected County officials, with the exception of the District Attorney, whose salary is fixed by Section 183-a of the Judiciary Law, such salaries may be increased during the term of such elected official by enactment of a local law subject to a referendum on petition, except that a cost of living adjustment or other yearly increment in salary may be allowed at the beginning of any year during the term of office, provided that a schedule of cost of living adjustments and/or yearly increments was in existence prior to the commencement of such term of office; these offices shall include the County Executive, the Comptroller, the County Clerk, the Sheriff and the County Coroners.

(b) There shall be a bipartisan subcommittee of the Board of Legislators, convened at the request of the Chairman of the Board of Legislators, to research and recommend to the full Board increases in the compensation paid to County elected officials. Such subcommittee shall consist of seven members who shall be appointed by the Chairman of the Board from the then current membership of the Board. The subcommittee shall be chaired by the Majority Leader and Minority Leader of the Board.

(c) The subcommittee shall, not less one month prior to the date of the County Executive's submission of a budget to the Board of Legislators, have made its recommendations to the County Executive and the Board of Legislators regarding any increase in compensation for those elected offices, other than the District Attorney, and the Board of Legislators may take the necessary procedural steps to include such increases in the budget and/or may take the necessary procedural steps to enact a local law to increase such salaries.

(d) The County Executive shall include such increases in compensation in his or her annual budget submitted to the Board of Legislators.

**Section 615. Audit Advisory Committee.** There shall be an independent Audit Advisory Committee consisting of qualified private citizens with financial and related accounting backgrounds to review County financial procedures/policies, the budgetary process, State and independent audit results and to make recommendations to update, correct and address any deficiencies found to be required. The members of this committee will be appointed by the Board of Legislators and shall establish within their mission statement that they remain an independent committee to be accountable directly to the Board.

*Section 614 was added by enactment of Local Law No. 1 of 1982.*

*Section 611 was amended by Local Law No. 2 of 1987.*

*Section 614(a) was amended by Local Law No. 3 of 1987.*

*Section 605 and 606 were amended by enactment of Local Law No. 7 of 1991.*

*Section 610 was amended by enactment of Local Law No. 3 of 1994 raising the County Executive transfer of funds limit to five thousand dollars.*

*Section 614 was amended by Local Law #1 of 2004 changing the method by which compensation of elected officials of the County may be increased during their terms of office.*

*Sections 606 and 607 were amended by Local Law No. 4 of 2006 changing the designated date requirement for adoption of the annual county budget.*

*Article VI was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE VII**  
**DEPARTMENT OF PUBLIC WORKS**

Section 701. Department of Public Works; Commissioner; Qualifications

Section 702. Powers and Duties

Section 703. Divisions of the Department

**Section 701. Department of Public Works; Commissioner.** There shall be a department of public works, the head of which shall be the commissioner of public works, who shall be appointed on the basis of his or her experience and qualifications for the duties of such office. Such commissioner shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators.

**Section 702. Powers and Duties.** Except as otherwise provided in this charter or code, the commissioner of public works shall:

(a) Have all the powers and duties of a county engineer and a county superintendent of highways pursuant to the highway law or other applicable law.

(b) Have charge and supervision of the design, construction and alteration of the county buildings, parking fields, drives, walks, docks, marinas, parks and recreational facilities, preserves, beaches, erosion projects, and such other structures and facilities in the nature of public works under the jurisdiction of the county.

(c) Have charge and supervision of maintenance, repair and alterations of buildings owned or leased by the county, parking fields, drives, walks, docks, marinas, parks, recreational facilities, preserves, beaches, and other structures and facilities in the nature of public works under the jurisdiction of the county, including custodial care, unless otherwise provided in the code.

(d) Have such powers and duties in relation to county facilities for drainage, flood control, sanitation, or water supply as may be prescribed in this charter, code or other applicable law.

(e) Furnish engineering and other services to the Board of County Legislators, the County Executive, the Department of Planning and other county departments except as otherwise provided in this charter or code.

(f) Have charge of and have the duty of performing such other functions concerning county property, public works and other matters as the Board of County Legislators 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: division of highways, bridges and structures; division of buildings and grounds; division of engineering; division of reforestation and such other divisions as may be created within the department by local law or resolution of the Board of County Legislators. The commissioner shall appoint and assign a deputy to each division who shall act for and on behalf of the commissioner with respect to such division. It shall be the duty of each division head, while holding such position, to carry out the function of such division as provided by the charter, code, local law or by the directive of the commissioner. Such division head shall be subject to reassignment or transfer by the commissioner to other duties within the department.

*Section 702 was amended by Local Law No. 11 of 1984 which transferred the Airport from a separate department to a division of the Department of Public Works.*

*Section 702(d) was amended by Local Law No. 13 of 1984.*

*Section 703 was amended by Local Law No. 1 of 1966 which added the Division of Water Pollution Control; Local Law No. 11 of 1984 which added the Division of Airport; and Local Law No. 13 of 1984 which added the Division of Solid Waste Management.*

*Section 704 was added by Local Law No. 1 of 1966 and was amended by Local Law No. 5 of 1982.*

*Section 705 was added by Local Law No. 13 of 1984.*

*Sections 702(d) and 703 were amended by Local Law No. 1 of 1987 which established a department of solid waste management and eliminated the division of solid waste management in the department of public works.*

*Section 705 was deleted by Local Law No. 1 of 1987.*

*Section 702(d) and Section 702 were amended by Local Law No. 6 of 1989 which established the Department of Water Quality and Water Pollution Control and eliminated the Division of Water Pollution Control in the Department of Public Works.*

*Section 704 was deleted by Local Law No. 6 of 1989.*

*Section 702(b) and (c) and Section 703 were amended by Local Law No. 2 of 1990 which created the Department of the Airport and abolished the division of the airport in the Department of Public Works.*

