

**LOCAL LAW 4-98**  
**CHAUTAUQUA COUNTY CHARTER**

**Article 1**

**GOVERNMENT OF CHAUTAUQUA COUNTY**

**Section 1.00 Government of Chautauqua County**

**Section 1.01 Purpose**

**Section 1.02 Continued Status and Powers**

**Section 1.03 Effect of Charter on State Laws**

**Section 1.04 Existing Legislation Continued**

**Section 1.05 Charter and Administrative Code Review Commission**

**Section 1.06 Definitions**

**Section 1.00 Government of Chautauqua County**

This Charter together with any subsequent amendments hereto shall constitute the form of government for the County of Chautauqua, and shall be known and may be cited as the Chautauqua County Charter.

**Section 1.01 Purpose**

Among the purposes of this Charter are: the accomplishment of greater efficiency, economy and responsibility in county government; the securing of all possible county home rule; the providing of optimum authority and freedom to county elected

officials to enable them to most effectively do their jobs; the ensuring of flexibility in the structure of county government to allow easy adaptability to change; the encouraging of the development, implementation and enhancement of public policy rather than the perpetuation of bureaucracy; the fostering of intermunicipal agreements and cooperation; the establishment of separate executive and legislative branches of county government and the allocation of functions, powers, and duties.

**Section 1.02 Continued Status and Powers**

The County of Chautauqua shall continue to be a municipal corporation and shall have all the powers and perform all the duties not or hereafter conferred or imposed upon it by this Charter or applicable law, together with all rights, privileges, functions and powers necessarily implied or incidental thereto.

**Section 1.03 Effect of Charter and Administrative Code on State Laws**

Within the limits prescribed in Article 4 of the Municipal Home Rule Law, wherever and whenever any State Law, general, special, or local in effect, is inconsistent with the Charter or the Administrative Code, such law shall be deemed to the extent of such inconsistency to be superseded by the Charter and the Administrative Code insofar as the County of Chautauqua and its government are affected.

**Section 1.04 Existing Legislation Continued**

Except to the extent to which they may be inconsistent with the provisions of the Charter, all existing laws, resolutions, rules and regulations heretofore adopted, shall continue in force and effect until amended, superseded, or repealed. All commissions, agencies, committees, and boards of the County of Chautauqua shall cease three years from this law's filing in the Office of the Secretary of State, and every three years thereafter, unless the County Legislature, and County Executive, by affirmative action, extend and continue said commissions, agencies, committees and boards.

**Section 1.05 Charter and Administrative Code Review Commission**

Not later than July 1, 2004, and at least every ten (10) years thereafter, a Charter and Administrative Code Review Commission shall be established to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to the County Charter and Administrative Code. The Commission shall consist of not more than ten citizens of Chautauqua County, with five (5) of said members appointed by the County Executive and the remaining five to be appointed by the Legislature.

The Legislature shall provide such funds as are necessary for the Commission to conduct its business properly.

The County Executive, any Legislator, the Legislature collectively or any other person shall have the right to make recommendations for amendments, additions, or revisions to the Charter and/or Code.

The report of such Commission shall be presented to the Executive and Legislature not later than July 1 of the year following the appointment.

**Section 1.06 Definitions**

All words and phrases in this Code and in the Charter are used according to their accepted and ordinary meaning except where another meaning is specifically indicated or manifest. Words used in the singular number, and words used in the plural number, shall extend to and include the singular number. Words used in the masculine or feminine gender shall extend to and include the feminine or masculine.

**Article 2**

**COUNTY LEGISLATURE**

**Section 2.00 County Legislature**

**Section 2.01 Changes in Districts**

**Section 2.02 Terms of Office; Qualifications**

**Section 2.03 Vacancies**

**Section 2.04 Organization**

**Section 2.05 Powers and Duties of Legislature**

**Section 2.06 Submission of Enactments for Executive Approval**

**Section 2.07 Reconsideration**

**Section 2.08 Legislature Financial Analyst, Policy Analyst, and Counsel**

**Section 2.00 County Legislature**

The legislative powers of the County shall be vested in an elective body which shall be known as the County Legislature, comprised of members elected as the County Legislature may determine.

