

# **Summary of Optional County Government Law and Alternative County Government Law**

## **Optional County Government Law**

Laws of New York, 1950  
Chapter 692

### **Article 9**

#### **§1004 – Powers and duties of board of supervisors.**

1. Policy determining body of the county vested with all the powers of the county, including levying taxes and the appropriation of funds.
2. May investigate the official conduct of any county or town officer or office. Includes subpoena power over individual and documents.
3. Power to set salaries of all county officers on recommendation of the county president or manager.
4. If it is not clear who shall exercise any power or perform any duty conferred upon the county, the officer designated by the county president or manager shall exercise such power.

#### **§1005 – Plan “A” – County President – See also §1104**

- Elected county wide to a four year term, acts as chairman of the board of supervisors and the administrative head of the county government.
- Power to veto laws, ordinances, resolutions, and increases in the budget passed by the board, but may be overridden with a 2/3 vote of the entire board.
- Supervises all departments unless otherwise provided and may serve as head of one or more of such departments.
- Has complete control over the appointments and duties of all administrative offices and employees without interference from the board, unless the board is conducting an inquiry.
- If a vacancy occurs the board may appoint an acting county president.

#### **§1006 – Plan “B” – County Manager – See also §1105**

- Appointed by the board of supervisors for four year term.
- Administrative head of county government, with supervision over all county departments unless otherwise provided and may serve as head of any department.
- The county manager shall be removable by the board of supervisors for cause, but is subject to court review.
- Has complete control over the appointments and duties of all administrative offices and employees without interference from the board, unless the board is conducting an inquiry.

**§1007 – Appointments of subordinates** – applies to plans A and B – appointments are made by the executive except as he may authorize the head of a department or office to make such

appointments and except for those officers which are elected and their subordinates. All appointments are based on ability, training, and experience and are for an indefinite term.

**§1011 – Powers and duties of county president or manager**

1. Supervises the collection of all revenue and the making of all expenditures. Secures proper accounting for all funds, looks after the physical property of the county, supervises all institutions and agencies of the county, coordinates all the activities of the county and unifies the management of its affairs.
2. Faithfully executes and enforces all the resolutions, orders, and laws required to be enforced by the board or other county officers.
3. Shall attend all meetings of the board.
4. Appoint all officers and employees of the administration unless otherwise provided or delegated.
5. Subject to the provisions of §1012 he shall fix compensation for all officers and employees he appoints.
6. Report all appointments and removals to the board at the next meeting.
7. Prepare, submit, and execute the budget.
8. Make monthly reports as to the administration and the financial condition of the county.
9. Regularly examine the books and papers of every department and office and report to the board. He may audit any office or department at any time.
10. Perform other duties required of him by the board
11. Shall be responsible to the board for the administration of the following activities:
  - a. Collection of all county revenue from whatever source
  - b. Custody and accounting of all public funds
  - c. The purchase of all supplies for the county
  - d. Care of all county buildings
  - e. Care and custody of all personal property of the county
  - f. Entry and preservation of such public records as the law requires
  - g. Construction and maintenance of all county highways and bridges
  - h. Care of the poor, operation of county charitable and correctional institutions and other public welfare activities of the county
  - i. Any matters in connection with the school districts and other governmental institutions within the county which shall be delegated to him by such units and approved by the board of supervisors.
  - j. Any other county activities not specifically assigned to some other officer or agency.

- The foregoing activities shall be distributed among county departments including but not limited to, Department of Finance, Department of Public Works, and the Department of Welfare.
12. Appoint the director of each Department unless, with the approval of the board, the president acts as the head of one or more departments.

**§1012 – Compensation of officers and employees.** The board, with the approval of the county president or manager shall establish a schedule of compensation for county officers and employees.

**§1013 – Advisory Boards** – The county president or manager may appoint a board of citizens to act in an advisory capacity to the head of any department or office.

**§1014 – Preparation, submission, and adoption of budget.**

1. County President or manager to prepare and submit budget including estimates of expenditures and revenues.
2. Board of supervisors must arrange a public hearing concerning the budget.
3. The board may revise, alter, increase or decrease the provisions in the budget. In Plan “A” the county president may veto any changes with the opportunity for the board to override such changes with a 2/3 vote.
4. Public Statement
5. Failure to make appropriations
6. Allotments
7. When contracts and expenditures prohibited
8. Transfer of appropriations – Board, on the recommendation of the executive may transfer any unencumbered balance from one appropriation to another.
9. Emergency appropriations – Board may make additional appropriations if by a 2/3 vote they determine an emergency to exist.
10. Payment of temporary loans.

**Article 10**

**§1106 – Plan C** – Same as Plan “B” except all of the executive’s appointments shall be subject to confirmation by the board of supervisors. The powers and duties of the executive otherwise remain unchanged.