*Section 703 was amended by adding “division of the airport” by Local Law No. 1 of 1997 which eliminates Art. IX, the Department of the Airport, and creates a division of the airport within the Department of Public Works thereby realizing a cost savings to the county and eliminating any unnecessary duplication of facilities and personnel.*

*Section 703 was amended by Local Law No. 3 of 2007 deleting the reference to “division of the airport therein and re-establishing the division of the airport as the Department of Aviation in Article IX of the charter and code.”*

*Article VII was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

## ARTICLE VIII

### BOARD OF ACQUISITION AND CONTRACT

Section 801. Board Created; Powers and Duties

Section 802. Execution of Contracts

Section 803. Prequalification of Bidders

**Section 801. Board Created; Powers and Duties.** There shall be a board of acquisition and contract which shall consist of the County Executive, Commissioner of Public Works, and the Chairman of the Board of County Legislators. The board of acquisition and contract shall award all contracts for the construction, reconstruction, repair or alteration of all public works or improvements in accordance with all general, special and local law, rules and regulations governing same.

**Section 802. Execution of Contracts.** All contracts shall be executed on behalf of the county by the County Executive in accordance with the provisions of this Article. Whenever a contract for public works involves the expenditure of the amount set forth in Section 103, sub-division (1) of the General Municipal Law of the State of New York, as amended, the contract shall be awarded to the lowest responsible bidder by sealed bids or proposals made in compliance with the legal notice published at least once in an official newspaper or newspapers designated by the by the Board of Legislators at least 10 days prior to the day on which such sealed proposals are to be opened. The bids or proposals shall be opened publicly in the presence of the Director of Purchasing or his designee. The successful bidder must give security for the faithful performance of his contract, the adequacy and sufficiency of which shall be approved by the Director of Purchasing or his designee. No contract shall be executed by the County Executive on behalf of the county until the same has been approved as to form by the County Attorney. A copy of each contract, when executed, shall be filed with the County Law Department and the County Comptroller, together with a copy of any resolution, other than the annual appropriation resolution, upon which the right to make such contract rests.

Any and all leases of equipment, professional service contracts and personal service contracts, which do not require competitive bidding under the provisions of Section 103, subdivision 1 of the General Municipal Law and which are in excess of \$50,000.00, shall be subject to the approval of a majority of members of the Oneida County Board of Legislators. Any and all leases of equipment, professional service contracts and personal service contracts, which do not require competitive bidding under the provisions of Section 103, subdivision 1 of the General Municipal Law and which do not exceed \$50,000.00 shall be approved by the Board of Acquisition and Contract.

The Board of Acquisition and Contract shall also have approval authority for settlements of claims against the County which do not exceed \$10,000.

*Section 802 was amended by Local Law No. 1 of 1981 to conform to State Law which sets forth minimum standards for competitive bidding for purchase contracts and public works contracts.*

*Section 802 was amended by Local Law No. 3 of 1991 to add paragraph 2 in order to improve efficiency in county Government and to give the Oneida County Board of Legislators final approval over awarding of certain personal service contracts.*

*Section 802 was amended by Local Law No. 3 of 2001 by replacing paragraph 3 of Article VIII Section 802 to increase the level of legislative review and oversight by granting the Board of County Legislators final approval authority over certain County leases of equipment, professional service contracts and personal service contracts in excess of \$50,000.00.*

*Article VIII was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE IX**  
**DEPARTMENT OF AVIATION**

Section 901. Department of Aviation; Commissioner; Appointment

Section 902. Powers and Duties

Section 903 Accounting for Fees

**Section 901. Department of Aviation; Commissioner; Appointment.** There shall be a department of aviation, headed by a commissioner who shall be appointed on the basis of his or her administrative experience and his or her qualifications for the duties of the office by the County Executive, subject to confirmation by the Board of County Legislators.

**Section 902. Powers and Duties.** Except as otherwise provided in this charter or code, the commissioner of aviation shall:

- a. have charge and supervision of the County Airport including any and all buildings, structures, hangars, runways and all other County owned facilities located upon or used in connection with the County Airport;
- b. have charge and supervision of the maintenance, repair and alterations of buildings, structures, hangars, runways and other County owned facilities upon or used in connection with the County Airport;
- c. have all of the powers and duties in relation to the operation of the Airport facilities, subject to any rules, regulations, statutes or conditions of the federal and state aviation oversight agencies, as may be applicable;
- d. have the charge and duty of performing such other duties related to the operation and maintenance of the County Airport facilities and property and other aviation related matters as the Board of Legislators and the County Executive may from time to time direct;
- e. work in conjunction with all relevant federal, state and local economic development corporations and agencies to promote, market and develop the resources of the County Airport;
- f. make an annual report at the close of each fiscal year detailing the work of the department of aviation for the preceding year. Such report shall be filed with the Board of Legislators and the County Executive not later than the first day of March. The commissioner shall make such other reports as may be required by the Board of Legislators or the County Executive or as may be required by the administrative code or other applicable law;



- g. when such positions are authorized by the County Executive and the Board of Legislators and within the limits of the appropriations provided therefore, have the power to appoint a deputy commissioner of aviation and such other assistants and employees as he or she may deem necessary for the performance of his or her duties. The deputy commissioner shall act for and on behalf of the commissioner and shall perform such duties as the commissioner prescribes.

**Section 903. Accounting for Fees.** All moneys to which the County may be entitled under and by virtue of the laws of the State of New York, or which the department of aviation may receive for aviation related services rendered, shall apply to and be for the benefit of the County Airport and shall be collected by the aviation commissioner, accounted for and paid over to the Commissioner of Finance within five days after the last day of each month of the fiscal year. Each statement shall have attached to it a certification by the aviation commissioner to the effect that the same is, in all respects, a full and true accounting of all monies received by the aviation commissioner for the preceding month. At the time of rendering any such statement, the aviation commissioner shall pay to the Commissioner of Finance, for the benefit of the County Airport, all monies received by the aviation commissioner during the preceding month. All other funds or fees collected or received by the aviation commissioner shall be collected, paid over, deposited and reported as set forth herein, except as otherwise specifically provided by law.

