

**ONEIDA COUNTY
ADMINISTRATIVE
CODE**

**Adopted By
Local Law No. 5 of 1962
on
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Resolution No. 369**

LOCAL LAW NO. 5 ----- 1962

TO BECOME EFFECTIVE JANUARY 1, 1963

ONEIDA COUNTY ADMINISTRATIVE CODE

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ARTICLE I
ONEIDA COUNTY AND ITS GOVERNMENT

Section 101.	Title and Purpose
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Section 101. Title and Purpose. This code, together with any and all amendments hereto, if any, shall be known and may be cited as the “Oneida County Administrative Code”. The purpose of this code is to set forth the details of administration of the Oneida County government consistent and in harmony with the purposes, intent and provisions of the Oneida County Charter.

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 code, 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 the 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 with the charter or code, including all powers necessarily incidental to or which may be fairly implied from the powers specifically conferred upon such County.

Section 103. Effect on State Laws. The charter and code provide 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Laws of the State of New York, shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified, or

superseded in their application to Oneida County by enactment and adoption of the charter and code.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 the charter or 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. 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, 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 the 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 the charter, 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, information technology, traffic safety, and related programs 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 were none of the persons or officers absent or disqualified from acting

(j) “Legislature” shall mean the legislature of the State of New York

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.

Section 107. County Seal.

(a) The following design is hereby adopted as the official and standard design of the seal of the County of Oneida.



(b) Such seal shall be used for all authorized and requisite purposes

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 I was amended by Local Law No. 5 of 2019 which merged the Department of Social Services, the Office for the Aging and Continuing Care, the Veterans' Service Agency and the Youth Bureau into the Department of Family and Community Services.

**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; Referral to Advisory Board
- Section 205. Filing and Publication of Local Laws; Judicial Notice
- Section 206. Referendum
- Section 207. Effective Date
- Section 208. Ordinances
- Section 209. Conference Expenses
- Section 210. Petty Cash Funds

Section 201 (a) The Board of County Legislators. Commencing on January 1, 2014, the Oneida County Board of Legislators shall be composed of twenty-three legislative districts the form of which shall be timely determined prior thereto and in accordance with any applicable state, general, special or local laws relating to the apportionment of legislative districts.

Section 201. (b) 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	VERNON	1
		2
		3
		4
		5
	VERONA	5

2	AUGUSTA	1 2
	KIRKLAND	3 8
	MARSHALL	1 2
	SANGERFIELD	1 2
3	ROME	3-3
	VERONA	3 4 6
	VIENNA	1 2 3 4
4	ROME	1-2 2-2 2-3 2-4 2-5 3-1 3-4 3-5 7-2
	VERONA	1 2
5	ANNSVILLE	1 2 3
	CAMDEN	1 2

		3
	FLORENCE	1
	LEE	3
6	AVA	1
	BOONVILLE	1
		2
		3
		4
	FORESTPORT	1
		2
	REMSEN	1
	STEUBEN	1
7	LEE	5
	ROME	6-1
		6-2
		6-3
		6-4
		1-1
		7-3
		7-4
		7-5
8	FLOYD	2
		3
	MARCY	1
		2
		3
		4
	WHITESTOWN	5
9	DEERFIELD	1

		2
		3
	FLOYD	1
	TRENTON	1
		2
		3
		4
10	KIRKLAND	1
		10
	ROME	2-1
	WESTMORELAND	1
		2
		3
		4
11	WHITESTOWN	1
		2
		4
		6
		7
		8
		9
		13
		15
12	ROME	3-2
		4-1
		4-2
		4-3
		4-4
		5-1
		5-2
		5-3
		5-4
13	NEW HARTFORD	2-1
		2-2

	WHITESTOWN	3 10 11 12 14 16
14	KIRKLAND	2 4 5 6 7 9
	NEW HARTFORD	4-1 4-2 4-3 4-4
15	NEW HARTFORD	1-3 1-5 2-3 2-4 3-1 3-2 3-3 3-4
16	BRIDGEWATER	1
	NEW HARTFORD	1-1 1-2 1-4
	PARIS	1 2 3
17	LEE	1 2 4

	ROME	1-3 1-4 7-1
	WESTERN	1 2 3
18	UTICA	4-1 4-2 4-3 4-4 4-5 4-6 4-7 4-8 4-9
19	UTICA	3-1 3-2 3-3 3-4 3-5 3-6 3-7 3-8 3-9 5-2
20	UTICA	1-8 5-1 5-3 5-4 5-5 5-6
21	UTICA	2-1 2-3 2-4 2-5 2-6 2-7

		3-10
		5-7
22	UTICA	1-1
		1-2
		1-3
		1-4
		1-5
		1-6
		1-7
		2-2
		2-8
23	UTICA	6-1
		6-2
		6-3
		6-4
		6-5
		6-6
		6-7
		6-8
		6-9

That all references to towns apply to that territory wholly contained in each of the towns of Oneida County as of January 1, 2010. 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 April 1, 2012.

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 Twenty, 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 14th 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 the charter and this administrative code. In addition to all powers conferred by the foregoing or other provisions of the charter and this 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, code or by other applicable law not inconsistent with the charter or code

- c) By local law to adopt, amend and/or repeal the administrative code which sets forth the details of administration of the county government consistent with the provisions of the charter, and which code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with the 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, including the election of a chairman, clerk, and appointment of all necessary employees in the legislative branch, not inconsistent with the charter or code
- 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 including vacations and sick leave paid from county funds except members of the judiciary and of such other officers and employees when specifically authorized by statute
- h) To require and direct the giving of a surety bond conditioned upon the faithful performance by any county officer or employee paid from county funds. To fix the amount of all such bonds whether required by law or resolution of the board. Costs of same shall be a county charge
- 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 object or purpose by the governing board or other local body, officer, or agency of the county or 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 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 the charter form of government
- m) The rules and regulations for the conduct and procedure of the Board of County Legislators in effect at the time of the adoption of this code shall, to the extent that such rules and regulations are not inconsistent with the charter or code, remain in full force and effect until rescinded, altered or amended by resolution of the Board of County Legislators
- n) To employ such legal, financial or other technical advisors as may be necessary from time to time in relation to the performance of any of the functions of county government.
- o) 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.

Section 203. Local Law; Definitions; Power to Adopt, Amend and Repeal; Effect on Legislative Acts. A local law is a law adopted pursuant to the charter within the power granted by the constitution, act of the legislature or provision of the code, 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 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 Article 6-A of the county 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, charter, administrative codes, special acts or local laws. The provisions of Article 6 of the county law are hereby made applicable.

Section 204. Form and Procedure; Referral to Advisory Board.

- (a) Form and procedure. Except as otherwise provided in the charter or code, the form and procedure for adoption of a local law, including referendum, mandatory or permissive, shall be as provided in Articles 6 and 6-A of the county law

(b) Referral to advisory board. Before the Board of County Legislators acts to adopt any local law or ordinance specifying functions affected thereby of any administrative unit in which an advisory board has been appointed, the clerk of the Board of County Legislators shall, within at least three days after same had been introduced, transmit a duplicate certified copy of such proposed local law or ordinance to the chairman of such advisory board

(c) Unless the Chairman of the Board or the County Executive shall have certified as to the necessity for its immediate passage, a local law must be introduced in its final form at a regular or special meeting of the Board of County Legislators before it can be placed upon the desk or table of the members.

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 the charter, code or applicable law not inconsistent with such charter or code. 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 and may provide for a public hearing hereon.

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.

Section 209. Conferences Expenses. The chairman of the Board of County Legislators shall have the power to designate and authorize any member, officer or employee of the legislative branch to attend an official or unofficial convention, conference or school for the betterment of county government.

Within the appropriations provided therefor and when so authorized, all necessary and actual expenses including but not limited to mileage and registration fees not exceeding the amount fixed by the General Municipal Law and as fixed by the Board of County Legislators shall be paid from county funds.

Section 210. Petty Cash Funds.

(a) The Board of County Legislators, upon the recommendation of the County Executive, may establish a revolving petty cash fund for any administrative unit or subdivision thereof or officer in such amounts as it deems necessary. Any petty cash fund heretofore established by the Board of County Legislators shall be continued in existence as a petty cash fund for the administrative unit or subdivision thereof or officer for which it was established or the successor of such unit or officer created pursuant to the provisions of the charter or code. The County Executive shall determine which administrative unit, subdivision or officer shall be considered to be the successor administrative unit, subdivision or officer for the purpose of this section. The Board of County Legislators, upon the recommendation of the County Executive, may increase, decrease or abolish any petty cash fund established or continued pursuant to this section. Any petty cash fund shall otherwise continue in existence from year to year until abolished.

(b) Expenditures from a petty cash fund may be made only for payment, as authorized by the Board of County Legislators in advance of audit, of properly itemized and verified or certified bills for materials, supplies or services other than regular employment, furnished to the county for the conduct of its affairs and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. Moneys in any such fund also may be used for the purpose of making change when such is required in the performance of official duties. Moneys in any such fund established for the office of the Sheriff or District Attorney may also be used to advance travel funds to personnel of the Sheriff's or District Attorney's office when required to travel on official business.

(c) Upon audit of bills such petty cash fund shall be reimbursed from the appropriate budgetary item or items in the amount equal to the amount audited and allowed. The Comptroller immediately shall notify the Commissioner of Finance in writing of the disallowance of any such bills or any portion thereof, stating the amount in each case disallowed and the reason therefor. Any of such bills or any portion thereof as shall be disallowed upon audit shall be the personal liability of the official responsible for the use of the petty cash fund from which payment on account thereof was made. Such official shall forthwith reimburse such petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to such official after the disallowance of any such bill or any portion thereof, the amount of such

disallowance shall be deducted from such salary payment, and, if necessary, subsequent salary payments, and paid into such petty cash fund until an amount equal to the amount of such disallowance has been repaid to such petty cash fund.

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".

Section 204 was amended by Local Law No. 3 of 1967 in regard to the procedure for the adoption of local laws.

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 s4-100 (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 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 I I I

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; Purchasing Agent Office Abolished
Section 306.1	Bureau of Weights and Measures
Section 307.	Division of Information Technology
Section 308	Office of Emergency Services
Section 308-A.	Office of Traffic Safety
Section 309.	Administrative Heads; Term; Interim Appointments; Appointment of Other Officers and Employees
Section 310.	Confirmation by Board of County Legislators
Section 311.	Seal of County Executive

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; shall give his whole time to the duties of the office, and shall receive 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. The County Executive shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code or any applicable provision of any act of the legislature, local law, ordinance or resolution of the Board of County Legislators, not inconsistent with the charter or code.

In addition to any other powers and duties, the County Executive shall have the following duties and functions:

(a) The County Executive to the extent to which organization of his office, or of any administrative unit, the head of which he has the power to appoint, is not prescribed by law, may organize or supervise and direct the organization of any such administrative unit into such divisions, bureaus, sections or other subordinate parts and make such

assignments of powers and duties among them, and from time to time change or supervise and direct the changes in such organizations or assignments, as he may consider advisable.

(b) On or before the first day of December in each year, after reviewing the proposed county tax equalization rates submitted to him by the Commissioner of Finance, and after obtaining such additional information or holding such hearings thereon as he may deem necessary or advisable, the County Executive shall determine and fix the real property tax equalization rates among the various tax districts of the county for county purposes. He shall file the same together with an abstract of evidence upon which the rates are based, with the Board of County Legislators and the same shall be binding and conclusive on the Board of County Legislators, except where otherwise changed, altered or revised pursuant to a final determination in an appeal therefrom as provided by applicable law. The documentary evidence used in determining the county equalization rates shall be preserved by the County Executive and an abstract of the same shall be published with the county equalization rates in the proceedings of the Board of County Legislators.

(c) The County Executive shall not be an officer, director or stockholder of any depository or depositories designated by him pursuant to paragraph e of Section 302 of Article 3 of the charter.

(d) In addition to the annual report to the Board of County Legislators required by paragraph g of Section 302 of Article 3 of the charter, the County Executive shall present to the Board of County Legislators, from time to time, such information concerning the affairs of the county as he may deem necessary, or the Board by resolution may request and shall recommend such measures in connection therewith as he shall deem necessary.

(e) The County Executive shall have the power and authority to designate in writing, in connection with any study or investigation, any county officer who may administer oaths or affirmations, examine witnesses in any such hearing, receive evidence and preside at or conduct any such study or investigation and report the results of same to the County Executive, together with any recommendations or suggestions which the designated county officer may consider to be required or advisable as a result of such study or investigation. A copy of every such report, together with any recommendations or suggestions, shall be filed with the Board of County Legislators.

(f) The County Executive shall have the power and authority to subpoena and compel the attendance and the production of books, records and papers of any administrative unit, officer or employee under his jurisdiction, for the purpose of ascertaining facts in connection with any study or investigation of the affairs, functions, accounts, methods, personnel, or agency of any such administrative unit, officer or employee. In case any person fails or refuses to obey any subpoena, or fails to appear, produce books, records or other evidence required by the subpoena or to testify, he shall be subject to the order of a court of record in contempt proceedings. The County Executive may, within the appropriations provided therefor, employ all personnel necessary to conduct such hearing.

(g) The County Executive shall have the power to designate and authorize any officer or employee paid from county funds, except members, officers and employees of the legislative branch, to attend an official or unofficial convention, conference or school

for the betterment of the county government. Within the appropriations provided therefor and when so authorized, all necessary and actual expenses including but not limited to a registration fee, not exceeding the amount as fixed by the General Municipal Law and mileage as fixed by the Board of County Legislators shall be paid from county funds.

(h) The County Executive may make recommendations to the Board of County Legislators on any matter deemed material and advisable in relation to county government and affairs.

(i) The County Executive shall have the power to transfer employees temporarily between administrative units of the county.

(j) The County Executive shall have the power to determine what county officer shall perform a particular power or duty not otherwise clearly defined by the charter, code, local law, ordinance or resolution of the Board of County Legislators, or any applicable provision of any act of the legislature, not inconsistent with the charter or code.

(k) In the event of the occurrence of an emergency affecting the life, health or safety of inhabitants of Oneida County, the County Executive, except as otherwise provided by law, shall have the power to declare the same an emergency and to perform all acts which are necessary for the protection of such inhabitants and to sign all necessary papers to carry this authorization into effect.

(l) The County Executive shall have such implied and incidental powers as are necessary to perform and exercise the duties and functions of his office.

(m) That the County Executive, within ten (10) days of receipt by him, shall file with the Majority and Minority Leaders of the Board of County Legislators of the County of Oneida, a copy of all monthly and annual reports, audits, including tentative budget or budgets, required to be filed in his office by county officers and employees pursuant to the provisions of the Oneida County Charter and this code.