**Section 2.01 Changes in Districts**

The County Legislature shall, within six (6) months after the publication of the results of each regular federal census, appoint a bi-partisan committee or commission to evaluate the existing county legislative districts. Such committee or commission shall study the population data and, within three (3) months after appointment, make recommendations, if necessary, in the form of a proposed local law as to changes in the boundaries of county legislative districts to be effective at the end of the then terms of office of incumbent county legislators.

**Section 2.02 Terms of Office; Qualifications**

The terms of office of County Legislators shall be two (2) years and shall begin on the first day of January following their election. Each member of the County Legislature shall, at the time of the Legislator's nomination and election and throughout the Legislator's term of office, be and remain a qualified elector of the district from which the Legislator is elected. No County Legislator shall hold at the same time any other elective public office.

**Section 2.03 Vacancies**

A vacancy in the County Legislature shall be filled by the County Legislature within thirty (30) days of the time when such vacancy occurs. The appointee shall serve until the commencement of the political year next succeeding the first general election after the happening of the vacancy at which a successor may be elected, and the vacancy shall be filled at such election for the unexpired term. Any person appointed to fill a vacancy shall be a member of the same political party as the person who vacated the office and shall be nominated by the district committee of said party. In the event the person vacating the office was elected with no party affiliation, the County Legislature may appoint any qualified elector who resides in the district where the vacancy exists.

**Section 2.04 Organization**

On January first of each year or within eight (8) days thereafter, the County Legislature shall meet and organize by electing from among its members a chairman and such other officials as are deemed required.

**Section 2.05 Powers and Duties of Legislature**

Except as otherwise provided in this Charter, the County Legislature shall have and exercise all such powers and duties conferred on County Legislatures in the State of New York by applicable law, and all powers necessarily incidental thereto.

In addition to any other powers conferred upon the County Legislature by this Charter and by any other applicable law the County Legislature shall have, but not by way of limitation, the following powers and duties:

- (a) To adopt by resolution all necessary rules and regulations for its conduct and procedures by majority of the whole number of its membership.
  
- (b) To make appropriations, incur indebtedness, adopt the budget, and six (6) year capital plan, levy taxes. In the event the Legislature fails to finally adopt a budget for an ensuing fiscal year on or before December 1, the tentative budget shall constitute the budget for such ensuing fiscal year. The appropriation resolution and the

resolution authorizing the levy of taxes shall be deemed to have been passed by the Legislature as of such date.

(c) To adopt general policy for County government including enacting, amending, or rescinding local laws, charter laws, legalizing acts or resolutions, except that local laws and resolutions may not supersede the enumerated powers of other County officials set forth in this Charter without a duly adopted Charter amendment. On at least an annual basis prior to the County Executive's preparation of the tentative budget, the County Legislature shall adopt by resolution a comprehensive financial management policy and an investment policy, and shall adopt by resolution programs, goals and objectives, as well as specific performance measures for those programs, goals and objectives, which shall be utilized in the formulation of the budget and in measuring the success of its implementation. Resolutions adopting programs, goals, objectives, and specific performance measures shall not be subject to veto by the County Executive.

(d) To fix the compensation of all officers and employees paid from county funds. With respect to employees not represented by a bargaining unit who are employed by the Sheriff, District Attorney, Comptroller, County Clerk, or in the executive branch, the County Legislature shall establish salary ranges and the appointing authority shall have discretion to set the actual salary within the range.

(e) To make or cause to be made such studies, audits and investigations as it deems to be in the best interests of the County, and in connection therewith to obtain or employ professional, legal 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, audit, or investigation.

(f) To establish the compensation for all County Legislators, including, at its discretion, additional compensation for the Chairman of the Legislature, Majority and Minority Leaders, Committee Chairmen, and such other positions as it may deem appropriate.

(g) To approve all labor contracts.

(h) To appoint a Public Defender and four (4) Coroners to serve as provided by law. They shall have and exercise all powers and duties now or hereafter conferred or imposed upon them by applicable law, and be directly responsible to the County Legislature.