*Section 902(b) was amended by Local Law No. 2 of 1995 to relieve the County of the burden of fulfilling unnecessary public notice and public hearing requirements for airport leases which procedures serve no legitimate public purpose.*

*Article IX is eliminated by Local Law No. 1 of 1997 in order to create a Division of the Airport within the Department of Public Works thereby realizing a cost savings to the county and eliminating any unnecessary duplication of facilities and personnel.*

*Article IX- Department of Aviation was re-established by Local Law No. 3 of 2007*

*Article IX was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE X**  
**DEPARTMENT OF SOCIAL SERVICES**

Section 1001. Department of Social Services; Commissioner

Section 1002. Powers and Duties of the Commissioner

**Section 1001. Department of Social Services; Commissioner.** There shall be a department of social services headed by a commissioner who shall be appointed on the basis of his or her administrative experience and his or her qualifications for the duties of the office by the County Executive subject to confirmation by the Board of County Legislators and thereafter, the Commissioner of the Department of Social Services shall be appointed as provided herein for the term as set forth in Section 116 of the Social Services Law.

**Section 1002. Powers and Duties of the Commissioner.** Except as otherwise provided in this charter and code, the commissioner of social services shall:

(a) 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 or other applicable law.

(b) Manage and supervise the social services programs or agencies of the county when authorized by the County Executive and approved by resolution of the Board of County Legislators.

(c) Perform such other related duties as shall be required or delegated to him or her by the County Executive or Board of County Legislators.

*Sections 1001, 1002(a)(b) were amended by Local Law No. 2 of 1968 changing the name from the Department of Social Welfare to the Department of Social Services.*

*Article X was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE XI**  
**DEPARTMENT OF HEALTH**

Section 1101.	Department of Health; Commissioner or Public Health Director; Appointment; Term; Qualifications
Section 1102.	Powers and Duties of the Commissioner or Director
Section 1103.	Health Advisory Board
Section 1104.	Sanitary Code
Section 1105.	Organization of the Department
Section 1106.	Continuation of Program

**Section 1101. Department of Health; Commissioner or Public Health Director; Appointment; Term; Qualifications.** There shall be a department of health headed by a commissioner of health or public health director, who shall be appointed by the County Executive, subject to confirmation by the Board of County Legislators, to serve at the pleasure of the County Executive except as otherwise provided by law. A health advisory board, if so appointed as set for the herein, shall make recommendations in relation to the appointment of such commissioner or director.

If a commissioner of health is appointed, the appointee shall be a physician licensed to practice medicine in the State of New York, shall be educated and experienced in public health administration and shall possess such qualifications as are prescribed in the State Sanitary Code or otherwise by the public health council of the State of New York.

If a public health director is appointed, the appointee shall be educated and experienced in public health administration and shall possess such qualifications as are prescribed in the State Sanitary Code or otherwise by the public health council of the State of New York.

**Section 1102. Powers and Duties of the Commissioner or Director.** Except as otherwise provided in this charter, the commissioner of health or public health director shall have all the powers and perform all the duties conferred or imposed upon county or part-county health commissioners and/or public health directors, and/or county or part-county boards of health by law. In addition thereto, the commissioner or director shall perform such other and related duties as shall be required or delegated to him by the County Executive or Board of County Legislators.

**Section 1103. Health Advisory Board.** There may be in the department a health advisory board, the members of which shall be appointed by the County Executive. The composition of such advisory board in relation to the number of members and the professional, governmental, or other representation, and terms of such members, shall be as provided in the public health law for a county or part-county board of health. The health advisory board shall at the request of the commissioner or director

and may on its own initiative, advise on matters relating to the preservation and improvement of the public health, and shall be advisory only, except as hereinafter provided.

**Section 1104. Sanitary Code.** The commissioner or director may recommend and submit to the Board of County Legislators for adoption, amendment or repeal thereof, such rules, regulations, orders and directions relating to health in the county or part-county health district, in such manner and form provided in and not inconsistent with the public health law or the state sanitary code. Any such rules, regulations, orders and directions so adopted, amended or repealed, by the Board of County Legislators shall be known as the Oneida County or part-county sanitary code. The Board of County Legislators shall have no power to adopt, amend or repeal the same, except pursuant to such recommendations of the commissioner or director. The County Sanitary Code and any amendments thereto must be approved by the New York State Department of Health prior to any approval or adoption by the Board of Legislators.

The provisions of such sanitary code shall have the force and effect of law, and shall be published as provided by the public health laws. Penalties for violation of or non-conformance with such code shall be as provided by such code or other applicable law. Certified copies shall be filed with the with the New York State Department of Health, the commissioner of health or public health director, the Clerk of the Board of County Legislators and the County Clerk and shall be received in evidence in all courts and proceedings in the state.

**Section 1105. Organization of the Department.** The department of health shall be organized into such divisions and bureaus as shall be prescribed in the code.

*NOTE: A part-county health district was established by Resolutions Nos. 82, 91 and 92 adopted by the Board of County Legislators on March 14, 1973.*

*Sections: 1102, 1103, 1104, 1105, were amended by the enactment of Local Law No. 9 of 1984 which provided for appointment of either a commissioner of health or a public health director.*

*Article XI was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE X I I**  
**DEPARTMENT OF MENTAL HEALTH**

- Section 1201. Department of Mental Health; Commissioner; Appointment  
Section 1202. Powers and Duties  
Section 1203. Community Services Board

**Section 1201. Department of Mental Health; Commissioner; Appointment.**  
There shall be a department of mental health headed by a commissioner who shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office by the County Executive, subject to confirmation by the Board of County Legislators. Such qualifications shall meet the standards fixed by the state commissioner of mental hygiene.