Section 303. Removal. The County Executive may be removed in the manner provided by Section 303 of Article III of the Charter.

Section 304. Acting County Executive. The acts performed by the acting County Executive pursuant to Section 304 of Article III of the charter shall have the same force and effect as if performed by the County Executive. Pursuant to Section 304 of Article III of the charter, the acting County Executive shall have and exercise all the powers of the County Executive, except the power of removal as provided in paragraph h of Section 311 of this code.

Section 305. Division of the Budget. The division of budget shall be headed by a Budget Director who shall perform all of the duties in relation to the preparation and submission of the proposed tentative budget and capital programs as set forth in Article VI of this Code. The Budget Director shall have the power to compel the attendance of witnesses and the production of books, papers and records, to administer oaths and affirmations and to hear proof and take testimony necessary to the performance of his or her duties.

Section 306. Division of Purchase.

(a) The Purchasing Director shall be the head of the Division of Purchase and shall have the powers and duties set forth in Section 306 of Article 3 of the charter. He shall, in addition to his powers and duties, set forth in the Charter or this Code, perform such other and related duties as the County Executive may require.

(b) The Purchasing Director shall:

(1) Establish and maintain a central purchasing system;

(2) Establish and enforce standard specifications with respect to supplies, materials, equipment, and services;

(3) Inspect or supervise, or otherwise provide for the inspection of all deliveries of supplies, materials and equipment and determine their quality, quantity and conformance to contract;

(4) Establish and maintain necessary contact and liaison with the Division of Information Technology, including but not limited to procedure for coordinating the controls as set forth relating to the disbursement and transfer of supplies, materials and equipment under the custody of the Division of Information Technology to any County administrative unit;

(5) Sell or lease any surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by resolution of the Board of County Legislators;

(6) Upon the request of any city, town, village, school district or other unit of local government, act as purchasing agent for the same, either for all or for any part of its purchases, upon such conditions as may be prescribed by the Board of County Legislators;

(7) Except as otherwise provided in the Charter or this Code, and subject to the approval of the County Executive, approve and execute all contracts on behalf of the County with respect to the buying, selling or leasing of any supplies, materials, equipment and services other than personal services for any amount not more than such sum set forth in sub-division (c)(1) of this section. The County Executive shall execute all other contracts on behalf of the County as provided by Section 2202 of Article 22 of the Charter;

(8) Perform, under the direction of the County Executive, all other duties of a county purchasing agent under the laws of the State of New York, not inconsistent with the provisions of this Code;

(9) Prepare procedural regulations to amplify the provisions of this section and submit such regulations to the County Executive for approval and upon such approval, promulgate and enforce compliance with such regulations.

(c) Purchasing Procedure.

(1) The Division of Purchase shall make all purchases of and contract for supplies, materials, equipment and services for the County, the Board of County Legislators or any administrative unit for the payment of which the County shall be liable. Any such purchase or contract of purchase involving an 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, shall be made after advertisement in an official daily newspaper printed in the English language and published in the County of Oneida, and having a general circulation in the County of Oneida, which advertisement shall invite sealed bids for the same. The purchase of perishable foodstuffs, drugs and medical supplies, may be made without public advertisement when expressly permitted by written order of the County Executive.

(2) Such advertisement shall contain a statement of the time when and the place where all bids received pursuant to such notice will be publicly opened and read. At least five (5) days shall elapse between the first publication of such advertisement and the date specified therein for the opening and reading of bids. The Purchasing Director, or the person designated by him to open the bids at the time and place specified, shall make a record of such bids in such form and detail as the Purchasing Director shall prescribe. The contract shall be awarded to the lowest responsible bidder furnishing the required security, if any, after advertisement for sealed bids in the manner provided by this section. In cases where two or more responsible bidders furnishing the required security, if any, and submit identical bid as to price, the Purchasing Director may award the contract to any of such bidders. The Purchasing Director may, in his discretion, reject all bids and re-advertise for new bids in the manner provided by this section.

(3) The Purchasing Director may purchase supplies, materials, equipment or services to be rendered by contract without the advertisement required by paragraphs (1) and (2) of this section subsection (c) herein in the following cases:

(i) When the County Executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health, or safety of inhabitants of the County of Oneida require immediate action which cannot await competitive bidding;

(ii) When, by resolution adopted by a vote of at least two-thirds (2/3) of the whole number, the Board of County Legislators has determined it to be impracticable to advertise for such bids;

(iii) When through some accident or other unforeseen circumstances the heating, air-conditioning, ventilating, lighting, plumbing system, machinery, equipment or other apparatus of any of the public buildings of the county shall become disabled or any of such buildings or parts thereof shall be rendered untenable by reason of the sudden action of the elements or for some cause due to explosion or fire or from generally unforeseeable events creating an emergency, and the administrative head in charge of such building shall certify in writing to the purchasing director such emergency and the necessity of immediate repair to the defect or defects, and such certificate of necessity is approved by the County Executive;
or

(iv) w Whenever the machinery, equipment or other apparatus of the Department of Public Works or of the Department of Solid Waste Management becomes disabled or worn and requires immediate repair, making necessary the immediate purchase of parts for repairs to the same, the Commissioner of Public Works or the Commissioner of Solid Waste Management, as the case may be, shall certify in writing to the director of purchasing of the necessity of such immediate repair and/or replacement, and such certificate of necessity is approved by the County Executive.

(4) Upon the adoption of a resolution by a vote of at least two-thirds (2/3) of the whole number of the Board of County Legislators stating that, for reasons of efficiency and economy, there is need for standardization, purchase contracts for a particular type of or kind of equipment, material or services in excess of the amount fixed by the Board of County Legislators pursuant to paragraph (c)(1) of this section may be awarded to the lowest responsible bidder furnishing the required security, if any, after advertisement for sealed bids therefor in the manner provided by this section. Such resolution shall contain a full explanation of the reasons for its adoption.

(5) All required supplies which can be furnished by the State Department of Correction, and all required products made by the blind which can be furnished by any appropriate charitable non-profit making agency for the blind, incorporated under the laws of the State of New York, shall, after such purchases have been authorized, be purchased from them without competitive bidding at prices established pursuant to Section 175-a of the State Finance Law. In addition, the Purchasing Director may, without the competitive bidding herein before required, make purchases of supplies, materials or equipment, except printed materials, through the State Office of General Services, subject to such rules and regulations as may be established pursuant to section one hundred sixty-three of the State Finance Law or other applicable law.

(6) Surplus and second-hand supplies, materials or equipment may be purchased without competitive bidding from the Federal government, the State of New York or from any other political subdivision or district.

(7) Except as otherwise specifically provided, no supplies, materials or equipment shall be delivered except as specifically ordered by the Division of Purchase. No supplies, materials or equipment shall be delivered by such division to any administrative unit, officer or employee except upon a requisition in writing.

(8) The Comptroller shall not audit any bill for supplies, materials, equipment or services unless it shall fully appear that such items or services were ordered by the Purchasing Director and the Purchasing Director has certified the prices at which he made the purchases. All requisitions received by the Purchasing Director shall be filed in his office and open to public inspection under reasonable regulations for their safety and preservation. The Purchasing Director shall make no purchases until he has first secured the certification of the Comptroller that there are unencumbered balances available for the purpose.

(9) No bid for materials, supplies, equipment or services may be accepted from or contract therefor awarded to any person who is in arrears in taxes or upon debt or contract to or with the County or who has defaulted as surety or otherwise upon a contract or obligation to the County, or who may be otherwise disqualified under any act of the legislature not inconsistent with the Charter or this Code.

(d) Mail Services

(1) The Purchasing Director shall establish mailing services for all County Departments utilizing the services of the United States Postal Services and any other 3rd party carrier that can provide cost effective delivery services to administrative units. Additionally, the Mail Services shall process and deliver all inter-office mail by means of a dedicated County Mail Courier.

(e) Printing and Duplication Services

(1) The Purchasing Director shall establish and maintain printing, duplication and bindery services for all administrative units, and can extend those services to other local governments within Oneida County, as well as not-for-profit agencies within Oneida County.

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 County of Legislators, order or direction of the County Executive

and any applicable provision of any act of the legislature not inconsistent with the Charter or this Code.

(a) 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 County Executive and the Board of County Legislators.

(b) The County Director of Weights and Measures shall be appointed by the County Executive, subject to confirmation by the Board of County Legislators.

Section 307. Division of Information Technology.

(a) The Director of Information Technology shall be the head of the Division of Information Technology and shall have the powers and duties set forth in Section 307 of Article 3 of the Charter. He shall, in addition to his powers and duties set forth in the Charter or this Code, perform such other and related duties as the County Executive may require.

(b) The Director of Information Technology shall, under the supervision and direction of the County Executive, organize the division of Information Technology and such other divisions as may be authorized by the Board of County Legislators.

(c) The Information Technology Director shall be the Chief Information Security Office of the County. He shall establish, maintain and supervise such facilities for information technology systems and infrastructure as may be provided by the Board of County Legislators; and establish, maintain and supervise such other central service facilities as may be established by direction of the County Executive, within the appropriations provided therefor.

(1) Information Technology

The Information Technology Director shall establish, maintain and support a secure and scalable County government wide area telecommunications network, providing network connectivity to all administrative units as well as providing data file storage, Internet, email access as well as access to any other shared data program or application and mobile devices required by that department in the performance of its official duties.

Section 308. Office of Emergency Services.

(a) The director of Emergency Services shall be the head of the Office of Emergency Services and shall have the powers and duties set forth in Section 309 of Article III of the Oneida County Charter. The director, in addition to the powers and duties set forth in the Charter or Code, shall perform such other and related duties as the County Executive and the Board of County Legislators may require.

Section 308-A. Office of Traffic Safety.

(a) The Coordinator of the Oneida County STOP-DWI program shall be the head of the Office of Traffic Safety and shall have the powers and duties set forth in Section 308-A of Article III of the Oneida County Charter. The Coordinator, in addition to the powers and duties set forth in the Charter or Code, shall perform such other and related duties as the County Executive and the Board of County Legislators may require.

(b) The County Executive may appoint as an adjunct to the Office of Traffic Safety a traffic safety advisory board of fifteen members, interested in traffic safety and related traffic problems, who shall serve at the pleasure of the County Executive. Each member shall be a qualified elector of Oneida County. The County Executive shall annually, on or before the fifteenth day of January, appoint a chairman and vice chairman of such board and such board shall annually elect a secretary from its membership. Meetings of the traffic safety advisory board shall be held at the call of the STOP-DWI Coordinator or the Chairman of such board on at least three days written notice mailed to the last known address of such board members. The traffic safety advisory board shall have and exercise the powers and duties conferred or imposed upon it by the charter or code. Such board shall be advisory only.

The members of the traffic safety advisory board shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to the actual and necessary disbursements and expenses incurred in the performance of their duties

Section 309. Administrative Heads; Term; Interim Appointment; Appointment of Other Officers and Employees.

(a) As provided by the charter or code, or applicable law not inconsistent with the charter or code, and subject to the approval of the Board of County Legislators where expressly 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 qualifications and confirmation, or may himself so serve without such confirmation and without additional salary for so serving.

(b) All appointments by the County Executive shall be in writing and filed in the office of the Board of County Legislators and the department of records 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 the charter or code, 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.

(c) Each appointment by the County Executive which is made in conformity with the requirements of the charter, code, or other applicable law not inconsistent with the charter or code, and which is subject to confirmation by the Board of County Legislators, shall be

valid until such confirmation has been voted upon by such board, or until forty (40) days have expired after the filing of notice of such appointment. If a majority of the whole number of such board shall vote in favor of confirmation, the appointment shall be deemed confirmed immediately. If a majority of the whole number of such board shall not vote in favor of confirmation, such vote shall constitute a rejection, the term of the appointee shall be terminated and the office or position shall be deemed vacant as of the end of the day of such vote. A person who has thus been rejected may not be appointed to the same position within the same calendar year, except after a reconsideration and reversal by the Board of County Legislators of its vote to reject. If within forty (40) calendar days after the filing of written notice of appointment with the Board of County Legislators, no vote shall have been taken, the appointment shall be deemed to have been confirmed as of the fortieth day after such filing.

(d) If the charter or code prescribes specific or special qualifications for any appointment made by the County Executive pursuant to Section 311 of Article III of the charter, the written notice of such appointment required by Section 311 shall also contain a statement of such qualifications and a certification by the County Executive that the appointee has the required qualifications.

(e) Unless otherwise provided by the charter or code, each administrative head, when such positions are authorized by the Board of County Legislators and within the appropriations provided therefor, and in accordance with the Civil Service Law, shall have the power to appoint all deputies, other officers and employees in his respective administrative unit. He shall designate, in writing, the relative rank of such deputies, including the order of temporary succession to the duties of the administrative head during absence or disability or in the event of a vacancy prior to the filling of such vacancy by the County Executive, and delegate among them such of his powers and duties as he may determine. A copy of all such designations and delegations shall be filed with the department of personnel, the County Executive and on request with the Board of County Legislators.

(f) If the County Executive appoints one head for two or more administrative units, such person shall receive the salary for one such position as the County Executive shall designate in the written appointment filed with the Board of County Legislators. The County Executive shall notify the Comptroller in writing of such salary designation.

(g) Within the appropriations provided therefor, 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.

(h) The County Executive, except as herein provided, may remove or suspend any officer or employee appointed by him under the authority of the charter or code by written notice of such suspension or removal and the effective date thereof, served on such officer or employee personally or by registered mail sent to his last known address. Whenever a person shall be suspended, such suspension shall be without pay unless otherwise determined by the board of review hereinafter provided. In case of those administrative

heads or members of boards and commissions appointed for a definite term or balance thereof, or whose appointment is subject to confirmation by the Board of County Legislators, the effective date of removal shall not be earlier than ten days after service of such notice. Such notice shall contain a statement of the charges or reasons therefor, and no removal shall be made prior to the end of such ten day period until a hearing, if requested, has been held by the board of review as provided in Section 2203 of Article XXII of the charter and an order of removal has been signed by a majority of the members of such board. In the event a hearing shall have been requested, the County Executive shall give at least three days written notice served in the manner set forth in this paragraph of the time and place of such hearing. Unless a request for a hearing before such board shall have been made to the County Executive in writing within seven (7) calendar days after service of the notice of removal, the right to such hearing shall be deemed to have been waived. In case of a person holding a position by permanent appointment in the competitive class of civil service, removal or suspension procedures shall be as provided in the Civil Service Law.