**Section 2.06 Submission of Enactments for Executive Approval**

Except as otherwise provided by this Charter, every Local Law and Legislative Resolution adopted by the County Legislature, except legislative branch appointments

not otherwise subject to County Executive approval by applicable law and resolutions establishing rules and regulations or other matters pertaining solely to the conduct of its own procedures, shall be submitted within five (5) days after passage, to the County Executive for the County Executive's approval.

**Section 2.07 Reconsideration**

After resubmission to the County Legislature of a vetoed enactment together with the veto message, at its next following regular or special meeting such message shall be entered in its journal. Within thirty (30) days after such receipt and entry, the County Legislature may reconsider such vetoed enactment and pass the same over the objections thereto by a favorable vote of at least two-thirds of the whole number of its members on a roll-call vote.

**Section 2.08 Legislature Financial Analyst, Policy Analyst, and  
Counsel**

There shall be appointed at the commencement of each new legislative term or in the event of a vacancy: (1) a Financial Analyst to assist the alterations to the county budget and to advise on other financial matters relating to county government; and (2) a Legislative Counsel to provide legal advice to the Legislature's members and committees, assist in the drafting of legislation, and act as parliamentarian in legislative proceedings.

There may be appointed at the commencement of each new legislative term or in the event of a vacancy a Policy Analyst to assist the Legislature's members and

committees in the execution of their duties, including research and the development of legislative policy.

The Legislature Financial Analyst, Policy Analyst, and Counsel shall be appointed by mutual agreement of the Chairman and Minority Leader of the Legislature, and shall serve at their pleasure. This section shall not preclude the Legislature from establishing by resolution other legislative staff positions within budget appropriations.

**Article 3**

**COUNTY EXECUTIVE**

**Section 3.00 County Executive**

**Section 3.01 Election and Qualifications**

**Section 3.02 Powers and Duties of County Executive**

**Section 3.03 Executive Approval**

**Section 3.04 Acting County Executive**

**Section 3.05 Vacancy in the Office**

**Section 3.00 County Executive**

The Executive power of the County shall be vested in a County Executive, who shall be responsible for the proper administration of all County affairs placed in the County Executive's charge by law or under any of the provisions of this Charter.

**Section 3.01 Election and Qualifications**

The County Executive shall be elected from the county at large and, at the time of the County Executive's nomination and election and throughout the County Executive's term of office, be and remain a qualified elector of Chautauqua County. The County Executive's term of office shall begin with the first day of January following the County Executive's election and shall be for four (4) years. The County Executive shall hold no other elected public office and shall devote full time to the duties of the office.

**Section 3.02 Powers and Duties of County Executive**

The County Executive shall be responsible for the administration of all county affairs. In addition to any other powers and duties provided by this Charter the Executive shall:

(a) Be the chief executive officer and administrative head of the executive branch of county government. The executive branch shall be responsible for the administration, organization, and implementation of all functions of County government, except: (1) those functions under the control and supervision of the Sheriff, District Attorney, Comptroller, County Clerk, and Board of Elections; (2) the internal functions of the County Legislature; and (3) the administration of the public defender and coroners, which shall be the responsibility of the County Legislature.

(b) Promulgate an administrative code for the administration, organization, and implementation of all functions of County government, except those excluded in Section 3.02(a) above, to include:

(i) the details of the organizational structure of the executive branch of County government, to be grouped into five general areas:

(1) Administrative Services;

(2) Human Services;

(3) Planning and Economic Development;

(4) Public Facilities; and

(5) Intermunicipal Services.

(ii) uniform financial procedures to be followed by all County officers and entities, with the following minimum time requirements in the budget adoption process:

(1) Resolutions adopting financial management policy, investment policy, and programs, goals, objectives, and performance measures pursuant to County Charter Section 2.05(c) - by June 15th;

(2) Tentative budget - by September 25th.

The administrative code and any amendments thereto shall take effect thirty (30) days after it is promulgated unless rejected by a 2/3 majority of the County Legislature. The administrative code shall include any functions, offices, or procedures mandated by State law, but pursuant to Section 1.03 of this Charter, the administrative code may supersede and be inconsistent with State law to the extent allowed by Municipal Home Rule Law or other applicable law, and may supersede any existing local laws, resolutions, or rules and regulations heretofore adopted.