**Section 1202. Powers and Duties.** Except as otherwise provided in this charter, the commissioner of mental health shall have all the powers and perform all the duties now or hereafter conferred or imposed upon a director of community mental health and/or community mental health boards by law. He shall perform such other and related duties as shall be required or delegated to him by the County Executive or Board of County Legislators.

**Section 1203. Community Services Board.** The County Executive shall appoint a community services board which shall make recommendations and suggestions to the County Executive relative to the qualifications and appointment of the commissioner of the department of mental health and relative to the qualifications and duties of the deputy commissioner, officers or employees of the department of mental health. The community services board shall recommend and suggest to the County Executive a program of community mental health services and facilities and rules and regulations concerning the rendition or operation of services and facilities in the community mental health program.

*Section 1203 was amended by Local Law No. 3 of 1981 to conform the Charter to the Mental Hygiene Law of New York State. (Part 102)*

*Article XII was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE X I I I**  
**DEPARTMENT OF PLANNING**

Section 1301. Department of Planning; Commissioner

Section 1302. Planning Advisory Board

**Section 1301. Department of Planning; Commissioner.** There shall be a county planning department headed by a commissioner who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators. The planning commissioner shall be a person qualified by professional training and experience in the field of metropolitan, regional, county and municipal planning; shall have and exercise all the powers and duties of a county, metropolitan or regional planning board as authorized by law, and shall perform such other and related duties as shall be required or delegated to him by the County Executive or Board of County Legislators.

**Section 1302. Planning Advisory Board.** There may be in the department a planning advisory board, the members of which shall be appointed by the County Executive. Such board shall be advisory to the planning commissioner in matters related to comprehensive metropolitan, regional, county and municipal planning.

*NOTE: The Department of Planning was established by Resolution No. 10 adopted by the Board of County Legislators on January 16, 1963.*

*Article XIII was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE XIV**  
**DEPARTMENT OF PERSONNEL**

- Section 1401. Department of Personnel; Commissioner of Personnel  
Section 1402. Powers and Duties

**Section 1401. Department of Personnel; Commissioner of Personnel.** There shall be a department of personnel headed by a commissioner of personnel, who shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office by the County Executive subject to confirmation by the Board of County Legislators, for a term of six (6) years as provided in section 15b of the Civil Service law.

**Section 1402. Powers and Duties.**

(a) The commissioner of personnel shall have, with reference to the civil service of the county, the powers and duties of a county personnel officer as provided by the civil service law, and he shall be subject to such supervision and control by the State Civil Service Commission as are county personnel officers. The commissioner shall perform such other and related personnel duties as shall be required or delegated to him by the County Executive or Board of County Legislators.

(b) The commissioner may, when such positions are authorized by the Board of Legislators and within the appropriations provided therefore, appoint such deputies as he may deem necessary for the performance of his civil service and personnel duties. Such deputies shall act for or on behalf of the commissioner and shall perform such duties as the commissioner may prescribe.

*Article XIV was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE XV**  
**DEPARTMENT OF LAW**

- Section 1501. Department of Law; County Attorney  
Section 1502. Powers and Duties  
Section 1503. Assistant County Attorneys

**Section 1501. Department of Law; County Attorney.** There shall be a department of law headed by the County Attorney who shall be appointed by the County Executive subject to confirmation by the Board of County Legislators. He shall be duly admitted to the practice of law in the State of New York and a resident of the County of Oneida. He shall serve at the pleasure of the County Executive.

**Section 1502. Powers and Duties.** Except as otherwise provided in this charter or code, the county attorney shall be the sole legal advisor for the county and every agency and office thereof on civil matters, and on its behalf in county matters of a civil nature, advise all county officers and employees and, where in the interest of the county, prepare all necessary papers and written instruments in connection therewith; prosecute or defend all actions or proceedings of a civil nature brought by or against the county; prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the Board of County Legislators, together with notices and other items in connection therewith; and perform such other and related duties as may be prescribed by law, by the County Executive or by resolution of the Board of County Legislators.

**Section 1503. Assistant County Attorneys.** The county attorney shall have the power to appoint such assistant county attorneys and employees of his department as shall be authorized by the Board of County Legislators and within the appropriations made therefor. All assistant county attorneys shall be in the exempt class of the civil service and shall serve at the pleasure of the county attorney.

*Article XV was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*



**ARTICLE XVI**  
**DEPARTMENT OF RECORDS**

- Section 1601. Department of Records; County Clerk; Election  
Section 1602. Powers and Duties

**Section 1601. Department of Records; County Clerk; Election.** There shall be a department of records headed by the county clerk, who shall be elected from the county at large. His term of office shall be for four years, beginning with the first day of January next following his election and every county clerk elected thereafter shall have a term of four years. At the time of his election and throughout his term of office, he shall be a qualified elector of the county, shall devote his whole time to the duties of his office and shall hold no other public office.

**Section 1602. 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 Board of County Legislators and shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such other and related duties as shall be required or delegated to him by the County Executive or the Board of County Legislators.

*Article XVI was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE XVII**  
**DISTRICT ATTORNEY**

Section 1701.	Election
Section 1702.	Powers and Duties
Section 1703.	Assistant District Attorneys and Confidential Criminal Investigators

**Section 1701. Election.** There shall be a district attorney who shall be elected from the county at large. His term of office shall be for four years, beginning with the first day of January next following his election. At the time of his election and throughout his term of office, he shall be a qualified elector of the county and duly admitted to the practice of law in the State of New York. He shall devote his whole time to the duties of his office and shall hold no other public office.