Section 310. 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 311. Seal of County Executive.

(a) The following design is hereby adopted as the official design of the seal of the County Executive:



(b) The County Executive shall affix or imprint such seal upon any and all instruments requiring the same.

Section 305(1)(d) was amended by Local Law No. 7 of 1984 changing the number of times the Board shall meet.

Section 306 was amended by Local Laws No. 1 of 1981 and No. 4 of 1981 in reference to purchasing.

Section 307 was amended by Local Law No. 3 of 1980 transferring Bureau of Weights and Measures to Consumer Affairs from Division of Central Services.

Section 314, Division of Consumer Affairs, and Section 315, were added by Local Law No. 1 of 1977.

Sections 314 and 315 amended by enactment of Local Law No. 3 of 1980.

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

Section 306 was amended to add (d) by Local Law No. 1 of 1986.

Sections 314 and 315 were repealed by Local Law No. 1 of 1986.

Section 306(c)(3)(d) was amended by Local Law No. 1 of 1987.

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 to transfer 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 therefrom 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 combined 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 III was amended by Local Law No. 5 of 2019 which merged the Department of Social Services, the Office for the Aging and Continuing Care, the Veterans' Service Agency and the Youth Bureau into the Department of Family and Community Services.

ARTICLE IV
DEPARTMENT OF AUDIT AND CONTROL

Section 401. Department of Audit and Control, County Comptroller

Section 402. Powers and Duties

Section 403. Seal of Comptroller

Section 401. Department of Audit and Control; County Comptroller. The department of audit and control shall be headed by a Comptroller, who shall be elected and whose term of office shall be as provided in Section 401 of Article IV and Section 2301 of Article XXIII of the charter. No person elected as Comptroller pursuant to said sections during the term of his office, shall hold any other public office or public position.

Section 402. Powers and Duties. The Comptroller shall:

(a) Have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code. Such powers, duties, obligations or liabilities shall include but be not limited to any power, duty, obligation or liability heretofore or hereafter imposed upon the Comptroller under the county law or any other applicable statute, not inconsistent with the charter or code.

(b) Examine and audit all books, records and accounts of the various administrative units, authorized agents, officers or officials paid from county funds, institutions and other agencies of the county or for which the county, its officers or agents are responsible, including bond and note registers and trust accounts, and the accrual and collection of all county revenues and receipts, and for this purpose, shall have access to all books, records and accounts at any time.

(c) Audit all claims or payrolls for services rendered the county, or for salaries of any county employee or county officer. All original payrolls and claims shall be certified and filed with the Comptroller.

Before such payrolls are presented to the Comptroller, they shall be certified in writing by the head of the appropriate administrative unit or authorized agency to the effect that each person named therein was employed and rendered the services described; that the services and duties specified were actually performed and that the compensation stated in such payroll is correct and true. Before such claims are presented to the Comptroller, they shall be certified in writing by the head of the appropriate administrative unit or authorized agency to the effect that the merchandise, materials or articles enumerated have been received and/or the services described were necessary and have been performed. Such certificate shall be in the manner and form prescribed by the Comptroller.

(d) Prepare and sign all checks for the payment of the payroll and all other lawful claims or charges against the county or against funds for which the county, its officers and agents are responsible. Such checks shall be countersigned by the Commissioner of Finance. No fund or appropriation account shall be overdrawn nor shall any checks be drawn against one fund or appropriation to pay a claim chargeable to another without the express consent of the Comptroller. Except as may be otherwise directed by resolution of the Board of County Legislators, all county officers and employees shall be paid every two weeks, upon checks issued by the Comptroller and countersigned by the Commissioner of Finance.

(e) Make available to the Board of County Legislators, the County Executive and the head of any administrative unit or authorized agency of the county, any information from the records and accounts of the department of audit and control which they may require to assist them in the performance of their duties.

(f) At least once a month, procure bank statements from all depositories of county funds or funds for which the county, its officers or agents are responsible, and reconcile such statements with his records and those of the Commissioner of Finance. The Comptroller shall have access to the records of the Commissioner of Finance at all times.

(g) Prescribe with the approval of the County Attorney, the procedure and form for the submission of claims and charges against the county or against funds for which the county, its officers or agents are responsible. Such forms shall be in accordance with the requirements of any law, rule or regulation applicable to the form, certification or payment of such claim or charge, not inconsistent with the charter or code.

No claim or charge against the county or against funds for which the county, its officers or agents are responsible, except for a fixed salary for the regular or stated compensation of county officers and employees, witness and juror fees, judgments, county obligations including principal and interest, or payment pursuant to court order, shall be paid until:

- (1) Such claims shall be documented by, or on behalf of, the claimant by an invoice or billing document as prescribed by the Comptroller pursuant to this section of the Oneida County Administrative Code.
- (2) Such claim shall be certified by the unit head or officer of the county whose action shall have given rise or origin to the claim that the goods or services for which claim shall have been made were of the quantity and quality stated therein and were actually delivered or performed; that the amount charged shall have been in accordance with the contract or agreement existing, if any, or in the absence thereof, that it shall have been reasonable and not in excess of the prevailing fair market price or rate, that no part of said charge shall

have been paid and that there shall be no offsets or counterclaims existing with respect thereto.

- (3) Such claim shall have been presented to the Comptroller or his designee and shall have been audited and allowed by him.

The Comptroller or his designee shall cause each such claim presented to him for audit to be entered into the computer by date received, department to be charged, vendor name, and claim number. This information shall be sorted and printed daily. Printed reports, as well as the original claims, will be available for public inspection and examination during office hours.

When a claim or abstract thereof has been audited by the Comptroller, he shall endorse thereon or attach thereto his approval and allowance as to such audit. If he shall reject such claim in whole or in part or modify the same, such certificate shall include a statement of the items disallowed, rejected or reduced, and the reason or reasons for the Comptroller's action. In case the Comptroller audits and allows a claim at less than the amount claimed by the claimant, within three days following, he shall serve upon the claimant personally or by mail to such claimant's last known address, a notice of the modification or rejection of said claim. Such claim, certificate and copy of such notice shall thereupon be filed and remain a public record in the department of audit and control and shall during office hours be subject to public inspection.

When the Comptroller shall have audited, approved and allowed a claim or account, or an abstract thereof, he shall prepare and sign a check for the amount allowed which check shall be drawn on the fund properly charged therewith, and countersigned by the Commissioner of Finance. In lieu of such signing of checks as above provided, the use of facsimile signatures of the officer or officers authorized to sign same may be permitted.

(h) 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.

(i) At the request of the County Executive or the Board of Legislators, the Comptroller may prepare and file a written report of the financial condition of the county as of the last day of the preceding month. One copy of said report may be filed with the County Executive and two copies thereof with the Board of County Legislators. Such report may show the aggregate revenues received and anticipated for general county purposes and revenues received and anticipated for each appropriation account or fund where required by law to be expended for the purpose of such account or fund. Such report may also show for each appropriation account, the amount appropriated, the amount encumbered but remaining unexpended, the aggregate expenditures and the unencumbered balance. The report may also include such other information as the County Executive or the Board of County Legislators may direct.

(j) The Comptroller shall be responsible for securing all debt obligations of the County.

(k) Within the appropriations provided therefore, appoint to serve at his pleasure such deputies as he deems necessary for the conduct of his office. All such appointments or revocations thereof shall be in writing and filed in the office of the department of records and copies thereof with the Board of County Legislators and the County Executive. All such deputies shall be in the exempt class of the civil service. The Comptroller shall designate in such writing the order in which such deputies shall have and exercise the powers and duties of the Comptroller during the temporary absence or inability of the Comptroller to act. The deputy designated in such writing shall in case of a vacancy in the office of the Comptroller, perform the duties of the Comptroller until a successor is elected or appointed and has qualified.

(l) 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 not inconsistent with the charter or code.

Section 403. Seal of the Comptroller

(a) The following design is hereby adopted as the official and standard design of the seal of the Comptroller.



(b) The Comptroller is hereby authorized and empowered to affix such seal upon all instruments requiring the same.

Section 402, paragraph "g", subdivision (3) was amended by Local Law No. 5 of 1989 in order to eliminate duplicate recording services of incoming claims in the Office of the Comptroller.

Section 402, subdivisions 1 and 2 of paragraph “g” was amended by enactment of Local Law No. 8 of 1991.

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

Section 502. Powers and Duties of the Commissioner of Finance

Section 503. Seal of the Commissioner of Finance

Section 501. Department of Finance; Commissioner. There shall be a department of finance headed by a commissioner, who shall be appointed by the County Executive subject to confirmation by the Board of County Legislators. He shall be appointed on the basis of his administrative experience and such other qualifications as the County Executive shall determine. He shall serve at the pleasure of the County Executive. The Commissioner of Finance shall organize said department under the supervision and direction of the County Executive into: (1) a division of treasury, (2) a division of real property tax service, and (3) a division of real estate. Each division shall be headed by a deputy appointed by the Commissioner of Finance, 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 functions of such division as provided by the charter, code, local law or by directives of the Commissioner. Such division head shall be subject to reassignment or transfer by the Commissioner to other duties within the department.

Section 502. Powers and Duties of the Commissioner of Finance. The Commissioner of Finance shall:

(a) Have charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, taxes, revenues and other funds of the county or for which the county is responsible. He shall have charge of the performance of all other duties required by law to be performed by a county treasurer, or other county officer in relation to the collection of taxes, except as they may be inconsistent with the charter or code.

(b) Have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, by order or direction of the County Executive, or by any applicable provision of any act of the legislature not inconsistent with the charter or code. Such powers, duties, obligations, and liabilities shall include, but shall not be limited to, any power, duty, obligation or liability now or hereafter required by any law to be performed by or imposed upon a county treasurer, not inconsistent with the charter or code. The Commissioner of Finance shall maintain a written inventory of all property acquired for taxes and shall have custody of all insurance policies, surety bonds, except as otherwise provided, deeds to county property and such other instruments as the County Executive may direct. The Commissioner of Finance shall cause to be maintained a proper record of all notes, securities or other evidence of indebtedness held by or for the county for the purpose of investment. Such record shall at

least identify the security, the fund for which held, the place where kept and entries shall be made therein showing the date of sale or other disposition and the amount realized there from. All such transactions shall be confirmed in writing by the commissioner and to the county by the bank, trust company or other financial institution.

(c) Perform all the duties heretofore permitted, performed or required to be performed by the Clerk of the Board of County Legislators in relation to ascertaining, spreading, entering and extending taxes levied by the Board of County Legislators for all state, county, town and special district purposes, including unpaid school taxes and including the preparation of tax rolls for such taxes.

(d) Keep a record of the transfer of title of real property in each tax district and immediately notify in writing, the town clerk and the chairman of the board of assessors of each town or city, of each transfer in such town or city, as the case may be.

(e) Provided a consultation and advisory service to assist local assessors and tax collectors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment and tax collecting procedures, records and practices.

(f) On or before the 1st day of December, in each year, submit to the County Executive, the proposed county tax equalization rates, consistent with the standards prescribed by the legislature of the State of New York, together with the documentary evidence used in determining the proposed rates and any other information which the County Executive shall request in connection therewith.

(g) Depository undertakings:

(1) Each depository designated by the County Executive pursuant to the charter or code, shall, for the benefit of the security of the county and before receiving any such deposit, give to the county, a good and sufficient undertaking, approved as to sufficiency of surety by the County Executive and as to form by the County Attorney. The undertaking shall specify the maximum amount which such Commissioner of Finance shall be authorized to have on deposit at any one time with each depository and shall provide (a) that each depository shall faithfully keep and pay over, on the order or warrant of such Commissioner of Finance, or other lawful authority, such deposits and the agreed interest therein, and/or (b) for the payment of such bonds or coupons as by their terms are made payable at a bank or banks for the payment of which a deposit shall be made by such Commissioner of Finance with such depository. The County Executive may increase the maximum amount which any depository is authorized to have on deposit at any one time and require additional undertaking therefor. Each such undertaking shall be filed by the Commissioner of Finance in the office of the department of records.

In lieu of such undertaking and upon the recommendation of the commissioner and the approval of the county executive, a depository may follow the procedures or any part thereof as prescribed by Article 2 of the General Municipal Law for the deposit of public monies and securities.

Commissioner of Finance outstanding un-matured bonds or other obligations of the United States of America, State of New York, or of any county, town, city, village or school district in the State of New York, authorized to be issued by law in the face amount at all times at least equal to the amount on deposit less the amount certified by the depository as covered by insurance under the Federal deposit insurance act. The collateral shall be approved as to amount and sufficiency by the Commissioner of Finance accepting the same. The depository shall deposit with the Commissioner of Finance an assignment in blank of such collateral. The Commissioner of Finance shall deliver to the depository a certificate of deposit containing a description of the bonds or other securities so deposited as collateral. In the event of a default on the undertaking of any depository and the consequent necessity to complete the assignment, the Commissioner of Finance shall complete the assignment and shall be deemed to be the agent of the assignor for such purpose. The Commissioner of Finance may from time to time require the depository to increase the amount of securities deposited and may from time to time release securities whenever the amount of the balance on deposit shall be lawfully reduced. Substitution of securities shall be made only upon written authorization of the Commissioner of Finance. Upon withdrawal of all moneys from any depository and the closing and settlement of the account thereof, the Commissioner of Finance shall require the surrender of the certificate of deposit and thereupon shall return the securities so deposited as collateral. Whenever, in the judgment of the Commissioner of Finance, it appears that additional facilities for the safeguarding of the securities deposited with him are essential, such Commissioner of Finance may lease or rent a safety deposit box and the cost thereof shall be audited and paid as a county charge. The depository, with the written consent of the Commissioner of Finance, may deposit such securities in a safety deposit box maintained by the depository under the joint control of the depository and the Commissioner of Finance. If such depository has and maintains a separate trust department, it may, with like consent, deliver such securities to said trust department, or may, with like consent, deposit said securities in escrow in the trust department of any other bank within the state to be held by such department subject to the joint order of the depository and the Commissioner of Finance, and all expenses in connection therewith shall be borne by the depository.

The Commissioner of Finance shall not be liable for the loss of public funds of the county by reason of the default or insolvency of a designated depository, provided such funds have been deposited in accordance with the

provisions of this section. However, in the event that securities have been deposited as provided in this section, such Commissioner of Finance shall be liable to the extent of any loss in excess of the face amount of such securities on deposit at the time of such insolvency.