(c) Exercise supervision and control of all executive branch entities, and shall prescribe, within budget appropriations, the staffing, internal organization and reorganization of such entities, including appointment of any heads of such entities, provided, however, that the appointment of the chief fiscal officer of the County and the Special Assistant for Medicaid shall be subject to confirmation by the County Legislature. In this connection, the Executive shall have the power to determine who shall perform such duties and have such powers not otherwise clearly defined by the Charter.

(d) Secure proper accounting for all funds, provide for the audit of claims in a manner consistent with generally accepted accounting principles (including claims

relating to the functions of elected officials and the internal functions of the County Legislature), oversee the physical property of the county, exercise general supervision over all county institutions and agencies, and coordinate the various activities of the county and unify the management of its affairs.

(e) Execute and enforce all local laws and resolutions of the County Legislature and see that all laws required to be enforced through the County Legislature or other county officers subject to its control are faithfully executed.

(f) Be responsible for the preparation and submission to the County Legislature of the annual budget, and capital program, other than budgets of other elected officials, and to execute the same in accordance with the resolutions and appropriations made by the County Legislature. For this purpose, the Executive shall have the power to obtain estimates of revenue and expenditures from all County entities. The County Executive may at any time make transfers of up to \$4,000.00 of part or all of any unencumbered appropriation balance between three (3) classifications of expenditure within the same administrative unit if such transfer is necessary to carry out an adjustment of proposed expenditures in the adopted budget. Said classifications of expenditure shall be Personnel Expense, Equipment, and Contractual Expense. Written notification of the amount and purpose of the transfer shall be prepared by the County Executive to the County Legislature at its next regularly scheduled meeting following the effective date of the transfer.

(g) Be responsible for keeping the County Legislature fully advised as to the financial condition and needs of the county and file with the County Legislature an annual report of the financial affairs of the county.

(h) Except as otherwise provided in this Charter, make, sign, execute, and implement all contracts on behalf of the County, within the amounts appropriated by the County Legislature, except that a contract for: (1) the lease, sale, purchase, or transfer of real property, or (2) the provision of facilities or the rendering of services by or for any other government must be approved by the County Legislature. In lieu of individual approval of each contract described in (1) and (2) above, the County Legislature may adopt policies authorizing the County Executive to execute and implement classes of such contracts. The County Executive shall have the power to delegate the making, signing, executing, and implementing of contracts to other County officers.

(i) Be responsible for procuring legal services for all County entities, officers, and employees, other than the County Legislature and its employees, including prosecution and defense of all civil matters or proceedings involving the County.

(j) Be responsible for the negotiation of all employee contracts.

(k) Perform such other duties and have such other powers as may be prescribed for the County Executive by law, administrative code or resolution.

(l) In addition to the powers set forth in this Charter, have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of county government not otherwise specified in this Charter.

(m) Have all necessary and incidental powers to perform and exercise any of the duties and functions lawfully delegated to the County Executive.

(n) Have exclusive authority to establish executive and administrative policies for carrying out all of the Executive's powers and duties, including those duties specifically enumerated in this Charter.

**Section 3.03 Executive Approval**

Within ten (10) days after receipt of a legislative resolution as passed by the County Legislature, the County Executive shall approve or veto the same. A local law as passed by the County Legislature shall be submitted to the County Executive for action in accordance with Sections 20 and 21 of the Municipal Home Rule Law.

(a) APPROVAL. If the legislative resolution is approved by the County Executive the County Executive shall endorse the original document and return it to the Clerk of the County Legislature within ten (10) days from the date on which the County Executive received the resolution.

(b) VETO. If the legislative resolution is vetoed by the County Executive the County Executive shall so indicate in writing setting forth the County Executive's objections thereto and within ten (10) days after receipt of such resolution, return the original document to the Clerk of the County Legislature, with the County Executive's veto message attached. In the case of adoption of the annual budget, the County Executive shall have power to veto specific items, which the County Legislature may have changed from the original budget proposal submitted by the County Executive, without vetoing the entire budget.

(c) FAILURE TO ACT. In the event that the County Executive fails to approve or veto a legislative resolution within ten (10) days following the date of its receipt from the Clerk of the County Legislature, such resolution shall be deemed enacted.