**Section 1702. Powers and Duties.** The district attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such other and related duties as shall be required of or delegated to him by the County Executive or the Board of County Legislators in accordance with applicable law.

**Section 1703. Assistant District Attorneys and Confidential Criminal Investigators.** Within the appropriations provided therefor, the District Attorney may appoint such number of assistant district attorneys and confidential criminal investigators as shall be determined and fixed by resolution of the Board of County Legislators. Every such appointment shall be in writing and filed with the department of records, and copies thereof with the Board of County Legislators and the County Executive. Any such appointment may be revoked by the District Attorney at any time by filing a written revocation with the department of records, and copies thereof with the Board of County Legislators and the County Executive. All such assistant district attorneys so appointed shall receive such salary as shall be determined and fixed by the Board of County Legislators. The District Attorney may designate, in writing, filed with the department of records, the order in which such assistant district attorneys shall exercise the powers and duties of the office in the event of the absence or temporary inability of such District Attorney to perform the duties of his office. Such designation may be revoked or changed by the District Attorney in writing filed with the department of records, Board of County Legislators and County Executive.

The assistant district attorney or assistant district attorney as designated in such writing shall, in case of vacancy in the Office of District Attorney, perform the duties of the District Attorney until a successor is elected or appointed and has qualified.

All such assistant district attorneys shall be duly admitted to the practice of law in the State of New York and residents of the County of Oneida or any adjoining county. Due to the confidential relationship between the district attorneys and confidential

criminal investigators, the latter shall be in the exempt class of the civil service, and shall serve at the pleasure of the District Attorney.

*The Oneida County Charter was amended by the addition of Section 1703 to Article XVII, by Local Law No. 4 of 1991, to provide and describe certain procedures and qualifications for the appointment of Assistant District Attorneys and Confidential Criminal Investigators to the staff of the District Attorney.*

*Article XVII was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE XVIII**  
**OFFICE OF THE SHERIFF**

Section 1801.	Election
Section 1802.	Powers and Duties
Section 1803.	Correctional and Criminal Justice System Advisory Board

**Section 1801. Election.** There shall be a sheriff who shall be elected from the county at large. His term of office shall be for four years, beginning with the first day of January next following his election, At the time of his election and throughout his term of office, he shall be a qualified elector of the county, shall devote his whole time to the duties of his office and shall hold no other public office.

**Section 1802. Powers and Duties.** The sheriff shall exercise such duties and appoint such personnel of the office as may be authorized by resolution of the Board of County Legislators and shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. All positions in the Sheriff's office which have been classified under Civil Service Law will be filled according to the Civil Service Law.

**Section 1803. Correctional and Criminal Justice System Advisory Board.**

(a) The County Executive shall appoint a correctional and criminal justice system advisory board, subject to confirmation of the Board of Legislators, consisting of fifteen members, all of whom shall be residents of Oneida County. The County Executive shall appoint annually, on or before the 15<sup>th</sup> day of January each year, a chairman and vice-chairman of the Advisory Board. Said board shall have the power to appoint a secretary from its membership.

Meetings of said Advisory Board shall be held at the call of the Advisory Board Chairman or the County Executive on at least three days' written notice mailed to the last known address of said advisory board members.

(b) The composition of the Correctional and Criminal Justice System Advisory Board shall be as follows: one representative of the Oneida County Court System, the Oneida County District Attorney or his designee, the Oneida County Public Defender Criminal or his designee, the Director of Oneida County Probation Department or his designee, the Oneida County Sheriff or his designee, two representatives of the education community, versed in law-related subjects, one representative of the Oneida County Bar Association, one representative of the news media, and six citizens not affiliated with the criminal justice system.

(c) Members of the Correctional and Criminal Justice System Advisory Board shall be appointed for a term of four years.

(d) The purpose of said Advisory Board is to monitor the operations of the Oneida County jail and the county-financed criminal justice defense system for the purpose of developing recommendations that would result in the most efficient operation of the jail and criminal justice system in Oneida County.

(e) The members of said Advisory Board shall receive no salary or compensation for their services but shall, within appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

*Section 1802 was amended by Local Law No. 2 of 1970, and Local Law No. 1 of 1973 to provide civil service status for certain employees.*

*Section 1803 was added by enactment of Local Law No. 4 of 1982.*

*Article XVIII was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE XIX**  
**MEDICAL EXAMINER**

- Section 1901. Application of Article XIX  
Section 1902. Medical Examiner; Appointment and Qualifications  
Section 1903. Powers and Duties

**Section 1901. Application of Article XIX.** The Board of County Legislators shall have the power by local law, to abolish the office of coroner and create the office of appointed medical examiner. Such local law shall not be subject to mandatory referendum, but must be adopted and filed in the office of the Secretary of State of New York at least 150 days prior to any general election. The terms of office of all coroners elected or appointed and holding office in the county at the time such local law is adopted and filed as hereinbefore provided, shall expire on December 31<sup>st</sup> following the adoption of such local law at the general election to be held in such year and thereafter no coroner shall be elected and Article XIX of this charter and applicable provisions of the code shall become and be effective on and after January 1, next succeeding such general election.

**Section 1902. Medical Examiner; Appointment and Qualifications.** There shall be a medical examiner who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators. He shall be a physician duly licensed to practice in the State of New York, and shall have such other qualifications as may be prescribed in the code or any applicable law.

**Section 1903. Powers and Duties.** The medical examiner shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law and shall perform such other related duties as shall be required or delegated to him by the County Executive or the Board of County Legislators.

*Article XIX was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE XX**  
**OTHER COUNTY BOARDS, OFFICES**  
**INSTITUTIONS AND FUNCTIONS**

Section 2001.	Board of Elections
Section 2002.	Other Boards; How Appointed
Section 2003.	Additional Appointments by County Executive
Section 2004.	Miscellaneous Administrative Functions

**Section 2001. Board of Elections.** The Board of Elections, its powers and duties and the method of appointment of the members thereof by the Board of County Legislators shall continue as provided for by New York State Election Law.