- (2) The Commissioner of Finance and such of his deputies, officers and employees, as the County Executive may require, shall give a surety bond to the county, indemnifying the county, its officers and agents and the State of New York, in a sum fixed by the Board of County Legislators conditioned for the faithful performance of his duties. Such bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Executive and filed in the office of the department of records.
- (3) Rules and regulations. The Commissioner of Finance may, except where otherwise provided by the charter or code, or by law not inconsistent with the charter or code, make rules and regulations relative to the conduct of his department, including but not limited to, the custody and investment of agency and trust funds in his charge and keeping. Such rules and regulations shall not be effective until they have been approved by the County Executive and filed in the office of the department of records.
- (4) Division of Treasury. The division of treasury shall be headed by a deputy commissioner, who shall have charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, taxes, revenues and other funds of the county or for which the county is responsible. He shall have charge of the performance of all other duties required by any law to be performed by a county treasurer or any other county officer in relation to the collection of taxes, not inconsistent with the charter or code.
- (5) Division of Real Property Tax Service. The division of real property tax service shall be headed by a deputy Commissioner of Finance who shall provide the following services to all cities, and towns within the county as required by Article 15-a of the Real Property Tax Law: (a) prepare tax maps, maintain them in current condition, and provide copies thereof to all cities, towns and villages; (b) provide advisory appraisals to cities and towns upon the written request of the chief executive officer or assessor of such cities and towns; (c) advise the assessors on procedures for the preparation and maintenance of assessment rolls, property record cards, appraisal cards and other records and documents relating to real property assessment and taxation; (d) provide appraisal cards in such form as shall be prescribed by the state board in quantity needed for use in preparation of assessment records; (e) cooperate and assist in the training programs provided by the state board for local assessors; (f) provide the division of real estate with such information from his office as may be useful in the operation of that division; (g) coordinate any county-wide revaluation program; (h) prepare

and furnish an annual report to the Commissioner of Finance, a copy of which shall be sent to the state board, which report shall contain at least such information required by the Commissioner of Finance and the state board and prepare such additional reports as may from time to time be required by the Commissioner of Finance, the County Executive or the state board; (i) supply cities and towns with assessment rolls or other forms for use in connection with the preparation of assessment roll for the collection of property taxes; (j) perform all duties heretofore permitted, performed or required to be performed by the Clerk of the Board of County Legislators in relation to ascertaining, spreading, entering and extending taxes levied by the Board of County Legislators for all state, county, town and special district purposes, including unpaid school taxes, and the preparation of tax rolls for such taxes; (k) render such other related services pertaining to the assessment and taxation of real property as may be authorized by the legislative body of the county as are not inconsistent with the performance of his duties pursuant to Article 15-a of the Real Property Tax Law or any general or special law.

(6) Division of Real Estate. The division of real estate shall be headed by a deputy commissioner who shall: (a) keep a record of the transfer of title to real property in each tax district, and notify immediately, in writing, the town clerk and the chairman of the board of assessors of each town or city, of each transfer in such town or city as the case may be; (b) be responsible for the disposition of all property acquired by the county as a result of unpaid taxes; (c) make such investigations and hold such hearings, assemble and compile such data and information as may be necessary for the preparation of the proposed county tax equalization rates consistent with the standards prescribed by the Legislature of the State of New York, and submit same, together with his recommendations thereon to the Commissioner of Finance not later than the 15th day of August, in each year; (d) perform such other duties as provided by the Real Property Tax Law not inconsistent with the charter or code.

(7) Each deputy shall perform such other and related duties as the Commissioner of Finance may prescribe, not inconsistent with the charter or code.

(h) The Commissioner of Finance may, within the limitation of the appropriations provided therefor, employ special professional, technical, appraisal or other consulting services and incur such expenses in connection therewith as he may deem necessary for the performance of his duties.

Section 503. Seal of the Commissioner of Finance.

(a) The following design is hereby adopted as the official and standard design of the seal of the Commissioner of Finance:



(b) The Commissioner of Finance is hereby authorized and empowered to affix such seal upon all instruments requiring the same, including, but not limited to, any instrument requiring the seal of a county treasurer.

Section 501(2) - (Division of Taxation) now known as Division of Real Property Tax Service, and (3) (Division of Equalization) now known as Division of Real Estate, were changed by Local Law No. 5 of 1971 which changed portions of Section 502.

Section 502 - Local Law No. 5 of 1971 changed the names and duties of the Division of Taxation to the Division of Real Property Tax Service and the Division of Equalization to the Division of Real Estate.

Local Law No. 6 of 1971 added sub-heading "i" under Section 502.

Section 501 - Is amended by Local Law No. 4 of 1985.

Section 502 - Is amended by renumbering Section 502(h) 7 to 502(h) 8 and adding a new Section 502(h) 7 by Local Law No. 4 of 1985.

Section 501 subdivision (4) and Section 502 subdivision h(7) are deleted by Local Law No. 2 of 1998.

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.

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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 Requiring a Two-Thirds Vote
- Section 612. Certain Obligations and Payments Prohibited
- Section 613. Performance of Acts; Scheduling
- Section 614. Reserve Funds
- Section 615. Compensation of Elected Officials

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 county shall continue the use of a line item budget and shall employ the uniform systems of accounting for counties as recommended by the New York State Comptroller.

- (a) Preparation of tentative operation and maintenance budget:
 - (1) Preparation and filing of estimates and appropriation requests. Not later than the 15th day of July in each year, the budget director shall furnish the head of each administrative unit or authorized agency quadruplicate forms

on which to prepare and set forth an estimate of revenues and expenditures of the respective unit or agency for the next ensuing fiscal year, exclusive of capital projects. Such forms shall be prepared and completed by the head of each administrative unit or authorized agency and shall set forth among other things, but be not limited to, the actual revenues and expenditures for the last completed fiscal year; the appropriations for the current fiscal year and the unencumbered balances thereof as of July 31; sources of revenue, if any; character and object of expenditures, setting forth in item classifications, among other things, salaries, temporary help, fees and services, automotive equipment, office equipment, furniture, fixtures and other materials, supplies and expenses. These estimates shall be submitted in such form and contain such other and additional information as may be prescribed by the budget director and shall constitute in and of themselves a request for an appropriation therefore.

- (2) Not later than August 15 immediately following, the head of each administrative unit or authorized agency shall sign such estimates and requests and file one copy thereof in each of the offices of the Budget Director, the County Executive, the chairman of the ways and means committee of the Board of County Legislators and the Board of County Legislators respectively. In the event of the failure of the head of any administrative unit or authorized agency to submit and file such estimate and request on or before August 15, the budget director shall forthwith prepare and file same accordingly.
- (3) Upon receipt of the estimates and appropriation requests, the Budget Director shall examine, review, investigate and conduct such hearings thereon as he may deem necessary. Among other things, by notice in writing, he may require the head of each of any administrative unit or any officer or employee thereof and any authorized agency requesting county funds to appear before him to furnish data and information and to answer inquiries pertinent to such review or investigation.
- (4) Upon completion of such review and investigation, the Budget Director shall have the right to recommend in whole or in part the estimates and appropriation requests submitted, as he may deem appropriate.
- (5) On or before September 20 immediately following, the Budget Director shall prepare and submit to the County Executive a tentative operation and maintenance budget which shall set forth among other things, but be not limited to (a) the estimated revenues and expenditures of the county for the next ensuing fiscal year; (b) the corresponding actual revenues and expenditures of the last completed fiscal year; (c) the corresponding budget items of revenue and expenditures for the current fiscal year, together with such amendments and transfers as shall have been made or as are proposed to be made; (d) the estimates of revenue and expenditures for the ensuing

fiscal year submitted by the heads of administrative units and authorized agencies as prepared by them or by the Budget Director and the corresponding recommendations if any, made thereto; (e) a separate statement which shall also be included as expenditures for the ensuing fiscal year setting forth (1) all sums due and payable for principal and interest in such year on all county obligations, issued or to be issued and on all judgments or obligations due for the payment of which the county shall be legally responsible; (2) payments due on all contracts with interest, if any, which shall become due and payable within such year.

(b) Preparation of tentative capital budget and capital program:

- (1) Preparation and filing of capital projects requests. Not later than the 15th day of June in each year, the Budget Director shall furnish to the head of each administrative unit or authorized agency forms on which to prepare and file a description, justification and estimate for each capital project which such administrative head or authorized agency proposes during one or more of the ensuing six (6) years.

The term “capital project” as used herein shall mean: (a) any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired, or (b) any preliminary studies and surveys relating to any physical betterment or improvement, or (c) land or rights in land, or (d) any combination of (a) (b) and (c).

Such capital projects requests shall be prepared and completed by the head of each administrative unit or authorized agency and shall set forth, among other things, but be not limited to:

- (a) a description of the proposed project; the estimated total cost thereof; recommended priority; estimates of costs for planning; site; right-of-way; construction, equipment and other features; status of plans and land acquisition; development time schedule
- (b) the proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the Federal and/or state governments; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued; and recommended expenditures by years
- (c) an estimate of the effect, if any, upon operating costs of the county within each of the three fiscal years following completion of

the project. The capital projects' requests shall contain such other and additional information as the Budget Director may deem advisable

(d) all capital projects, which would involve the construction or renovation of a county owned facility and would have an estimated capital cost of \$250,000.00 or more, which costs shall be paid for by the County through direct appropriation or bonding, shall be assigned a separate and distinct capital project number, reference and account. This requirement shall not apply to: building maintenance capital projects which are on-going such as bridge work, road work, asbestos abatement and the like and capital projects which are or may be subsidized by federal or state grants of funds in excess of \$250,000.00.

- (2) Not later than July 15 immediately following, the head of each administrative unit or authorized agency shall sign and shall file one copy of such capital project requests in each of the offices of the Budget Director, the County Executive, the Board of County Legislators, Commissioner of Finance, County Comptroller and the Commissioner of Planning, if any.
- (3) Capital projects committee. To assist in the consideration of the capital projects and the capital program, there shall be a capital projects committee consisting of the County Executive, as chairman; the Budget Director as vice-chairman; and the following members: the County Comptroller, the Commissioners of Finance, Public Works, Planning, if any, the County Attorney, the chairman of the Board of County Legislators and majority and minority leaders, if any, thereof, and the chairman of the capital improvements committee, if any, of the Board of County Legislators. The County Executive shall have the right to request and require other administrative heads to meet and consult with the capital projects committee as he may deem advisable. The County Executive shall be solely responsible for the capital budget and program as submitted to the Board of County Legislators.
- (4) Upon receiving a capital project request, the Planning Commissioner, if any, shall study the same with special reference to comprehensive plans for the county and for any affected municipality therein. He shall promptly forward his comments and recommendations regarding the proposed project to the Budget Director.
- (5) The Budget Director shall submit the comments and recommendations of the Planning Commissioner, if any, together with his own comments and recommendations to the capital projects committee. Such committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between July 15 and September 15 at least twice, and as

more often as may be required at the call of the chairman. On or before September 15, such committee shall prepare a written report with recommendations and file a copy with the Board of County Legislators, the County Executive and the Budget Director.

- (6) Citizens advisory board on the capital program. The County Executive may appoint a citizens advisory board on the capital program to advise him in regard to such capital program, the relative priorities of proposed projects and suggested means of financing. The County Executive may serve as or shall designate the chairman of such citizens advisory board. Appointments to such board shall be for a period not to exceed any one calendar year, but the same person may be appointed in succeeding years. Membership on such advisory board shall not exceed fifteen (15). The chairman of the county planning advisory board, if any, shall be an ex officio member of any such advisory board on capital program. The members of such board shall receive no salary or compensation for their services but shall, within the appropriations provided therefore, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

Any project referred to the capital projects committee may likewise be referred to the citizens advisory board on the capital program, if there be such board. The latter shall meet at the call of its chairman and shall make such recommendations to the County Executive as its membership may determine. At the request of the County Executive, joint meetings of the capital projects committee and citizens advisory board on the capital program, if any, shall be held. The Budget Director and Planning Commissioner, if any, shall assist the citizens advisory board, if such be appointed, by presenting and explaining all capital project requests so referred and shall furnish all relevant exhibits and information.

- (7) Between September 15 and on or before September 20 immediately following, the Budget Director shall cause the tentative budget and capital program to be prepared, and shall submit it to the County Executive together with the tentative operation and maintenance budget. The tentative capital program shall set forth a recommended capital program for development during one or more of the ensuing six (6) years and be arranged in such manner as to indicate the order of priority of each project, and to state for each project, among other things, but not limited to:
 - (a) a description of the proposed project and the estimated total cost thereof
 - (b) the proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation, duly established reserve funds or any other source of county funds; the amount, if any, estimated to

be received from the Federal and/or state governments; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued

(c) an estimate of the effect, if any, upon operating costs of the county within each of three fiscal years following completion of the project

- (8) The tentative capital budget shall include the amount proposed for the capital program to be financed by direct budgetary appropriation during the fiscal year to which such tentative budget pertains, and shall indicate debt service charges for previous projects, proposed down payments and other expenditures for new projects, all proposed capital financing including but not limited to reserve funds, sinking funds, current revenues, temporary borrowing, bond sales, federal and state grants, loans or advances
- (9) The proposed budget shall be prepared and submitted by the County Executive and adopted by the Board of County Legislators as hereinafter set forth and described and except as otherwise specifically provided:
- (a) any amendment to the proposed capital program and to the proposed capital budget during budget deliberations by the Board of County Legislators shall require an affirmative vote of two-thirds (2/3) vote of its total membership
 - (b) the capital program shall be adopted by separate resolution of the Board of County Legislators by the affirmative vote of 2/3 of its total membership
 - (c) the capital budget shall be adopted by separate resolution of the Board of County Legislators by the affirmative vote of 2/3 of its total membership
 - (d) the operation and maintenance budget shall be adopted by separate resolution of the Board of County Legislators by the affirmative vote of a majority of its total membership
 - (e) at any time after the adoption of the capital program as hereinafter provided, the Board of County Legislators by the affirmative vote of 2/3 of its total membership, may amend the capital program by adding, modifying or abandoning the projects, altering the priorities thereof, or by modifying the methods of financing. No capital project shall be authorized or undertaken unless it is included in the capital program as adopted or amended

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 5th 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 therefore 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. Any residual balance in part or whole from the overlay in excess of the amount after year-end reclassifications for deferred property tax revenue and an allowance for uncollectible tax liens may, upon recommendation of the County Executive and approval by the Board of County Legislators, be recorded to a reserve account known as “reserve for uncollected taxes and assessments”. The cumulative sum of such reserve shall not be greater than the face amount of all unpaid taxes at year end of the preceding 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 therefore, 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 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 an increase exceeding five thousand dollars annually, or such larger amount as may be prescribed by local law, during the fiscal year in any one line item in the budget as adopted, or (2) would effect any salary rate or salary total except as expressly permitted in the 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; or (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 an amendment thereof.