**§1107 – Plan D** – Instead of a board of supervisors it establishes a board of “district” supervisors.

**§1108 – Plan E** – Establishes a board of supervisors which also acts as the executive.

**§1132 – Action by local legislative body.** – local laws may be passed by the legislative body under plans B,C,D,E, after a public hearing before such body and under plan A before the executive.

**§1133 – Approval of local law by county executive.** – In a county adopting plan A every local law after passage by the legislative body must be approved by the county executive. If it is vetoed, the veto may be overridden by a 2/3 vote.

**Article 11**

**§1203 – County president form** – board of supervisors chooses its chairman from among its members and there is a separately elected executive.

**§1204 – County manager form** – board of supervisors chooses its own chairman and appoints a separate executive.

**§1205 – Council – president form** – abolishes board of supervisors and establishes a county council with its own chairman and a separately elected executive.

**§1206 – Council – manager form** - abolishes board of supervisors and establishes a county council with its own chairman and a separately appointed executive.

**§1207 – Selective form** – requires board to establish departments to assist in the administration of county functions.

## **Alternative County Government Law**

Chapter 11-B of the Consolidated Laws

### **Article 2**

**§50 – County administrator form** – Board of supervisors appoint the “county administrator” to serve for a term equal to their own. The Board may appoint the chairman of the board of supervisors as the county administrator but w/o additional compensation. The board shall appoint a county auditor. The county administrator, subject to confirmation by the board, shall appoint a county purchasing agent.

**§51 – County manager form** – The county manager is appointed by the board and serves at its pleasure. No member of the board may serve as county manager. The county manager may appoint, supervise, and remove any officer or employee of the county. She may, when authorized by law, serve as the head of one or more departments. She may also delegate the power of appointment or removal to any of his subordinates.

**§52 – County director form** – Appointed by the board and serves a four year term.

**§53 – County president form** – Elected by voters of the county to a four year term. The executive has veto power over any law passed by the board subject to a 2/3 override.

### **Article 3 – Board of supervisors**

**§101 – General Powers** – the board of supervisors is the legislative and policy determining body of the county.

**§102 – Specific powers** – subject to the specific provisions of the alternative form adopted.

1. Complete control over administrative units
2. Exercise all powers of local legislation
3. Adopt the annual county budget
4. Fix the compensation of all officers and employees
5. Fix the number of deputies, assistants and clerks in the several administrative units
6. Provide for the assumption and discharge by county officers any functions devolved to it from other units of government.
7. Fix amount of bonds of all officers and employees paid from county funds
8. Employ advisers as may be needed
9. Make appropriations, levy taxes, and incur indebtedness for the purposes of carrying out the functions of county government.
10. Appropriate expenses for any advisory board
11. Investigate conduct and affairs of any of any administrative unit
12. Make such studies and investigations as it deems in the county's interest
13. When it is unclear who shall perform a duty the board shall designate the officer who shall perform such duty. The county executive may make a temporary appointment
14. Determine and make provisions for any matter of county government not otherwise provided for
15. Enact such county acts and make such reasonable rules and regulations as may be necessary and proper to carry out the county government

**Article 4 – County executive** – applies to all forms.

**§154 – Removal of county executive**

1. County president may be removed by the governor pursuant to §33,34,35 of public officers law
2. County manager may be removed by a majority vote of board for any reason
3. Appointive county executive other than a manager may be removed by the board for cause by a 2/3 vote.
4. Procedures for removal of appointive executive.

**§155 – Powers and duties**

1. The county executive, unless otherwise provided, shall:
  - a. Be administrative head of county government
  - b. Have supervision direction and control over administrative units of county government
  - c. Have all functions powers and duties of budget officer under article seven of county law
  - d. Do and perform other acts as prescribed by county act.
  - e. Report to the board annually regarding activities of the administration
  - f. Enforce all laws of the state and county pertaining to the administration of the government

- g. Report to the board any failure of administration personnel to enforce any law or act they have been charged to perform
  - h. Examine and approve or disapprove form and sufficiency of sureties on official bonds and undertakings
  - i. Report to the board any removal of an appointed officer or employee
  - j. Report to the board from time to time on the affairs of the county
  - k. Attend board meetings if he desires or if the board requests him to
2. When delegated by county act the executive shall have and exercise the following powers and functions:
- a. To coordinate the activities of the government and unify the management of its affairs
  - b. To cause an audit and examination to be made of any office or unit of county government
  - c. To supervise the administration of all functions transferred to the county by other units of government and make recommendation to the board

## **Article 5 – County Departments and Offices**

### **§202 – Department heads**

1. The county executive shall appoint to serve at her pleasure the head of every department or office not administered by an elective official. The appointments are subject to confirmation in the Administrator form, the Director form, and the President form of county government.