**Section 3.04 Acting County Executive**

The County Executive shall designate, within thirty (30) days of assuming office, subject to confirmation by the County Legislature, an appointive officer of the Executive Branch to be known as the Acting County Executive to perform the duties of such Executive during the Executive's absence from the county or the Executive's inability to act for any reason. Such designation shall be made in writing and filed with the Clerk of the County Legislature, and may be changed by the County Executive at any time by a new designation, confirmed by the County Legislature and filed with said Clerk. In the

event that no Acting County Executive has been so designated or that the Acting County Executive is unable to serve during an absence or disability of the County Executive, the County Legislature shall designate such Acting Executive.

**Section 3.05 Vacancy in the Office**

If a vacancy occurs in the office of County Executive, the County Executive's successor shall be chosen at the next general election scheduled not less than sixty (60) days after such vacancy occurs.

**Article 4**

**OTHER ELECTED OFFICIALS. INTERNAL AUDIT FUNCTION, AND SALARY**

**COMMISSION**

**Section 4.00 Other Elected Officers**

**Section 4.01 County Clerk**

**Section 4.02 District Attorney**

**Section 4.03 County Sheriff**

**Section 4.04 Internal Audit Function**

**Section 4.05 Salary Commission**

**Section 4.00 Other Elected Officers**

There shall be other County officers elected to a specific term of office from the County at large as provided for in this Article. Elected county-wide officials specified in this Article shall be responsible for preparing and submitting tentative budgets to the County Legislature for their functions, and shall make, sign, and implement all contracts utilizing funds appropriated for their use, except that a contract for: (1) the lease, sale, purchase, or transfer of real property, or (2) the provision of facilities or the rendering of services by or for any other government must be approved by the County Legislature. In lieu of individual approval of each contract described in (1) and (2) above, the County Legislature may adopt policies authorizing said elected county-wide officials to execute and implement classes of such contracts. Said elected county-wide officials shall have the power to delegate the making, signing, executing, and implementing of contracts to other County officers under their supervision. Said officials may at any time make transfers of up to \$4,000.00 of part or all of any unencumbered appropriation balance between three (3) classifications of expenditures within the same administrative unit if such transfer is necessary to carry out an adjustment of proposed expenditure in the adopted budget. Said classifications of expenditure shall be Personnel Expense, Equipment, and Contractual Expense. Written notification of the amount and purpose of the transfer shall be presented by the elected official to the County Legislature at its next regularly scheduled meeting following the effective date of the transfer.

**Section 4.01 County Clerk**

There shall be elected from the County at large a County Clerk. The County Clerk shall be elected for a four (4) year term and, at the time of the County Clerk's election and throughout the Clerk's term of office, shall be a qualified elector of the County. The County Clerk shall be the official registrar of the County, and except where inconsistent with this Charter, the County Clerk shall have and exercise all powers and duties not or hereafter conferred or imposed upon the County Clerk by any applicable law.

**Section 4.02 District Attorney**

There shall be elected from the County at large a District Attorney. The District Attorney shall be elected for a four (4) year term of office and, at the time of the District Attorney's election and throughout the District Attorney's term of office, shall be a qualified elector of the County and shall have been duly admitted to the practice of law in the State of New York. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon the District Attorney by applicable law.

**Section 4.03 County Sheriff**

There shall be elected from the County at large a County Sheriff. The Sheriff shall be elected for a four (4) year term of office and, at the time of the County Sheriff's election and throughout the Sheriff's term of office, shall be a qualified elector of the County. The Sheriff shall have an exercise all powers and duties now or hereafter conferred or imposed upon the County Sheriff by applicable law.

**Section 4.04 Internal Audit Function**

The County shall establish an internal audit function that shall include:

- (a) bank account reconciliation, credit card use analysis, and other appropriate internal controls that are in addition to or supplement the internal controls implemented by the chief fiscal officer of the County;
- (b) development of a risk assessment of County operations, including but not limited to, a review of financial policies and procedures and the testing and evaluation of County internal controls;
- (c) an annual review and update of such risk assessment; and
- (d) preparation of reports, at least annually or more frequently as the County Legislature or County Executive may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations.