Section 614. Reserve Funds. The Board of County Legislators subject to the approval of the County Executive may establish by resolution, any or all of the reserve funds as authorized in the General Municipal Law.

Whenever a power is given to the Board of County Legislators in such General Municipal Law in relation to a reserve fund, such power shall be deemed to be subject to the approval of the County Executive; and the power of investment of such funds shall be vested in the Commissioner of Finance, otherwise the provisions of such law shall be applicable.

Section 615. 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 602 was amended by Local Law No. 4 of 1967.

Section 602(a)(2) was amended by Local Law No. 4 of 1967 by inserting the phrase “the chairman of the ways & means committee of the Board of County Legislators”.

Section 615 was added by enactment of Local Law No. 1 of 1982.

Section 602(b)(9)(a) was added by the enactment of Local Law No. 2 of 1987.

Section 611 (d) was added by enactment of Local Law No. 2 of 1987.

Section 614 (a) was amended by enactment of 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 602 (b)(1) was amended by Local Law No. 3 of 2003 in relation to the designation of certain capital projects.

Section 615 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.

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 704.	Division of Highways, Bridges and Structures
Section 705.	Division of Buildings and Grounds
Section 706.	Division of Engineering
Section 707.	Division of Reforestation
Section 708.	Rules, Regulations and Charges

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 administrative experience and qualifications for the duties of the 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 the 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, not inconsistent with the charter or code.
- (b) Have charge and supervision of the design, construction and alterations of the county buildings, parking fields, drives, walks, docks, marinas, parks and recreational facilities, preserve, beaches, erosion or reforestation 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 lands and 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, small water sheds or water supply as may be prescribed in the charter, code or other applicable law, not inconsistent with the charter, code or other applicable law, not inconsistent with the charter or code.

(e) Furnish engineering and other services to the Board of County Legislators, the County Executive, (the department of solid waste management), the department of planning, if any, and when directed by the County Executive, to other county departments except as otherwise provided in the 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.

(a) 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 directives of the commissioner. Such division head shall be subject to reassignment or transfer by the commissioner to other duties within the department.

(b) The Commissioner of Public Works may delegate to one or more of his deputies specific powers and duties of the Commissioner of Public Works, including those which he has as a county engineer or as a county superintendent of highways and may revoke such delegations. Such delegations and revocations shall be in writing and shall set forth the specific power or powers, duty or duties so delegated or revoked. The acts performed by such deputies pursuant to such delegations shall have the same effect in law as if performed by the Commissioner of Public Works.

(c) Within the appropriations provided therefor, and when authorized by the County Executive, the Commissioner of Public Works may employ such special engineering, architectural or other technical consultant services and incur such expenses as may be necessary for the performance of any of the duties set forth in the charter or code.

(d) The Commissioner of Public Works and any consultant, contractor, deputy, assistant or employee of the department when authorized by him may enter upon any public or private property within the county for the purpose of making any surveys, examinations or investigations necessary or desirable for the exercise of the powers or the performance of the duties of the department.

(c) The Commissioner of Public Works may contract, subject to the approval of the County Executive and the Board of County Legislators, with any municipal, district or public benefit corporation for the sharing of or the joint provision of public works services. 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.

Section 704. Division of Highways, Bridges and Structures.

(a) The division of highways, bridges and structures shall be headed by a deputy commissioner who shall be appointed on the basis of his experience in highway construction and maintenance and who shall, to the extent that the Commissioner of Public Works shall designate the same in writing, have all the powers and duties vested in and imposed upon a county superintendent of highways by law. He shall have such other duties as may be prescribed by local law, ordinance or resolution of the Board of County Legislators or by direction of the Commissioner of Public Works.

(b) Except as the provisions of the highway law conflict or are changed by the charter or code, such provisions shall apply to and define the powers, duties and obligations to the Commissioner of Public Works, and of his designated deputy, when exercising any of the powers or performing any of the duties of a county superintendent of highways.

(c) The statements and reports required to be filed with the New York State Department of Public Works by the highway law shall also be filed with the Board of County Legislators and County Executive.

(d) The Commissioner of Public Works may, with the approval of the County Executive, permit the rental, with or without operator, of highway machinery tools, equipment and implements by the county, or by or from another county, or by or from any municipal, district or public benefit corporation, upon such terms as may be agreed upon by the parties. Any sums obtained by the county pursuant to any terms agreed upon shall be deposited in the county road machinery fund.

Section 705. Division of Buildings and Grounds.

(a) The division of buildings and grounds shall be headed by a deputy commissioner who shall be appointed on the basis of his or her administrative experience and qualifications for the duties of such office. Such deputy commissioner shall:

- (1) Have charge of the necessary preservation, maintenance and repair of all buildings and grounds owned or leased by the county which are held, used and/or operated by the county for county purposes, except (a) lands and buildings under the jurisdiction of the division of highways, bridges and structures; the division of parks and recreation, if any; and (b) custodial care of the jail, if any.

- (2) Have charge and control of all janitors, caretakers, and any other employees connected with the care and maintenance of county buildings and grounds except as otherwise provided in this section. The deputy commissioner may make such rules and regulations governing such employees as he or she shall deem proper, subject to the approval of the Commissioner of Public Works.
- (3) Perform such other duties and make such reports as are required by the Commissioner of Public Works.

Section 706. Division of Engineering.

(a) The division of engineering shall be headed by a deputy commissioner who shall be appointed on the basis of his or her administrative experience and qualifications for the duties of his or her office. He or she shall be licensed by the State of New York to practice professional engineering.

(b) Such deputy commissioner shall (1) have charge and supervision of all officers, and employees of the department of public works and contractors and consultants performing professional engineering, surveying and related engineering services for the county (2) upon the request of the Commissioner of Public Works, assign such officers and employees from the division of engineering as may be needed by other divisions of the department of public works to work on projects designated by such commissioner; (3) upon the request of the County Executive, perform such professional engineering, surveying and related engineering services as may be required by other county administrative units; (4) oversee and supervise the design and construction of all county capital projects of every name and nature except as otherwise provided in the Oneida County Charter. The authority and responsibility of such deputy commissioner to oversee and supervise the design and construction of all county capital projects of every name and nature is and shall be deemed to be a part of any contract entered into by the county or any of its administrative units or authorized agencies, including but not limited to, contracts entered into by the department of public works and/or any other administrative unit of the county with any other governmental unit, private contractor or any combination thereof, except any and all capital projects under the department of aviation.

(c) Such deputy commissioner shall perform such other related duties and make such reports as are required by the Commissioner of Public Works.

Section 707. Division of Reforestation.

(a) The division of reforestation shall be headed by a deputy commissioner who shall be appointed on the basis of his or her administrative experience and the qualifications for the duties of his or her office.

(b) Such deputy commissioner shall have charge of and exercise such duties and obligations with respect to county forests, reforestation, landscaping, fish, wild life, and other kindred activities. He shall consult with and advise the Commissioner of Public

Works and any division under same and when directed by the Commissioner of Public Works, any other county administrative unit, or authorized agency requesting his service in the selection, planting, care and maintenance of trees, shrubbery and plantings on any property owned or operated by the county.

Section 708. Rules, Regulations and Charges.

(a) Except as otherwise provided, the Board of County Legislators shall have the power by resolution or ordinance to establish such charges, rules and regulations as may be formulated and recommended to such Board by the Commissioner of Public Works, to provide for use by the public of facilities under the jurisdiction of the department of public works, and to provide for the collection and enforcement thereof. Any such rules, regulations or charges so established shall become valid upon their being filed with the County Executive, the Commissioner of Public Works and the department of records.

(b) The Commissioner of Public Works may make such other rules and regulations necessary or desirable for the conduct of his office.

Section 702 was amended by Local Law No. 11 of 1984 by adding "the airport".

Section 703(a) was amended by Local Law No. 1 of 1966 and Local Law No. 11 of 1984.

Section 705(a)(1) was amended by Local Law No. 1 of 1966.

Section 709 was added by Local Law No. 1 of 1966.

Section 710 was added by Local Law No. 1 of 1966.

Section 710(a) was amended by Local Law No. 5 of 1982.

Section 711 was added by Local Law No. 11 of 1984 which added the division of aviation.

Section 712 was added by Local Law No. 13 of 1984.

Section 713 was added by Local Law No. 13 of 1984.

Section 703(a) was 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 702(d) and (e) and Section 706(b)(4) 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 712 and 713 were deleted by Local Law No. 1 of 1987.

Section 702(d) was amended by the deletion of the word “sewage” by the enactment of Local Law No. 6 of 1989.

Section 703(a) was amended by the deletion of the words “division of water pollution control” by the enactment of Local Law No. 6 of 1989.

Sections 702, 703 and 705 were amended by Local Law No. 2 of 1990 which eliminated the division of the airport in the Department of Public Works and created the Department of the Airport.

Airport Sections_709 and 710 were deleted by Local Law No. 6 of 1989 which eliminated the division for water pollution control in the Department of Public Works and created the Department of Water Quality and Water Pollution Control.

Section 711 was eliminated by Local Law No. 2 of 1990 which created the Department of the Airport and eliminated the division of the airport within the Department of Public Works.

Section 703(a) was amended by Local Law No. 1 of 1997 to eliminate Article IX, Department of the Airport, in its entirety and 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.

Section 708 was amended by Local Law No. 1 of 1997 by renumbering the current Section 708 to Section 709.

Section 708 Division of the Airport was added by Local Law No. 1 of 1997.

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 and Procedure

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. Within the appropriations provided therefor, the Board of Acquisition and Contract shall award all contracts for the construction, reconstruction, repair, maintenance or alteration of all public works or improvements.

Section 802. Execution of Contracts and Procedure. 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 in excess 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 a legal notice published at least once in an official newspaper or newspapers designated by the Board of Legislators at least 10 days prior to the day on which such sealed proposals are to be opened. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such notice will be publicly opened and read. The Director of Purchasing or his designee shall open the bids at the time and place specified and shall make a record of such bids. 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. In cases where two or more responsible bidders furnishing the required security, submit identical bids as to price, the Board of Acquisition and Contract may award the contract to any of such bidders. The Board of Acquisition and Contract may, in their discretion, by majority vote, reject all bids and re-advertise for new bids in the manner prescribed by this section. No bid for contracts for the construction, reconstruction, repair, maintenance or alteration of any public works or improvements may be accepted from or contract therefor awarded to any person who is in arrears in taxes or upon debt or contract to or with the county, or who has defaulted as surety or otherwise upon a contract or obligation to the county or who may be otherwise disqualified under any act of the legislature not inconsistent with the charter or code. 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 law department and the department of audit and control, together with a copy of any act, ordinance or resolution, other than the annual appropriation act, upon which the right to make such contract rests. The Board of Acquisition and Contract may award contracts for the construction, reconstruction, repair, maintenance or alterations of any public works or improvements, without the taking of public bids required in this section in the following cases only: (a) when the County Executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby

circumstances affecting the life, health or safety of inhabitants of the County of Oneida require immediate action which cannot await competitive bidding, or (b) when, by resolution adopted by a vote of at least two-thirds (2/3) of the whole number, the Board of County Legislators has determined it to be impracticable to advertise for such bids, or (c) when through some accident or other unforeseen circumstances the heating, air-conditioning, ventilating, lighting, plumbing system, machinery, equipment or other apparatus of any of the public buildings of the county shall become disabled or any of such buildings or parts thereof shall be rendered untenable by reason of the sudden action of the elements or for some other emergency, and the administrative head in charge of such building shall certify in writing to the Board of Acquisition and Contract such emergency and the necessity of immediate repair of the defect or defects, and such certificate of necessity is approved by the County Executive.

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 after first being 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 \$10,000.00

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 3 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.

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 FAMILY AND COMMUNITY SERVICES

Section 1001.	Department of Family and Community Services; Commissioner; Appointment
Section 1002.	Powers and Duties of the Commissioner
Section 1003.	Reports
Section 1004.	Deputy Commissioners
Section 1005.	Welfare Rates and Charges
Section 1006.	Accounting for Fees and Funds for Inmates
Section 1007.	Other Duties

Section 1001. Department of Family and Community Services; Commissioner; Appointment. There shall be a Department of Family and Community Services headed by a Commissioner of Social Services who shall be appointed on the basis of his administrative experience and qualifications for the duties of such office by the County Executive, subject to confirmation by the Board of County Legislators. Thereafter, the Commissioner of Social Services shall be appointed as provided herein and for the term as set forth in Section 116 of the Social Services Law.

(a) Any person so appointed and confirmed as Commissioner of Social Services shall have at least two years' experience in a full time capacity in business administration, industrial management, or in the field of social welfare.

Section 1002. Powers and Duties of the Commissioner. Except as otherwise provided in the Charter or this Code, the Commissioner of Social Services shall:

(a) Have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully imposed by the Charter, this Code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, or any applicable provision of any act of the legislature not inconsistent with the Charter or this Code. Such powers, duties, obligations and liabilities shall include, but be not limited to any power, duty, obligation, or liability heretofore or hereafter imposed upon the County Commissioner of Social Services under the Social Services Law or any other applicable statute, not inconsistent with the Charter or this Code.

(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) 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.

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

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

(f) 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 County Legislators.

(g) 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.

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

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

(j) 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 County Legislators.

(k) Manage and supervise the planning, organization and direction of County youth programs and initiatives as shall be prescribed in the Charter or this Code, or hereafter granted or imposed by the Charter, this 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.

(l) With the consent of the County Executive, advise and assist any city, town, village, school, special or other district in the County in the planning of youth programs.

(m) To annually submit to the County Executive a written report of the activities and recommendations of the Department of Family and Community Services.

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

Section 1003. Reports.

(a) Such Commissioner shall make such written reports and furnish such information to the New York State Department of Social Services with respect to the work of the County social services district as are required by the Social Services Law and by the State Department of Social Services. Copies thereof shall be filed with the Board of County Legislators and the County Executive.

(b) Such Commissioner shall make and file on or before the 1st day of March of each year an annual written report to the Board of County Legislators and the County Executive concerning the work of the county social services district and additional reports at such time and covering such matters as the County Executive or Board of County Legislators by resolution may require.

Section 1004. Deputy Commissioners. The Commissioner shall, when such positions are authorized by the Board of County Legislators and within the limits of the appropriations provided therefor, have the power to appoint such deputies, officers, assistants, and employees as he may deem necessary for the performance of his duties. The

Deputy Commissioners shall act for and on behalf of the Commissioner and shall perform such duties as he may prescribe.