**Section 2002. Other Boards; How Appointed.** The board of trustees of the Mohawk Valley Community College, the Alcoholic Beverage Control Board and the Fire Advisory Board shall continue as provided by law except that the power of appointment residing in the Board of County Legislators or in the chairman thereof of one or more members of each of said boards is transferred to and shall be exercised on and after January 1, 1963, by the County Executive, subject to confirmation by the Board of County Legislators. The appointment of any head, board or agency in relation to a county sewer, water, drainage or watershed protection district, if any, or to any other county district of a similar nature shall be by the County Executive, subject to confirmation by the Board of County Legislators.

Except as otherwise provided in this charter or code, other appointments to boards and like units shall be made by the County Executive, subject to confirmation by the Board of County Legislators. The Director of Workmen's compensation, however, shall continue to be appointed as now provided by local law and the laws of the State of New York applicable thereto.

**Section 2003. Additional Appointments by County Executive.** Subject to confirmation by the Board of County Legislators and except as otherwise provided in this charter and code, the County Executive shall appoint the head of any other or additional administrative unit of the county, including among others, the director of the emergency management office, director of veteran's service and fire coordinators and county historian, subject to confirmation by the Board of Legislators.

**Section 2004. Miscellaneous Administrative Functions.** Administrative functions not otherwise assigned by this charter or code shall be assigned by the County Executive to an administrative unit.

*Section 2002 was amended by Local Law No. 2 of 1968, changing the name from Mohawk Valley Technical Institute to Mohawk Valley Community College.*

*Section 2003 was amended by Local Law No. 3 of 1980, deleting “Sealer of Weights and Measures”.*

*Section 2003 was amended by Local Law No. 1 of 1985, changing the “director of civil defense” to the “director of emergency management office”.*

*Article XX was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*



**ARTICLE XXI**  
**SERVICE RELATIONSHIPS**

- Section 2101. Local Government Functions, Facilities and Powers Not Transferred, Altered or Impaired
- Section 2102. Contracts with Public Corporations and Public Authorities

**Section 2101. Local Government Functions, Facilities and Powers Not Transferred, Altered or Impaired.** No function, facility, duty or power of any city, town, village, school district or other district, or of any officer thereof is or shall be transferred, altered or impaired by this charter or code.

**Section 2102. Contract with Public Corporations and Public Authorities.**

The County of Oneida shall have power to contract with any public corporation including but not limited to a municipal district or a public benefit corporation as defined in Section 3 of the General Corporation Law or with any public authority or combination of the same for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. The costs and expenses incurred as well as charges for central facilities and administrative services relating thereto shall be borne proportionately by each such contracting party as agreed upon.

*Article XXI was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE XXII**  
**GENERAL PROVISIONS**

- Section 2201. Administrative and Advisory Boards
- Section 2202. Approval of Contracts
- Section 2203. Civil Service Rights Continued; Status of Certain County Officers Previously Appointed; Removal of Certain County Officers Hereafter Appointed
- Section 2204. Classified Service, Exemptions
- Section 2205. Filling Vacancy in Elective Office of County Executive
- Section 2206. Filling Vacancy in Elective Office of Comptroller, County Clerk, District Attorney or Sheriff
- Section 2207. Filling Other Vacancies
- Section 2208. Power to Administer Oaths and Issue Subpoenas

**Section 2201. Administrative and Advisory Boards.** The board of trustees of Mohawk Valley Community College shall have such powers and only such powers as those specified in the Education Law of the State of New York. Except as provided in such Education Law, such board shall be advisory and subject to the provisions of this charter and code.

Except as otherwise provided in this charter or code, every other board, the members of which are appointed, shall be an advisory board consisting of such members, and the members thereof shall be appointed for such terms as are or may be provided in this charter or code. Wherever provision is made in this charter or code for the appointment of an advisory board, the members so appointed, unless otherwise provided, shall serve at the pleasure of the appointing authority.

**Section 2202. Approval of Contracts.** Except as otherwise provided in this charter or code, every contract to which the county is a party shall require approval by the Board of County Legislators, if said contract is for the sale or purchase or lease of real property; (b) the providing of facilities or the rendering of services by, for or with any other public corporation; (c) the lease of equipment, professional service contracts and personal service contracts in excess of fifty thousand dollars. All such contracts shall be executed by the County Executive, except as otherwise provided in this charter or the code.

**Section 2203. Civil Service Rights Continued; Status of Certain County Officers Previously Appointed; Removal of Certain County Officers Hereafter 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 or code.

**Section 2204. Classified Service, Exemptions.** All positions in all departments, offices, institutions, and agencies of the county, shall be in the classified service, except those held by the following: (1) elective officers; (2) heads of departments; (3) the medical examiner; (4) the commissioner of jurors; (5) all officers and employees of the Board of County Legislators; (6) all members, officers and employees of the Board of Elections; and (7) all other persons as specifically prescribed by statute. For the purpose of this section, the heads of the divisions within the executive branch, including but not limited to budget, purchase, central services, traffic safety and the youth bureau, shall be deemed to be the heads of departments. The following positions in the classified service shall be included in the exempt class: (1) deputies who are authorized to act generally for and on behalf of their principals; (2) the confidential secretary to any officer or department head; (3) calendar clerk, personnel officer; (4) assistant district attorneys; (5) assistant county attorneys; and (6) deputy and assistant public defenders.

**Section 2205. Filling Vacancy in Elective Office of County Executive.** A vacancy, otherwise than by expiration of term in the office of County Executive, shall be filled by appointment by the Board of County Legislators of a qualified elector of the county, having the same political affiliation as the person last elected to such office. The person so appointed shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a County Executive shall be elected for the balance of the unexpired term, if any.