The County may utilize County personnel to fulfill the internal audit function, but such persons shall not have any responsibility for other fiscal or business operations of the County while performing such function. The County may also utilize intermunicipal cooperation agreements or independent contractors to fulfill this function as long as personnel or entities performing the internal audit function meet professional auditing standards for independence between the auditor and the County.

Personnel or entities performing the internal audit function shall report directly to the chief fiscal officer of the County. There shall be appointed a County Internal Audit Commission that shall assist in the oversight of the internal audit function required by this Section, including, but not limited to, providing recommendations regarding the selection of the internal auditor(s) for the County, the review of significant findings and recommendations of the internal auditor(s), monitoring the County's implementation of such recommendations, and the evaluation of the performance of the internal audit function. Said Commission shall be composed of one (1) member appointed by the County Legislature, one (1) member appointed by the County Executive, and three (3) members appointed by the Chautauqua County Chamber of Commerce. Members of said Commission shall to the extent possible have appropriate expertise in accounting, auditing, or general finance matters.

**Section 4.05 Salary Commission**

There shall be appointed a bi-partisan County Salary Commission to review and recommend the salaries of all elected officials except those whose salaries are established, directly or indirectly, by State Law. The salary of all officers elected for a fixed term shall not be increased or diminished between the date of such election and the expiration of such term except (1) in accordance with a schedule adopted prior to the time such officer was elected to office which provides higher or lower rates of compensation during said term, or (2) as otherwise mandated by state or federal laws, rules or regulations. Said Commission shall be composed of seven (7) citizens appointed by the County Legislature.

The Commission shall recommend to the County Executive and County Legislature salary adjustments for elected offices at least one (1) year prior to the general election in which that office is scheduled to be filed.

**Article 5**

**INTERMUNICIPAL RELATIONS**

**Section 5.00 Local Government Functions, Facilities and Powers**

**Not Transferred, Altered, or Impaired**

No function, facility, duty or power of any city, town, village, school district, or other district is transferred, altered, or impaired by this Charter.

**Article 6**

**GENERAL AND TRANSITIONAL PROVISIONS**

**Section 6.00 General Provisions**

**Section 6.01 Charter Clarification**

**Section 6.02 Amendment of Charter**

**Section 6.03 Separability**

**Section 6.04 Charter to be Liberally Construed**

**Section 6.00 General Provisions**

Except as may be otherwise provided in the Charter, the provisions set forth in this article shall apply to the operation of the County government.

**Section 6.01 Charter Clarification**

If any provision of this Charter is not clear or requires elaboration in its application to the County, the County Legislature may interpret such provision in a Local Law not inconsistent with the provision of the Municipal Home Rule Law. Where any

question arises concerning the transition to a Charter which is not provided for herein, the County Legislature may provide for such transition by a Local Law not inconsistent with the provisions of the Municipal Home Rule Law.

**Section 6.02 Amendment of Charter**

This Charter may be amended by a Local Law enacted by a two-thirds affirmative vote of the total membership of the County Legislature, subject to a referendum to the extent required by the Municipal Home Rule Law.

**Section 6.03 Separability**

If any provision of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the particular provision directly involved in the controversy.

**Section 6.04 Charter to be Liberally Construed**

This Charter shall be liberally construed to achieve its objectives and purposes.

**Charter History**

Introduced, April 8, 1998

Adopted, May 13, 1998

Public Hearing held & Approved by County Executive, May 28, 1998

Adopted as LL 4 -98

**Amendment History**

LL 7-01, Re. Legislature Policy Analyst-Section 2.08

LL 2-02, Re. Leases and Contracts-Sections 3.02 (h) and 4.00

LL 10-03, Re. Section 2.05 (c); Section 3.02 (b) (ii); Section 3.02 (c) & (f);  
Section 3.03 (b); Section 4.00

LL 4-04, Re: Section 2.05 (b); Section 2.05 (c); Section 3.02 (b) (ii)

LL 2-05, Re: Section 2.05 (b); Section 3.02 (f); Section 4.00

LL 5-06 Re: Section 3.02 (c)

LL 5-07, Re: Section 4.04 - Comptroller – (Deleted in its entirety)  
New Section 4.04 Internal Audit Function