Section 1005. Welfare Rates and Charges. The Commissioner shall, when submitting the estimate of revenues and expenditures for the Department to the Budget Director, include therein recommendations for rates to be paid by the County to foster homes and such other rates as may be necessary or required to be paid by the County for services rendered for the care and maintenance of persons for whom the Department responsible under the requirements of the Social Services Law or any other applicable law. Such rates, if and as approved by the County Executive, shall be included in the tentative budget. The Board of County Legislators shall, by resolution and part of the budget procedure, determine, fix and establish the rates to be paid by the County for such services.

Section 1006. Accounting for Fees and Funds.

(a) All monies to which the County may be entitled under and by virtue of the laws of the State of New York, or which the Commissioner may receive for official services by him, or by any of his deputies, assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the County and shall be collected by such Commissioner of Social Services, accounted for and paid over to the Commissioner of Finance within five (5) days after the expiration of each month. Each such statement shall have attached thereto a certification by the Commissioner of Social Services to the effect that the same is in all respects a full and true statement of all such monies received by him for the preceding month.

(1) At the time of rendering any such statement, the Commissioner of Social Services shall pay to the Commissioner of Finance for the benefit of the County, all monies received by him since the last preceding monthly report. Other funds or fees collected by the Commissioner of Social Services shall be collected, paid over, deposited and reported as above provided, except where otherwise specifically provided by statute.

Section 1007. Other Duties. The Commissioner shall perform such other duties as may be directed by the Board of County Legislators, the County Executive or by any law or by any officer of the State not inconsistent with the Charter or this Code.

Sections 1001, 1002 and 1003 amended by Local Law No. 2 of 1968.

Section 1009 was added by Local Law No. 4 of 1966.

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 X was amended by Local Law No. 5 of 2019 which merged the Department of Social Services, the Office for the Aging and Continuing Care, the Veterans' Service Agency and the Youth Bureau into the Department of Family and Community Services.

ARTICLE XI

DEPARTMENT OF HEALTH

Section 1101.	Department of Health; Commissioner or 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 Director; Appointment; Term; Qualifications.

(a) 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 forth herein, shall make recommendations in relation to the appointment of such commissioner or director.

(b) 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.

(c) 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.

(a) 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 not inconsistent with the charter or code. The Commissioner or Director shall have and exercise all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision of any act of the legislature not inconsistent with the charter or code. 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.

On or before March 1st each year, the Commissioner of Health or Public Health Director shall make an annual report for the immediately preceding calendar year covering generally the work of this office. Copies of each such report shall be filed with the Board

of County Legislators and County Executive. Such Commissioner or Director shall make such other reports at such times as may be required by the Board of County Legislators, County Executive, New York State Department of Health or any other applicable law. Copies of such reports shall be filed with the Board of County Legislators and the County Executive.

(b) Deputies:

(1) The Commissioner of Health or Public Health Director may, when such positions are authorized by the Board of County Legislators and within the appropriations provided therefor, appoint to serve at his pleasure, except as provided in paragraph 3 of this section, such deputies, assistant deputies and other employees as he may deem necessary for the performance of his duties and to fulfill the purposes of Article 3 of the Public Health Law in the county or part-county health district. Such deputies, assistant deputies and other employees shall have the qualifications prescribed by the New York State Sanitary Code.

(2) The Commissioner of Health or Public Health Director shall designate a deputy or deputies qualified in accordance with the provisions of the New York State Sanitary Code to whom shall be delegated all the powers and duties of the head of the health department when such department head is unable to act by reason of absence or disability. Such designation shall be in writing and filed in the department of records and copies thereof filed with the County Executive and with the Board of County Legislators and in such other places as may be required by the Public Health Law or any other applicable law.

Section 1103. Health Advisory Board. The County Executive may appoint the members of the health advisory board in accordance with the provisions of Section 1103 of Article XI of the charter. Such members shall be residents of the county or part-county health district. The county medical society of the county may submit to the County Executive a list of physicians from which the County Executive may choose the medical members of the health advisory board.

The health advisory board shall consist of seven members, not less than three of whom shall be physicians duly licensed to practice in the State of New York. Members of the health advisory board shall be appointed for a term of six years. Vacancies shall be filled by appointment by the County Executive for the unexpired terms. The County Executive shall appoint annually, on or before the 15th day of January of each year, a chairman and vice-chairman who shall serve at his pleasure. Such board shall have the power to name a secretary from its membership.

Meetings of such board shall be held at the call of the chairman or the County Executive on at least three days' written notice mailed to the last known address of such board members. The health advisory board shall have and exercise the powers and duties conferred or imposed upon such board by the charter or code. The health advisory board shall at the request of the Commissioner of Health or Public Health Director, or may on its own initiative, make recommendations and suggestions in writing to the commissioner or director relative to the qualifications and duties of the deputies, officers, or employees of

the department of health. The members of such board shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office. Such board shall be advisory only except as provided in Section 1104 of this code.

Section 1104. Sanitary Code. Any sanitary code hereafter adopted by the Board of County Legislators pursuant to the provisions of Section 1104 of Article XI of the charter and any amendment to such Sanitary Code shall be published and filed in the manner and places required by the charter, code, Public Health Law, or other applicable law not inconsistent with the charter or code. Before adopting such Sanitary Code or any amendment thereto, the Board of County Legislators shall cause notice of a public hearing thereon to be published in the official newspapers once a week for two successive weeks and at least twenty (20) days shall elapse from the first publication date to the date of such hearing. Such notice shall contain an abstract statement of such proposed Sanitary Code or amendment and give the time and place of such hearing. On or before the date of the first publication of such proposed Sanitary Code or amendment, copies thereof shall be filed with the Board of County Legislators, the County Executive and the Commissioner of Health or Public Health Director, and be open to inspection by the public. Penalties for violation of or nonconformance with such Sanitary Code shall be as provided by such code or other applicable law. Such Sanitary Code and any amendments thereto as are approved and adopted shall also be filed in the department of records before the same shall become effective and certified copies thereof shall be filed with the Board of County Legislators, County Executive and the Commissioner of Health or Public Health Director. The adoption of the Sanitary Code or any amendment thereto shall not be subject to approval by the County Executive.

Section 1105. Organization of the Department.

(a) Such Commissioner of Health or Public Health Director, shall organize the department of health under the supervision of the County Executive into such divisions, bureaus or sections as are necessary to perform and manage such health functions, programs, services and/or facilities as may be provided within the appropriations therefor by the Board of County Legislators.

(b) Any clinic, dispensary, hospital or laboratory facilities relating to public health (1) heretofore or hereafter established by a city, town or village and subsequently transferred to the county, or (2) heretofore or hereafter established by the Board of County Legislators shall become a division or other subordinate part of the department of health or other appropriate department.

Section 1106. Continuation of Program. Pending the creation and establishment of a county or part-county health district as herein provided, the present health program and department as it exists at the time this code becomes effective shall continue except as otherwise provided in the code.

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, 1106, 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. The department of mental health shall be 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. He shall organize the department under the supervision of the County Executive into such divisions as may be needed for the operation of community mental health programs.

Section 1202. Powers and Duties. Commissioner of Mental Health shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore and hereafter lawfully granted or imposed by the 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 any act of the legislature not inconsistent with the charter or code. Such powers and duties, obligations and liabilities, shall include, but shall not be limited to any powers, duties, obligations or liabilities granted or imposed upon a director of community mental health services and upon community mental health boards except as provided by the charter or code.

The Commissioner of Mental Health may, when such positions are authorized by the Board of County Legislators and within the appropriations provided therefor, appoint such deputies, directors, assistant officers and employees as may be necessary for the performance of his duties.

On or before March 1st in each year, the Commissioner of Mental Health shall make an annual report for the immediate preceding calendar year covering generally the work of his office. Copies of each such report shall be filed with the Board of County Legislators and County Executive. Such commissioner shall make such other reports at such times as may be required by the Board of County Legislators, County Executive, Mental Hygiene Law, and the New York State Department of Mental Hygiene or any other applicable law. Copies of such reports shall be filed with the Board of County Legislators and the County Executive.

Section 1203. Community Services Board. The County Executive shall appoint a community services board of fifteen (15) members, all of whom shall be residents of the County of Oneida, and the County Executive shall appoint annually and on or before the 15th day of January of each year, a chairman and vice-chairman who shall serve as such at the pleasure of the County Executive. Such board shall have the power to name a secretary from its membership. The composition of the board's membership shall be pursuant to the Mental Hygiene Laws of the State of New York.

All community services board appointments shall be approved by the Oneida County Board of Legislators.

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

Meetings of such board shall be held at the call of the chairman, the County Executive or the Commissioner of Mental Health on at least three days written notice, mailed to the last known address of such board members. Members of the community services board shall be appointed for a term of four (4) years. The requirements of subdivision (d) of section 41.11 of the Mental Hygiene Law shall be implemented as vacancies on the board occur. Such board shall be advisory only to the County Executive and the commissioner and 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 commissioners, if any, 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. The community services board shall also have the duties and functions provided in section 41.11 of the Mental Hygiene Law.

Section 1203 was amended by Local Law No. 2 of 1980 in reference to composition of Mental Health Advisory Board.

Section 1203 amended by Local Law No. 3 of 1981 changing name of Mental Health Advisory Board to the Community Services Board.

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 XIII

DEPARTMENT OF PLANNING

Section 1301. Department of Planning; Commissioner; Appointment

Section 1302. Planning Advisory Board

Section 1301. Department of Planning; Commissioner; Appointment. The county planning department shall be headed by a commissioner who shall be appointed by the County Executive subject to confirmation by the Board of County Legislators. The commissioner so appointed shall serve at the pleasure of the County Executive and shall either (1) be a graduate of a recognized college or university with a degree in planning or a related professional field, or (2) have not less than five years administrative or consultant experience in the field of regional, county or municipal planning, or (3) have a satisfactory equivalent combination of training and experience.

The Planning Commissioner shall have and exercise all powers and duties of a county planning board heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, or by any applicable provision of any act of the legislature not inconsistent with the charter or code. The Planning Commissioner may contract to perform services in this field with any municipality or municipalities, subject to the approval of the Board of County Legislators and the County Executive.

On or before March 1st in each year, the Commissioner of Planning shall make an annual report for the immediately preceding year covering generally the work of this office. Copies of each such report shall be filed with the Board of County Legislators and County Executive. Such Commissioner shall make such other reports at such times as may be required by the Board of County Legislators, County Executive, or any other applicable law. Copies of such reports shall be filed with the Board of County Legislators and County Executive.

Section 1302. Planning Advisory Board.

(a) The County Executive may appoint a planning advisory board of eleven (11) members, all of whom shall be residents and owners of record of real property in the county, and shall appoint annually on or before the 15th day of January in each year a chairman and vice-chairman who shall serve as such at the pleasure of the County Executive. Such board shall have the power to name a secretary from its membership. Meetings of such board shall be held at the call of the chairman, County Executive or Commissioner of Planning on three days' written notice mailed to the last known address of such board members. Members of the planning advisory board shall be appointed for a term of five (5) years, except that of those first appointed, two (2) shall be appointed for a one year term, two (2) for a two year term, two (2) for a three year term, two (2) for a four year term and three (3) for a five year term. Such board shall be advisory only to the Planning Commissioner in matters relating to comprehensive, metropolitan, regional, county and municipal planning.

(b) The County Executive, Chairman of the Board of County Legislators, majority and minority leaders of the Board of County Legislators, if any, and Commissioner of Public Works, shall be members ex-officio of such board but shall have no vote.

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

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; Appointment
Section 1402.	Powers and Duties
Section 1403.	Examinations; Eligibility Lists
Section 1404.	Administrative Unit; Information and Aid
Section 1405.	Personnel Roster
Section 1406.	Certification of Payrolls

Section 1401. Department of Personnel Commissioner; Appointment.

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

Section 1402. Powers and Duties.

(a) The Commissioner 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. The commissioner shall perform such other and related duties as shall be required or delegated to him by the County Executive or Board of County Legislators, not inconsistent with the Civil Service Law or any amendments thereto.

(b) On or before March 1st of each year, the Commissioner shall make an annual report for the immediately preceding calendar year, covering generally the work of his office. Copies of each such report shall be filed with the Board of County Legislators and County Executive. Such Commissioner shall make such other reports at such times as may be required by the Board of County Legislators, County Executive, Civil Service Law, the New York State department of civil service, and the New York State Civil Service Commission. Copies of such reports shall be filed with the Board of County Legislators and County Executive.

Section 1403. Examinations; Eligibility Lists. The Commissioner may request the New York State Civil Service Commission to render technical advice and assistance or its services in the preparation and rating of examinations and the establishment of eligibility lists for all positions under his jurisdiction.

Section 1404. Administrative Unit; Information and Aid. It shall be the duty of the head of each administrative unit of the county to furnish the Commissioner with such information and aid as such Commissioner may deem necessary in the performance of his duties.

Section 1405. Personnel Roster. The Commissioner shall establish and maintain a roster of all county officers and employees. Such roster shall show for each county officer and employee, the date of appointment or election, the title, or position, the rate of pay and rate changes, promotions, demotions, transfers, the time and cause of separation from

county employment and any other information the Commissioner considers necessary for the proper administration of his office.

Section 1406. Certification of Payrolls. No payroll, estimate or account providing for the payment of wages or salaries shall be approved by the Commissioner of Finance or Comptroller unless it bears a certificate that the persons named therein have been employed, during the period specified, in their respective positions in accordance with law and rules made pursuant to law.

Section 1407. The commissioner may, when such positions are authorized by the Board of County Legislators and within the appropriations provided therefore, appoint such deputies as he may deem necessary for the performance of his civil service and human resources 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 X V
DEPARTMENT OF LAW

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

Section 1501. Department of Law; County Attorney; Appointment. The department of law shall be headed by a 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

(a) Except as otherwise provided in the charter or code, the County Attorney shall be the sole legal advisor for and represent the county and every agency and office thereof in the county matters of a civil nature; advise and represent all county officers and employees in relation to their official duties 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; when authorized by the County Executive or the Board of County Legislators, the County Attorney shall prosecute and defend all proceedings of a civil nature brought against the Board of County Legislators or any county officer or employee whose compensation is paid from county funds for any official act except as otherwise provided by the charter, code or any applicable act of the legislature, not inconsistent with the charter or code; on request 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 not inconsistent with a charter or code, by the County Executive, or by ordinance or resolution of the Board of County Legislators.