**Section 2206. Filling Vacancy in Elective Office of Comptroller, County Clerk, District Attorney or Sheriff, Coroner and County Legislator.** A vacancy, otherwise than by expiration of term in any elective county office, including but not limited to the office of comptroller, county legislator and coroner shall be filled by appointment by the County Executive, subject to confirmation by the Board of County Legislators, of a qualified elector of the county, having the same political affiliation as the person last elected to such office. The person so appointed shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election, a comptroller, county legislator or coroner as the case may be, shall be elected for the balance of the term, if any.

Vacancies in the offices of the county clerk, sheriff and district attorney shall be filled in accordance with section 400 of County Law.

**Section 2207. Filling Other Vacancies.** Except as otherwise provided in this charter or code, a vacancy in the office of the head of any administrative unit, the head of which, by virtue of this charter, the County Executive shall have the power to appoint or remove, shall be filled by a person who shall be appointed on the basis of his administrative experience and his qualifications for the duties of such office by the County Executive subject to confirmation by the Board of County Legislators where provided. Except as otherwise provided in this charter or code, the County Executive shall have the power to fill vacancies occurring within such administrative unit upon recommendation of the department head and pursuant to the civil service law.

**Section 2208. Power to Administer Oaths and Issue Subpoenas.** The Chairman of the Board of County Legislators, the County Executive, the Comptroller and such other county officers as may be authorized by this charter, code 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 or affirmations, subpoena witnesses and compel attendance of witnesses in connection therewith.

*Section 2201 was amended by Local Law No. 2 of 1968 which changed the name of Mohawk Valley Technical Institute to Mohawk Valley Community College.*

*Article XXII was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE XXIII**  
**APPLICATION OF CHARTER**

Section 2301.	Adoption of Charter; When Effective
Section 2302.	Amendment of Charter
Section 2303.	Terms of Certain Elective County Officers
Section 2304.	Continuity of Authority, Completion of Unfinished Business
Section 2305.	Separability
Section 2306.	Charter to be Liberally Construed

**Section 2301. Adoption of Charter; When Effective.** This charter shall become and be effective on or after January 1, 1963, upon approval by public referendum in the manner provided by law. The administrative code may be adopted and amended by local law at any time subsequent to the approval and adoption of this charter.

**Section 2302. Amendment of Charter.** This charter may be amended in the manner provided by law. Except as otherwise provided by this charter, any local law which would create or abolish an elective county office, change an elective office to appointive or an appointive office to elective or change the powers of an elective county officer shall be subject to mandatory referendum.

The County Attorney shall have the authority and be charged with the responsibility to advise the Board of Legislators on an annual basis of any changes in New York State Law that would require amending the Charter by Local Law. Every five (5) years, the Board of Legislators shall appoint an independent non-partisan Charter Reform Commission to review and make recommendations of any and all additional changes needed to the Charter and Administrative Code.

**Section 2303. Terms of Certain Elective County Officers.** The terms of office for the county executive, comptroller, county clerk, district attorney and sheriff shall be four (4) years except as otherwise provided in this charter. The terms of office for county legislators shall be two (2) years.

**Section 2304. 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 thereof 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 code.

This charter shall not be deemed to invalidate any obligations heretofore issued by the County of Oneida 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.

For the purpose of this section, a public authority shall not be deemed a county commission, board or agency.

**Section 2305. Separability.** 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 2306. Charter to be Liberally Construed.** This charter shall be liberally construed to effectuate its objectives and purposes.

*Article XXIII was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE XXIV**  
**PUBLIC DEFENDER**

- Section 2401. Establishment of Office; Appointments  
Section 2402. Powers and Duties  
Section 2403. Assistant Public Defenders and Confidential Investigators

**Section 2401. Establishment of Office; Appointments.** There shall be a Public Defender's office and the County Executive shall appoint a Public Defender to administer such department, which appointment shall be subject to confirmation by the Board of County Legislators. Such Public Defender shall serve at the pleasure of the County Executive and shall be duly admitted to the practice of law in the State of New York. Such Public Defender shall be a resident of the County of Oneida and shall devote his entire time to the duties of his office and shall not engage in any other practice of law.

**Section 2402. Powers and Duties.** The Public Defender shall have and exercise all powers and duties now or hereafter conferred upon him by Section 717 of the County Law of the State of New York or any applicable law. The Public Defender shall perform such other and related duties as may be prescribed by law, by the County Executive or by resolution of the Board of County Legislators.

**Section 2403. Assistant Public Defenders and Confidential Investigators.** The Public Defender shall have the power to appoint such assistant public defenders, confidential investigators, secretaries and other employees of his or her department as authorized by the County Executive and within the appropriations made therefor by the Board of County Legislators.

*Article XXIV was added to the Charter by enactment of Local Law No. 3 of 1965.*

*Section 2401 amended by enactment of Local Law No. 5 of 1984 pertaining to term of office.*

*Sections 2401, 2402 and 2403 were amended by enactment of Local Law No. 3 of 1996 to create a civil division of the Public Defender's Office.*

*Article XIV was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

**ARTICLE XXV**  
**OFFICE FOR THE AGING AND CONTINUING CARE**

Section 2501. Office for the Aging and Continuing Care; Director

Section 2502. Powers and Duties

**Section 2501. Department of Office for the Aging and Continuing Care; Director.** There shall be an office for the aging and continuing care, the head of which shall be the director of the office for the aging and continuing care, who shall be appointed by the County Executive, subject to the confirmation of the Board of County Legislators. The director so appointed shall serve at the pleasure of the County Executive.

**Section 2502. Powers and Duties.** The director of the office for the aging and continuing care shall have the following powers and duties:

(a) To advise and assist the County Executive in developing policies designed to help meet the needs of the aging and disabled and to encourage the full participation of the aging in society.

