

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 OF LEWIS

Local Law No. 5 of the Year 2011

A LOCAL LAW ASSIGNING TO THE LEWIS COUNTY TREASURER THE DUTIES AND RESPONSIBILITIES OF DEPUTY BUDGET OFFICER

BE IT ENACTED by the Board of Legislators of the County of Lewis as follows:

SECTION 1. TITLE

This local law shall be entitled "A LOCAL LAW ASSIGNING TO THE LEWIS COUNTY TREASURER THE DUTIES AND RESPONSIBILITIES OF DEPUTY BUDGET OFFICER".

SECTION 2. PURPOSE

The purpose of this Local Law is to clarify the duties and responsibilities of the Lewis County Treasurer pertaining to assisting the Budget Officer with the collection and assembly of the estimates of the various administrative units within Lewis County government and the requests for appropriations of the several authorized agencies, as well as the review and analysis of such estimates and requests in order to assist the Budget Officer with the preparation of the tentative budget for presentation to the Board of Legislators.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the authority granted by County Law § 550, which states in pertinent part:

1. The county treasurer shall perform the duties prescribed by law as the chief fiscal officer of the county. ***Such county treasurer shall perform such additional and***

related duties as may be prescribed by law and directed by the board of supervisors.
(Emphasis added).

Additionally, Municipal Home Rule Law (“MHL”) § 10 provides that a county may adopt local laws that affect the following areas, provided the local law does not conflict with the constitution or other general law:

“(1) The powers, *duties*, qualifications, number, mode of selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers and employees. . .” (Emphasis added). MHL § 10(1)(ii)(a)(1).

SECTION 4. LEGISLATIVE FINDINGS

The Legislature makes the following legislative findings in support of this Local Law:

1. The Board of Legislators has heretofore adopted Local Law No. 4 – 1987, whereby it created the office of County Manager and among other things, designated the County Manager to serve as Budget Officer for the County of Lewis. (See, Local Law No. 4 – 1987, Section 3[m]).
2. In addition, the Board of Legislators has from time to time, authorized the Budget Officer to appoint a deputy budget officer to assist the Budget Officer with the collection and assembly of the estimates of the various administrative units within Lewis County government and the requests for appropriations from the several authorized agencies, as well as to assist with the review and analysis of such estimates and requests in order to assist the Budget Officer with the preparation of the tentative budget for presentation to the Board of Legislators.
3. Pursuant to such authority, the Budget Officer has historically appointed the Lewis County Treasurer as the deputy budget officer to perform such duties and responsibilities.
4. The Board of Legislators further finds, and with the consent of the Budget Officer, that it is an efficient use of county resources to incorporate the duties and responsibilities of the deputy budget officer into the job description of the County Treasurer, as the chief fiscal officer of the county, without the necessity of having the Budget Officer appointing the Treasurer as the deputy budget officer.

SECTION 5. ASSIGNMENT OF DUTIES

In addition to any other duty or responsibility delegated to the Lewis County Treasurer, as the chief fiscal officer of the County, the following duties are hereby assigned to and shall hereafter be deemed the responsibility of the Lewis County Treasurer:

1. Assist the Budget Officer with the collection and assembly of the estimates of the various administrative units within Lewis County government and the requests for appropriations from the several authorized agencies;
2. Assist the Budget Officer with the review and analysis of such estimates and requests;
3. Upon the request of the Budget Officer, to furnish such data and information and to perform such investigations and evaluations of such estimates and requests as may be deemed necessary;
4. Assist the Budget Officer with the preparation of the tentative budget for presentation to the Board of Legislators;
5. Perform such other and further duties as requested by the Budget Officer as deemed necessary and appropriate in the preparation of the tentative budget.
6. In the event of a vacancy in the office of Budget Officer, including a vacancy by reason of the expiration of the term of the person appointed thereto, and pursuant to County Law § 351[3], the Lewis County Treasurer shall serve as Budget Officer unless and until another person shall be appointed as such Officer.

SECTION 6. COMPENSATION

The Lewis County Treasurer shall receive a single salary (plus applicable benefits) to be established from time to time by the Board of Legislators as total compensation for performing all of the duties of the office, including the duties set forth herein. Nothing herein shall be construed as entitling the Treasurer to any payment, stipend, salary or other compensation for performing the duties herein described except as may be included in such salary; such salary to be established by the Board of Legislators as otherwise provided by law.

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with 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. 5 of 2011, of the County of Lewis was duly passed by the Lewis County Board of Legislators on April 26, 2011, in accordance with the applicable provisions of law.

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 disapproved, repassed after disapproval, by the _____, and was deemed duly adopted 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 disapproved, repassed after disapproval, by the _____ on _____, 20____. 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 a 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 of Lewis was duly passed by the Lewis County Board of Legislators on _____, 20____. Such Local 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.~~

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.~~

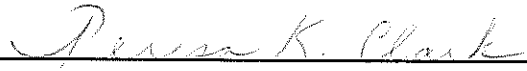
* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve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

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 the 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 of 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.



TERESA K. CLARK, CLERK
LEWIS COUNTY BOARD OF LEGISLATORS

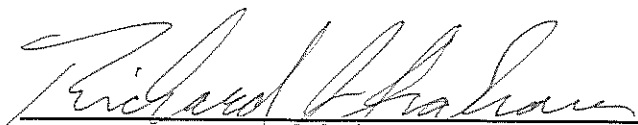
(Seal)

Dated: May 16, 2011.

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)
COUNTY OF LEWIS) ss:

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.



RICHARD J. GRAHAM, ESQ.
LEWIS COUNTY ATTORNEY

Dated: May 16, 2011.