Whenever the interests of the Board of County Legislators or the County Executive are inconsistent with the interests of any county officer or employee paid his compensation from the county funds, the County Attorney shall represent the interests of the Board of County Legislators and the County Executive. In such case, the officer or employee may, at his own expense, employ an attorney-at-law.

(b) The County Attorney shall have all the powers and duties and shall be subject to all obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision of any act of the legislature not inconsistent with the charter or code.

(c) The County Attorney may, within the limits of the appropriations provided therefor, employ special counsel, professional, technical, or other consultant services and incur such

expenses in connection therewith as he may deem necessary for the performance of his duties.

(d) The County Attorney shall prepare annually a supplement if any, to the charter or code which shall indicate all additions to, repeals and amendments of the charter or code.

(e) On or before March 1st of each year, the County Attorney shall make an annual written report for the immediately preceding calendar year, covering generally the work of his office. Copies of such report shall be filed with the Board of County Legislators and County Executive.

Section 1503. Assistant County Attorneys. The assistant county attorneys appointed by the County Attorney pursuant to Section 1503 of Article 15 of the charter shall perform such duties pertaining to the office as may be directed by the County Attorney. Every appointment of an assistant county attorney 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 County Attorney at any time by filing a written revocation with the department of records and copies thereof with the Board of the County Legislators and the County Executive. If more than one assistant county attorney shall be appointed, the County Attorney may designate in writing and file with the department of records, the County Executive and the Board of County Legislators the order in which such assistants may exercise the powers and duties of the County Attorney in the event of a vacancy or the absence or inability of such County Attorney to perform the duties of his office.

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 1603. Deputy County Clerks
Section 1604. Accounting for Fees
Section 1605. Seal

Section 1601. Department of Records; County Clerk; Election. The department of records shall be headed by the County Clerk who shall be elected and whose term of office shall be as provided in Section 1601 of Article XVI and Section 2303 of Article XXIII of the charter.

Section 1602. Powers and Duties. The County Clerk shall have and exercise all the duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law, resolution or ordinance of the Board of County Legislators, order or direction of the County Executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code.

On or before March 1st of each year, the County Clerk shall make an annual written report for the immediately preceding calendar year covering generally the work of his office. Copies of each such report shall be filed with the Board of County Legislators and the County Executive.

Section 1603. Deputy County Clerks. The County Clerk may, within the appropriations provided therefor, appoint to serve at his pleasure such deputy County Clerks as he deems necessary for the conduct of his office. All such appointments or revocations thereof shall be in writing and filed in his office, and copies thereof filed with the Board of County Legislators and the County Executive. All such deputies shall be in the exempt class of the civil service. The County Clerk shall designate, in a writing filed in his office, copies of which shall be filed with the Board of County Legislators and the County Executive, the order in which such deputy County Clerks shall have and exercise the powers and duties of the County Clerk during the temporary absence or inability of the County Clerk to act. The deputy as designated in such writing shall in case of a vacancy in the office of the County Clerk perform the duties of the County Clerk until a successor is elected or appointed and has qualified. The deputy County Clerks shall perform such duties as may be assigned by the County Clerk, and during the temporary absence or inability of the County Clerk, have and exercise all of the powers and duties of the office.

Section 1604. Accounting for Fees. All monies to which the county may be entitled under and by virtue of the laws of the State of New York, or which the County Clerk may receive for all and any official services by him, or by any of his deputies, assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the county and shall be collected by such clerk, accounted for and paid over within five days after the first day of each and every month to the Commissioner of Finance. Said County Clerk shall make a full and true statement for each calendar month of all monies received

each day by him, his deputies, officers or employees in his or their official capacity and shall transmit and deliver such statements to the Commissioner of Finance and the Comptroller within five days after the expiration of such month. Each statement shall have attached thereto a certification by said County Clerk to the effect that the same is in all respects a full and true statement of all monies received by him as herein required. At the time of rendering any such statement, such clerk shall pay to the Commissioner of Finance for the benefit of said county all monies received by him during the preceding month. Other funds or fees received or collected by the County Clerk shall be collected, paid over, deposited and reported as above provided, except where otherwise specifically prescribed by statute.

Section 1605. Seal of the Department of Records.

(a) The seal of the County of Oneida shall be the seal of the department of records and shall be in the custody of the County Clerk.



(b) The County Clerk shall affix or imprint such seal upon any and all instruments requiring the same.

Section 1603 was amended by Local Law No. 2 of 1967 by addition of the last sentence to this section.

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. The qualifications, election and term of office of the District Attorney shall be as provided in Section 1701 of Article XVII and Section 2303 of Article XXIII of the charter.

Section 1702. Powers and Duties.

(a) The District Attorney shall have and exercise all the powers and duties and shall be subject to all the obligations and liabilities, heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code.

(b) The District Attorney shall make an annual report at the close of each fiscal year, and shall submit such report in writing not later than the first day of March to the Board of County Legislators and County Executive covering generally the work of his office.

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 filed with the Board of County Legislators and the County Executive. All such assistants so appointed shall receive such salary as shall be determined and fixed by the Board of County Legislators. The District Attorney may designate, in a writing filed with the department of records, the order in which such assistants 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 attorneys 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.

Section 1703, paragraph 3, was amended by Local Law No 4 of 1991 by the addition of “or any adjoining county” after the words of “residents of the County of Oneida”, 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.	Sheriff, Election
Section 1802.	Powers and Duties
Section 1803.	Appointment of Undersheriff and Staff
Section 1804.	Emergency Provisions
Section 1805.	Disbursements
Section 1806.	Accounting for Fees
Section 1807.	Correctional and Criminal Justice Advisory Board

Section 1801. Sheriff; Election. The election and term of office of the Sheriff shall be as provided in Section 1801 of Article XVIII and Section 2303 of Article XXIII of the charter.

Section 1802. Powers and Duties.

(a) The Sheriff shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, constitution, or any applicable provision of any act of the legislature not inconsistent with the charter or code.

(b) The Sheriff shall make an annual report at the close of each fiscal year, and shall submit such report in writing not later than the first day of March to the Board of County Legislators and County Executive, covering generally the work of his office and including a financial report of all monies received during the preceding fiscal year.

Section 1803. Appointment of an Undersheriff and Staff.

(a) The Sheriff shall appoint an Undersheriff and secretary. Such Undersheriff and secretary shall serve at the pleasure of the Sheriff and perform such other duties as the Sheriff may direct. The Sheriff shall, however, fill all positions which are classified under Civil Service Law according to the Civil Service Law.

(b) The Undersheriff shall execute the powers and duties of the office in the absence or inability of the Sheriff to act. In the event a vacancy occurs in the office of the Sheriff, the Undersheriff shall execute the said powers and duties until a new Sheriff has been elected or appointed and has qualified.

(c) There shall be appointed, within the appropriation provided therefor, jailers, matrons and such other officers and employees as may be necessary to operate the county jail facilities. The matron shall have sole charge of the female prisoners and of that portion of the jail facilities in which the female prisoners are detained subject to the direction of the Sheriff or jailer. A matron shall be in attendance at all times when females are confined in the jail facilities.

(d) The Sheriff may deputize by written instrument any person to perform specified functions of his office.

(e) Each appointment or revocation thereof made pursuant to this article shall be in writing and filed with the department of records and copies thereof shall be filed with the Board of County Legislators and County Executive.

(f) Before the appointment of any person other than a person temporarily deputized to perform a particular specified act by the Sheriff, such person shall be fingerprinted by the Sheriff and the Sheriff shall cause such fingerprints to be compared with the fingerprints filed with the division of criminal identification of the State Department of Correction and the Federal Bureau of Investigation.

(g) The Sheriff may, within the limits of the appropriations provided therefor, employ such number of part time deputies, who shall be paid such compensation as the Board of County Legislators may determine. Such deputies shall be appointed by the Sheriff for a period of time not to exceed 60 days and they shall have only those powers and duties authorized by the Sheriff.

(h) The Sheriff may in his discretion deputize the peace officers of the cities, towns and villages within the county and agents of societies incorporated for the purpose of prevention of cruelty to children or animals, for the purpose of authorizing arrest without a warrant outside the territorial limits of such city, town or village when such crime or infraction was committed within such territorial limits in the presence of such peace officer or agent. Such person so deputized shall be deemed to be an agent of the Sheriff.

(i) Any act or omission of any employee of the county in the office of the Sheriff, done or made in the performance of an official duty or for the performance of which the county is paid or receives compensation or fee, shall be the act or omission of the county and the damages, if any, resulting therefrom shall be deemed the liability of the county.

Section 1804. Emergency Provisions.

(a) For the protection of human life and property during an emergency, the Sheriff may temporarily deputize orally or in writing, such number of additional deputies as he deems necessary. If he is unable to continue the services of such special deputies without compensation, the Sheriff may pay the compensation of any such special deputies in such amount as the Board of County Legislators may determine for each day that such special deputy is actually engaged in assisting the Sheriff in the performance of his duties. If the Board of County Legislators shall fail to fix the compensation of such special deputies, the Sheriff may, subject to the approval of the County Executive, fix such compensation at a rate not exceeding ten dollars per day for each such special deputy. The compensation and expenses of any special deputy so appointed shall be audited and paid as a county charge.

(b) If, in the protection of human life and property, the Sheriff shall deem it necessary to hire any equipment or apparatus together with the operator thereof, he may, subject to the approval of the County Executive, hire the same during the period of an emergency or catastrophe at a reasonable charge therefor. The same shall be audited and paid as a county charge.

(c) The Board of County Legislators shall have the power to appropriate and set aside a fund for the purpose of paying in advance of audit expenditures of the Sheriff in an emergency or catastrophe for services and expenses of temporary special deputies and for the hiring of equipment and apparatus and the operators thereof. The County Executive

may authorize the Sheriff to issue vouchers and purchase orders to the Comptroller for the payment thereof. The County Executive may further direct the rendering by the Sheriff to the Comptroller and Commissioner of Finance, of an accounting of such expenditures with verified or certified vouchers attached. The claimant and the Sheriff shall be jointly and severally liable for any items of expenditure for other than a lawful purpose and disallowed upon a final audit. Such expenditure so disallowed shall be recovered in an action brought in the name of the county.

Section 1805. Disbursements. Whenever the Sheriff is required by law to transport a prisoner or any other person and the cost of such travel and transportation is made a county charge by law, the Sheriff or person deputized by him shall, within the appropriation provided therefor, be entitled to his necessary and actual disbursements incurred for travel, lodging and food.

Section 1806. Accounting for Fees. All monies to which the county may be entitled under and by virtue of the laws of the State of New York, or which the Sheriff may receive for official services by him, or by the Undersheriff, or by any of his deputies, assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the county and shall be collected by such Sheriff, accounted for and paid over to the Commissioner of Finance within five (5) days after the expiration of each month. Each such statement shall have attached thereto a certification by said Sheriff to the effect that the same is in all respects a full and true statement of all such monies received by him for the preceding month. At the time of rendering any such statement, such Sheriff shall pay to the Commissioner of Finance for the benefit of said county all monies received by him during the last preceding month. Other funds or fees received or collected by the Sheriff shall be collected, paid over, deposited and reported as above provided, except where otherwise specifically provided by statute.

Section 1807. 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 15th day of January each year, a chairman and vice-chairman of the advisory board. Said board will have the power to name 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 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 Correctional Facility 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 1803 was amended by Local Law No. 2 of 1970, Local Law No. 4 of 1971 and Local Law No. 1 of 1973 to provide civil service status for certain employees.

Section 1807 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
Section 1903.	Powers and Duties
Section 1904.	Procedure for Investigating Deaths

Section 1901. Application of Article XIX. The Board of County Legislators shall have the power by local law, to abolish the offices of coroners 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 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 31st 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 the 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. There shall be a medical examiner who shall be appointed by the County Executive, subject to confirmation by the Board of County Legislators. He shall serve at the pleasure of the County Executive and be a physician duly licensed to practice in the State of New York. He shall be qualified to perform an autopsy and shall have adequate knowledge of forensic medicine. The County Executive may require that the medical examiner possess such other medical skills and training to qualify him to act as (1) head of any laboratory operated by a county or part-county health district and/or (2) a physician on the staff of a county hospital and/or infirmary.

Section 1903. Powers and Duties.

(a) The medical examiner shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision of any act of the legislature not inconsistent with the charter or code. Such powers, duties, obligations and liabilities shall include but shall not be limited to any power, duty, obligation or liability granted or imposed upon a medical examiner by the county law or any other applicable law, not inconsistent with the charter or code.

(b) The medical examiner shall investigate deaths when such investigation is required pursuant to Section 1904 of this article.

(c) The medical examiner shall, when directed by the County Executive, subject to the approval of the Board of County Legislators, act as (1) the head of any laboratory operated by such county or part-county health district created pursuant to Article XI of the charter, and/or (2) a physician on the staff of a county hospital and/or infirmary.

(d) The medical examiner shall be the keeper of the morgue, if any, and appoint and have charge of the morgue staff.

(e) The medical examiner may, when such positions are authorized by the Board of County Legislators and within the appropriations provided therefor, appoint such deputy medical examiners and other professional and non-professional assistants and employees as may be required in the performance of the duties of the office. Any such deputy medical examiner or other person authorized by the medical examiner to perform autopsies shall be a physician duly licensed to practice in the State of New York and qualified to perform an autopsy and shall have adequate knowledge of forensic medicine. Such authorization shall be in writing and shall be filed with department of records and copies thereof filed with the Board of County Legislators and the County Executive.

(f) The medical examiner shall make an annual report at the close of each fiscal year and shall submit such report in writing not later than the first day of March to the Board of County Legislators, County Executive and the District Attorney, covering generally the work of his office. The medical examiner shall make such other reports at such times as may be required by the code or any other applicable law.

Section 1904. Procedure for Investigating Deaths.

(a) Whenever in the county any person shall die from criminal violence or criminal neglect or by suicide or in any suspicious and unusual manner, any officer or person having knowledge of such a death shall immediately notify the office of the medical examiner and immediately upon receipt of such notification, the medical examiner or a deputy medical examiner shall go to the dead body and take charge of the same. Such examiner shall fully investigate the facts concerning the circumstances of the death.

(b) Such examiner shall take possession of any money or other property which may be found upon the body and deliver the same to the property clerk of the Sheriff's department or other police agency having jurisdiction. Such money and property shall be retained until such time as the said property clerk, Sheriff or head of the police agency having jurisdiction deem such money or other property no longer useful in establishing the cause of death or in solving a crime, whereupon such money or other property shall be released to the Commissioner of Finance. Nothing herein shall prevent the release of such money or other property at any time pursuant to the order of any court having jurisdiction in the premises.

