

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of ORLEANS

Local Law No. 2 of the year 2019

A local law A LOCAL LAW ESTABLISHING A COUNTY DEPARTMENT OF PUBLIC WORKS
(Insert Title)
PURSUANT TO SECTION 10 (1)(ii)(a)(1) OF THE MUNICIPAL HOME RULE LAW
OF THE STATE OF NEW YORK

Be it enacted by the ORLEANS COUNTY LEGISLATURE of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of ORLEANS as follows:

SECTION 1:

The County of Orleans owns and maintains approximately 200 miles of County owned public roadways and thoroughfares for the benefit of its residents and others traveling through the County. Additionally, the County owns numerous buildings and other public grounds used for the conduct of County business and for the benefit of County residents. Orleans County additionally owns and maintains certain lands dedicated for public use and enjoyment as parklands. Ongoing maintenance, development and improvement of these various structures, lands and improvements have heretofore been delegated and assigned to the Orleans County Highway and Buildings & Grounds Departments, which has also assumed responsibility for maintenance of County parklands. It is the intent of the County of Orleans to consolidate the various Public Works functions and duties of the County of Orleans heretofore performed by the Highway and Buildings & Grounds Departments under a single County Department and administration to more efficiently and economically serve the needs of the residents of Orleans County. For this reason, a Department of Public Works is necessary to coordinate and consolidate the functions previously performed by the Orleans County Highway and Buildings & Grounds Departments.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 2: CREATION OF DEPARTMENT OF PUBLIC WORKS AND DISSOLUTION OF COUNTY HIGHWAY AND BUILDINGS & GROUNDS DEPARTMENTS.

- A. Pursuant to the provisions of Section 10 of the Municipal Home Rule Law, the Orleans County Department of Public Works is hereby created. This Department shall be under the supervision and direction of a Commissioner of Public Works, who shall be appointed by the Orleans County Legislature. The Commissioner of Public Works shall appoint a Deputy Commissioner of Public Works. The Commissioner of Public Works shall report to the Orleans County Chief Administrative Officer, and shall serve at the pleasure of the Orleans County Legislature. The Commissioner of Public Works shall be responsible for the coordination and performance of all duties heretofore assigned to and performed by the Orleans County Highway and Buildings and Grounds Departments, which departments are hereby dissolved and the functions of which are hereby transferred to and consolidated into the Department of Public Works.
- B. The salary of the Commissioner of Public Works shall be fixed by the Legislature, payable by the Orleans County Treasurer in bi-weekly installments. In addition thereto the Commissioner of Public Works shall be paid the actual and necessary expenses incurred in the performance of his/her official duties, upon the audit of claims therefore by the Legislature in the manner provided by law.
- C. The Legislature may remove the Commissioner of Public Works for malfeasance or misfeasance in office upon written charges, after an opportunity to be heard not less than five (5) days after the service upon the Legislature of a copy of such charges.
- D. The Commissioner of Public Works shall function as the Highway Superintendent for the County of Orleans. The Deputy Commissioner of Public Works shall function as the Deputy Highway Superintendent. The term of office of the Commissioner of Public Works shall be four (4) years, unless sooner removed by the Orleans County Legislature as provided herein. (See, Highway Law §100). A vacancy in the office of Commissioner of Public Works shall be filled by the Legislature for the unexpired term as prescribed by law. The position of Commissioner of Public Works shall be an unclassified position, as defined by the Civil Service Law of the State of New York.

SECTION 3: POWERS AND DUTIES.

The Commissioner of Public Works shall have all of the powers and duties specifically referred to in the New York State Highway Law, §102, and shall further have the power and authority to coordinate all duties and functions of the County relating to roads and highways, buildings and grounds, and parks. The Commissioner of Public Works shall have the following specific powers and duties, in addition to those powers and that authority specifically referred to in the New York State Highway Law, §102, and such other powers or duties as are necessarily implied within the grant of authority herein:

- A. To plan and supervise the maintenance and repair of the existing County highway system and the design and construction of new roads and bridges.
- B. To review engineering designs and the progress of current design projects.
- C. To study the need for improvement of the County Highway system and advances in methods, techniques and equipment in the civil engineering field.
- D. To direct equipment maintenance and repair programs for the Department.
- E. To direct the drawing of detailed engineering plans and to make recommendations relative to contracting with private firms as necessary.
- F. To confer with State and local officials on highway problems within the county.
- G. To ensure compliance with policy as established by the Legislature and New York State regulations.

- H. To develop, delegate and approve the preparation of specifications for and the purchase of equipment and materials.
- I. To oversee the preparation of the Department budget and to determine that necessary budget controls are maintained.
- J. To direct the preparation of Department activity records and reports.
- K. To negotiate the purchase of property for County rights of way.
- L. To approve and bear responsibility for plans for snow removal and ice control programs.
- M. To plan and supervise carpentry, plumbing, heating, electrical and mechanical repairs to buildings and equipment, whether by employees or by contractors.
- N. To assist in the technical supervision of all custodial work performed at County owned or leased facilities.
- O. To plan and prepare specifications for major alterations and repairs to buildings and equipment including electrical, plumbing and heating systems, development of grounds, and interior decoration.
- P. To act as purchasing agent for all custodial and maintenance supplies and equipment.
- Q. To inspect and otherwise exercise control over repair and alteration work performed by outside contractors.
- R. To act as technical advisor in the hiring of consultants, technicians and contractors.
- S. To make regular inspections of buildings to maintain proper cleaning and maintenance procedures and to make recommendations for improvements or new equipment.
- T. To maintain records and accounts pertaining to equipment, operation, purchase of supplies and equipment, and payments to suppliers.
- U. To prepare tentative budget estimates covering all custodial, maintenance and repair activities.
- V. To assist in hiring, training and scheduling custodial and maintenance personnel.
- W. To make a variety of oral and written reports of activities conducted by the Department.
- X. To appoint persons to the positions of employment established from time to time by the County Legislature for the Department.
- Y. To remove Departmental employees in the manner provided by law.
- Z. To adopt rules and regulations, not inconsistent with law, for the conduct of the affairs and business of the Department of Public Works.

SECTION 4: LIMITATION OF POWERS.

Nothing contained herein shall be construed to give to the Department of Public Works authority over the operation of any existing departments, officers or functions of the County, other than those Offices, Officers and functions specifically enumerated herein. Nor shall the Department of Public Works have any authority over programs maintained by public or private agencies not under the jurisdiction of the County of Orleans. The final determination as to the establishment or manner of operation of any Public Works program, the funding thereof, and the extent of County participation in such shall be made by the Orleans County Legislature, with the advice of the County Chief Administrative Officer. The Commissioner of Public Works shall report to the Orleans County Legislature and to the Orleans County Chief Administrative Officer.

SECTION 5: EFFECTIVE DATE.

This local law shall take effect when filed in the Office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2019 of the (County)(City)(Town)(Village) of ORLEANS was duly passed by the ORLEANS COUNTY LEGISLATURE on November 21 2019, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____¹ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)