(b) To coordinate programs and activities relating to the aging and community based long term care.

(c) To cooperate with and assist other municipalities in the development of local programs for the elderly, disabled and family caregivers.

(d) To annually submit to the County Executive a written report of the activities and recommendations of the office for the aging and continuing care.

(e) To participate in and cooperate with an advisory council known as the OFA/OCC Advisory/Long Term Care Council, whose members are appointed by the County Executive, subject to confirmation by the Board of Legislators.

*Article XXV was added to the Charter by the enactment of Local Law No. 1 of 1974.*

*Article XXV was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*



**ARTICLE XXVI**

**DEPARTMENT OF SOLID WASTE MANAGEMENT**

The Department of Solid Waste Management was deleted per  
Public Authorities Law, Article 8, Section 2049-yy

**ARTICLE XXVII**  
**DEPARTMENT OF WATER QUALITY AND**  
**WATER POLLUTION CONTROL**

- Section 2701. Department of Water Quality and Water Pollution Control;  
Commissioner; Qualifications
- Section 2702. Powers and Duties
- Section 2703. Water Quality and Water Pollution Control Advisory Board

**Section 2701. Department of Water Quality and Water Pollution Control; Commissioner; Qualifications.** There shall be a Department of Water Quality and Water Pollution Control, the head of which shall be appointed on the basis of his or her experience and qualifications for the duties of such office. The Commissioner shall be a person with professional experience in the planning and management of water quality and water pollution control activities, organization and facilities, and shall be appointed by and serve at the pleasure of the County Executive, subject to the confirmation by the Board of County Legislators.

**Section 2702. Powers and Duties.** Except as otherwise provided in this charter or code, the Commissioner of Water Quality and Water Pollution Control shall:

(a) Be responsible for the administration and operation of the Water Quality and Water Pollution Control Facility and County interceptor lines, and

(b) Be responsible for the development of proposals for County owned water pollution control facilities and activities, and

(c) Be responsible for the administration of planning, studies, development and operation of the County owned water facilities and Water Pollution Control facilities, including advising and supervising with regard to the design and construction of all capital projects for any and all County owned Water Pollution Control facilities, and

(d) Be responsible for coordinating with local governments the planning, development and operation of the County owned water facilities and Water Pollution Control facilities, and coordination with any other participating counties, and

(e) Be responsible for negotiation with appropriate private, not-for-profit, and public agencies involved with the County owned Water Pollution Control facilities, and

(f) Assist the municipalities within the County in the planning and development of water facilities and water pollution control facilities, and

(g) Develop, with the participation of the County Executive and the County Legislature, long term plans for water quality and sewage and sludge disposal.

**Section 2703. Water Quality and Water Pollution Control Advisory Board.**

There shall be a Water Quality and Water Pollution Control Advisory Board composed of the chief executive officer or his or her designee of each municipality which is involved in or has contracted with the Water Pollution Control facility. The advisory board shall advise the Commissioner of Water Pollution Control in matters relating to the Water Pollution facility and water pollution activities. This board shall be chaired by a Chairperson and Vice-Chairperson appointed by the membership.

*Article XXVII was added by the enactment of Local Law No. 6 of 1989 which created the Department of Water Quality and Water Pollution Control and abolished the Division of Water Pollution Control in the Department of Public Works.*

*Article XXVII was amended by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code.*

## ARTICLE XXVIII

### PROBATION DEPARTMENT

Section 2801. Department of Probation; Appointment of Director; Qualifications

Section 2802. Powers and Duties

**Section 2801. Department of Probation; Appointment of Director; Qualifications** There shall be a department of probation headed by a Probation Director who shall be appointed by the County Executive, subject to confirmation by the Board of Legislators after such director shall have qualified for such position under the New York State Civil Service regulations applicable thereto.

**Section 2802. Powers and Duties.** The Probation Director shall have the power to appoint all deputies, supervisors, probation officers and other employees within the approved appropriations therefor.

The Probation Department shall perform probation related services including, but not limited to, intake, investigation, pre-sentence reporting, supervision, conciliation, social treatment and such other functions and services as may be assigned to the department pursuant to and in compliance with Section 256 of the New York State Executive Law.

*Article XXVIII was added by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code and to properly reflect departmental changes.*

## ARTICLE XXIX

### OFFICE OF THE CIVIL DEFENDER

Section 2901. Establishment of Office; Appointments

Section 2902. Powers and Duties

Section 2903. Assistant Civil Defenders

**Section 2901. Establishment of Office; Appointments.** There shall be an office of the Civil Defender. The County Executive shall appoint a Civil Defender to administer such office, such appointment shall be subject to the confirmation of the Board of County Legislators. Such Civil Defender shall serve at the pleasure of the County Executive and shall be duly admitted to the practice of law in the State of New York. The Civil Defender shall be a resident of Oneida County and shall devote their entire time to the duties of their office and shall not engage in any other practice of law.

**Section 2903. Powers and Duties.** The Civil Defender shall have and exercise all of the powers and duties now or hereafter conferred upon him by Section 717, subdivision 2 of the County Law of the State of New York or any applicable law. The Civil Defender shall perform such other and related duties as may be prescribed by law, by the County Executive or by resolution of the Board of County Legislators.

**Section 2903. Assistant Civil Defenders.** The Civil Defender shall have the power to appoint such assistant civil defenders, paralegals, confidential secretary or other employees of his department as authorized by the County Executive and within the appropriations made therefore by the Board of County Legislators.

*Article XXIX was added by Local Law No. 3 of 2011 which incorporated certain technical, grammatical and procedural amendments to the Oneida County Charter and Administrative Code and more specifically to reflect amended changes within the Section XXIV – Public Defender.*