(c) If in the opinion of such medical examiner an autopsy is necessary, the same shall be performed by the medical examiner, a deputy medical examiner or other person authorized by the medical examiner to perform autopsies. A detailed description of the findings, written during the process of such autopsy, and the conclusions drawn there from shall be filed in the office of the medical examiner. If when the duties of the medical examiner with regard to the body are completed and the body remains unclaimed, the medical examiner shall have authority to make an order for the disposition thereof as a county charge.

(d) The medical examiner shall keep full and complete records, properly indexed, stating the name, if known, of every person whose body is examined, the place where the body was found, and the date of death, and attach thereto the original report of the medical examiner and detailed findings of the autopsy, if any. The medical examiner shall deliver

to the District Attorney copies of all records relating to every such death with thirty days after the occurrence of such death.

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 shall have and exercise all the powers and duties conferred or imposed upon it by the New York State Election Law or any other applicable law. The appointment of the commissioners and employees of such board shall be as provided by the Election Law. All purchases and contracts for all primary or election supplies and services necessary for the operation of its office and the performance of its duties shall be made pursuant to law.

Section 2002. Other Boards; How Appointed. The terms of office and duties of the members of 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 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 or agency shall be by the County Executive, subject to confirmation by the Board of County Legislators.

Except as otherwise provided in the 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.

(a) Subject to confirmation by the Board of County Legislators and except as otherwise provided in the Charter or this Code, the County Executive shall appoint the head of any other or additional administrative unit of the County, including among others but not limited to, the Director of Emergency Services, the Director of the Veterans' Service Agency, the Youth Bureau Director, Fire Coordinators, and the County Historian, all of whom shall be residents of the County of Oneida and serve at the pleasure of the County Executive.

(b) The Board of County Legislators, as provided in the Charter or this Code, may continue, consolidate or abolish any of the above units and upon written recommendation of the County Executive grant them departmental status by resolution by the Board of County Legislators.

(c) The Office of Emergency Services shall be headed by a Director who shall be appointed by the County Executive, subject to confirmation by the Board of County Legislators on the basis of his administrative experience and qualifications for the duties of such office. He shall have and exercise all the powers and duties heretofore and hereafter lawfully conferred or imposed upon him by the Charter, this Code, ordinance and resolutions of the Board of County Legislators, order or direction of the County Executive, by local law, by the New York State Defense Emergency act being chapter 784 of the laws of 1951, as amended, and by any other applicable law not inconsistent with the Charter or this Code.

(d) The Oneida County Veterans' Service Agency shall be headed by a Director of Veterans' Service Agency who shall be appointed by the County Executive, subject to confirmation by the Board of County Legislators on the basis of his administrative experience and qualifications for the duties of such office. He shall have the duties imposed upon him by the Charter, this Code, order or direction of the County Executive, local law, ordinance and resolution of the Board of County Legislators, those imposed on the County Service Officer by Section 800 of the County Law, and by any other applicable law not inconsistent with the Charter or this Code.

Section 2004. Miscellaneous Administrative Functions. Administrative functions not otherwise assigned by the charter or code shall be assigned by the County Executive to an administrative unit. All other agencies, officers and employees thereof shall be appointed and possess all the powers and duties pursuant to applicable law except as the same shall be inconsistent with the charter, code or local law.

Section 2002 was amended by enactment of Local Law No. 2 of 1968 which changed the name of the Mohawk Valley Technical Institute to the Mohawk Valley Community College.

Section 2003 is amended by Local Law No. 1 of 1985 by deleting in subdivision (a) the phrase "The office of Civil Defense", and adding the phrase "The 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 XX was amended by Local Law No. 5 of 2019 which merged the Department of Social Services, the Office for the Aging and Continuing Care, the Veterans' Service Agency and the Youth Bureau into the Department of Family and Community Services.

ARTICLE XXI
SERVICE RELATIONSHIPS

Section 2101. Local Government Function, Facility and Power not Transferred, Altered or Impaired

Section 2102. Contracts with Public Corporations and Public Authorities

Section 2101. Local Government Functions, Facility and Power 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 transferred, altered or impaired by this code.

Section 2102. Contract with Public Corporations and Public Authorities.

- (1) Definitions. As used herein for the purpose of this article:
- (a) A “public corporation” includes a municipal corporation, a district corporation and a public benefit corporation
 - (b) A “municipal corporation” includes a county, city, town, village and school district
 - (c) A “district corporation” includes any territorial division of the state other than a municipal corporation heretofore or hereafter established by law which possesses the power to contract indebtedness and levy taxes or benefit assessments upon real estate or to require the levy of such taxes or assessments, whether or not such territorial division is expressly declared to be a body corporate and politic by statute creating or authorizing the creation of such territorial division
 - (d) A “public benefit corporation” is a corporation organized to construct or operate a public improvement wholly or partly within the state, the profits from which inure to the benefit of this or other states, or to the people thereof
- (2) Contracts with public corporations and public authorities. The County of Oneida shall have the power to contract with any public corporation or with any public authority or with any combination of the same for the establishment, maintenance and operation of any facility, and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. 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 XXI
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, Sheriff and Coroner
- Section 2207. Filling Other Vacancies
- Section 2208. Power to Administer Oaths and Issue Subpoenas
- Section 2209. Surety Bond
- Section 2210. Conflicts of Interest

Section 2201. Administrative and Advisory Boards.

(a) That the board of trustees of the 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.

(b) Except as otherwise provided in the charter or code, every other board, the members of which are appointed, shall be an advisory board. The members thereof shall be appointed for such terms as are or may be provided in the charter or code. Wherever provision is made in the 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 the 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 (a) 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. No contract shall be executed by the County Executive until the same has been approved as to form by the County Attorney. Copies of such contract when executed shall be filed with, the Comptroller, the relevant department and the Law Department.

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 the charter or code. Any county officer appointed by the County Executive for a definite term whose appointment is subject to confirmation by the Board of County Legislators may be removed by the County Executive prior to the end of such term, after receipt of written notice from the County Executive. A copy of such notice shall be filed in the office of the clerk of the Board of County Legislators. Such county officer by written request filed with the clerk shall be given an opportunity to be heard by a board of review consisting of five members of the Board of County Legislators appointed by the chairman thereof, of whom not more than three members shall be members of the same political party. Upon such hearing, removal shall be effected only by a majority vote of such board of review.

Section 2204. Classified Service, Exemptions.

(a) 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; (7) all other persons as specifically prescribed by statute.

(b) For the purpose of this section, the heads of the divisions within the Executive Branch, including but not limited to Budget, Purchase, Information Technology, and Traffic Safety shall be deemed to be the heads of departments.

(c) 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) Commissioner of Personnel; (4) Assistant District Attorneys; (5) Confidential Criminal Investigators; (6) Assistant County Attorneys; (7) Deputy and Assistant Public Defenders; and (8) all other persons as specifically provided by statute.

(d) For purposes of this section, the heads of the Youth Bureau and related programs, and Veterans' Service Agency within the Department of Family and Community Services shall be deemed to be heads of departments.

(e) Notwithstanding any other provision of the Charter or this Code, wherever the appointment of a deputy is authorized, such deputy is hereby authorized to act generally for and in place of his principal and the same shall be deemed to be in the exempt class of the classified service of civil service.

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, Sheriff and Coroner. 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 the charter or code, a vacancy in the office of the head of any administrative unit, the head of which by virtue of the 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 the charter or code, the County Executive shall have the power to fill vacancies occurring within such administrative unit upon the 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 the 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 2209. Surety Bonds. The Board of County Legislators shall have the power to require and direct the giving of a surety bond conditioned on the faithful performance of any county officer or employee paid from county funds. The Board of County Legislators shall fix the amount of all such bonds required by law or by resolution of the Board of County Legislators. Such bonds shall be approved as to sufficiency of surety, by the County Executive and as to form by the County Attorney.

Section 2210. Conflicts of Interest. In regards to conflicts of interest, Local Law No. 1 of 1991, the "Oneida County Ethics Law" shall apply to the County of Oneida.

Section 2210 was deleted and a new Section 2210 inserted by enactment of Local Law No. 6 of 1967.

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 XXII was amended by Local Law No. 5 of 2019 which merged the Department of Social Services, the Office for the Aging and Continuing Care, the Veterans' Service Agency and the Youth Bureau into the Department of Family and Community Services.

ARTICLE XXIII

APPLICATION OF CODE

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

Section 2301. Adoption of Code; When Effective. This code shall become effective on and after January 1, 1963.

Section 2302. Amendment of Code. This code may be repealed or amended in whole or part in the manner provided by law. Except as otherwise provided by the charter or code, 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 changes the powers of an elective county officer shall be subject to mandatory referendum.

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 the charter or code. The terms of office for county legislators shall be for two (2) years.

Section 2304. Continuity of Authority; Completion of Unfinished Business. The performance of functions pursuant to the provisions of the charter or code 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, action or rights of action or other business undertaken or commenced prior to the effective date of this code may be conducted and completed by the county officer or administrative unit responsible therefor under the charter or code.

The code 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 code 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. Code to be Liberally Construed. This code 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 2404.	Advisory Committee

Section 2401. Establishment of Office; Appointments. There shall be a Public Defender's office and the County Executive shall appoint a Public Defender and such appointment shall be subject to the confirmation of the Board of County Legislators. The 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. The 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.

(a) The Public Defender shall represent, without charge, at the request of the defendant, or by order of the court with the consent of the defendant, each indigent defendant who is charged in the County of Oneida, with a crime, as defined in Section 722-a of the County Law. When representing an indigent defendant, the Public Defender shall counsel and represent him or her at every stage of the proceedings following arrest, shall initiate such proceedings as in the judgment of such Public Defender are necessary to protect the rights of the accused, and may, in his or her discretion, prosecute any appeal if, in his or her judgment, the facts and circumstances warrant such appeal.

(b) In addition to the foregoing, the Public Defender shall have and exercise all the powers and duties and shall be subject to all the obligations and liabilities heretofore and hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code.

Section 2403. Assistant Public Defenders and Confidential Investigators.

The assistant Public Defenders and confidential investigators appointed by the Public Defender, pursuant to Section 2403 of Article XXIV of the charter, shall perform such duties pertaining to the office as may be directed by the Public Defender. 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 Public Defender 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 assistants and investigators so appointed shall receive such salary as shall be determined and fixed by the Board of County Legislators. If more than one assistant Public Defender in either division shall be appointed, the Public Defender may designate in writing and file with the department of records, the County Executive and the Board of County Legislators the order in which such assistants shall exercise the powers and duties of the office in the event of absence or temporary inability of such Public

Defender to perform the duties of his or her office. Such designation may be revoked or changed by the Public Defender in a writing filed with the department of records, Board of County Legislators and County Executive. The assistant or assistants as designated in such writing shall in case of a vacancy in the office of their respective Public Defender perform the duties of that Public Defender until a successor is appointed and has qualified.

All the Assistant Public Defenders shall be duly admitted to the practice of law in the State of New York. Due to the confidential relationship between the Public Defenders and their assistants and the Public Defenders and their confidential investigators, the assistants and the confidential investigators shall be in the exempt class of Civil Service and shall serve at the pleasure of their respective Public Defender.

Section 2404. Advisory Committee. Advisory committees are hereby established for the Public Defender's Office for the purpose of advising the County Executive and the Public Defender's Office in the discharge of their respective duties and responsibilities relative to the operation of the office of Public Defender. The membership of each advisory committee shall be constituted as follows: Three attorneys appointed by the president of the Oneida County Bar Association for six year terms, except that of those first appointed, one shall be appointed for a two year term, one for a four year term and one for a six year term and six non-attorney members appointed for a six year term, by the County Executive subject to the approval of the Board of County Legislators, except that of those first appointed, two shall be appointed for a two year term, two for a four year term and two for a six year term, and two members shall be appointed by the Board of County Legislators, one from each major party, appointed by the chairman of the Board of County Legislators for two year terms. The president of the Oneida County Bar Association shall be an ex-officio member of each advisory board but shall have no vote.

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

Article XXIV was added to the Code by the enactment of Local Law No. 3 of 1965 providing for establishment of the office of Public Defender.

Section 2401 was amended by the enactment of Local Law No. 5 of 1984, changing the term of office.

Sections 2401, 2402, 2403, 2404 were amended by the enactment of Local Law No. 3 of 1996 to create a civil division of the Public Defender's Office.

Section 2403 was amended by the enactment of Local Law No. 4 of 2001 in order to delete "and shall be residents of Oneida County" under Section 2403 paragraph 2.

Article XXIV 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

The Office for the Aging and Continuing Care was merged into the Department of Family and Community Services.

Article XXV was added to the Code by the enactment of Local Law No. 1 of 1974 providing for the establishment of an Office of the Aging.

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 XXV was amended by Local Law No. 5 of 2019 which merged the Department of Social Services, the Office for the Aging and Continuing Care, the Veterans' Service Agency and the Youth Bureau into the Department of Family and Community Services.

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 2704.	Deputy Commissioners of Water Quality and Water Pollution Control

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 the 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
- (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) Within the appropriations provided therefor and when authorized by the County Executive, the Commissioner of Water Quality and Water Pollution Control may employ such special engineering or other technical consultant services as necessary for the performance of the Department of Water Quality and Water Pollution Control, and
- (g) Pursuant to Section 34(e) of New York State Civil Service Law, have authority, direction and control over the Department of Water Quality and Water Pollution Control and the authority to appoint and remove employees of the Department.

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 party 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 control in matters relating to the Water Pollution facility and water pollution activities. The board shall be chaired by a Chairperson and Vice-Chairperson appointed by the membership.

The members of the Board of Acquisition and Contract shall be ex-officio members of the Advisory Board. The members of such board shall receive no salary or compensation for their services but shall within the appropriations provided therefor be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

Section 2704. Deputy Commissioners of Water Quality and Water Pollution Control. There shall be such Deputy Commissioners of Water Quality and Water Pollution Control as determined by the County Executive.

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
DEPARTMENT OF PROBATION

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 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 represent, without charge, in a proceeding in family court or surrogate's court in Oneida County any person entitled to counsel pursuant to section 262 and section 1100 of the Family Court Act and section 407 of the Surrogate's Court Procedure Act who is financially unable to obtain counsel. When representing such person, the Civil Defender shall counsel and represent him at every stage of the proceedings, shall initiate such proceedings as in the judgment of the civil defender are necessary to protect the rights of such person and may prosecute any appeal when, in his judgment, the facts and circumstances warrant such appeal. The Civil Defender shall perform also 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.