

ARTICLE I
CHEMUNG COUNTY AND ITS GOVERNMENT

- Section 101. Title and Purpose.
- Section 102. County Status; Powers and Duties.
- Section 103. Effect on State Laws.
- Section 104. Effect on Local Laws, Ordinances and Resolutions.
- Section 105. Definitions.

Section 101. Title and Purpose. This Chapter together with any and all amendments hereto, if any, shall provide for and constitute the form of Government for Chemung County, and shall be known and may be cited as the “Chemung County Charter”. Among other purposes of this Charter are the following: separation of County Legislative and Executive functions and responsibilities; the securing of the greatest possible County home rule and the accomplishment of an increased efficiency, economy and responsibility in the Chemung County Government. Except as otherwise provided, no function, facility, duty or power of any city, town, village, school district, or other district, or of any officer thereof, is or shall be transferred, altered, or impaired by this Charter or Administrative Code.

Section 102. County Status; powers and duties. Chemung County, upon adoption of this Charter, as hereinafter provided shall be and remain a municipal corporation under its name, and shall exercise all the rights, privileges, functions, and powers conferred upon it by this Charter and any other applicable statute not consistent with such Charter. It shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent herewith, including all powers necessarily incidental to or which may be fairly implied from the powers specifically conferred upon such County.

Section 103. Charter Effect on State Laws. This Charter provides a form and structure of County government in accordance with the provisions of Article IV of the Municipal Home Rule Law of the State of New York and all special laws relating to Chemung 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laws of the State of New York, shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or suspended in their application to Chemung County by enactment and adoption of this Charter and Administrative Code. Within the limitations prescribed in Article IV of the Municipal Home Rule Law, wherever and whenever any State general, special or local law in effect, conflicts with this Charter or is consistent therewith, such law shall be deemed to the extent of such conflict or inconsistency, to be superseded by this Charter and Administrative Code insofar as the County of Chemung and its government are affected.

Section 104. Charter Effect on Local Laws, Ordinances and Resolutions. All laws, including resolutions, ordinances and local laws, heretofore adopted, which are contrary to, or inconsistent with the provisions of this Charter, are hereby repealed. All the laws of the State relating to the towns, cities, villages or districts of the County of Chemung, 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 Chemung County by the enactment and adoption of this Charter and Administrative Code.

Section 105. Definitions. Whenever used in this Charter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

- (a) “County” shall mean the County of Chemung;
- (b) “Charter” and “County Charter” shall mean the Chemung County Charter and all amendments thereto;
- (c) “County Legislature” shall mean the elective legislative body of the County of Chemung;
- (d) “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 the foregoing;
- (e) “administrative head” shall mean the head of any administrative unit;
- (f) “authorized agency” shall mean any agency authorized by this Charter, Administrative 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;
- (g) “executive division” shall include but not be limited to the divisions of budget and research, purchase, central services and such other divisions of the executive department as may be hereinafter authorized;
- (h) “quorum” shall mean a majority of a whole number of members of the County Legislature and a majority of the whole number of the membership of the 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 as required herein may perform and exercise such power, authority, or duty;
- (i) “legislative district” shall mean a geographical area of Chemung County which is entitled to elect a County Legislator;
- (j) “County Legislator” shall mean a person elected from a legislative district to represent it on the County Legislature;
- (k) “Administrative Code” shall mean the Chemung County Administrative Code and all amendments thereto.

ARTICLE II
LEGISLATIVE BRANCH

- Section 200. Termination of Board of Supervisors as now constituted.
- Section 201. County Legislature; Members; Qualification.
- Section 202. Term of Office.
- Section 203. Powers and Duties.
- Section 204. Chairman of County Legislature.
- Section 205. Vacancy.
- Section 206. Veto.
- Section 207. Local laws; Definitions; Power to Adopt, Amend and Repeal; Effect on Legislative Acts.
- Section 208. Form and Procedure.
- Section 209. Filing and Publication of Local Law; Judicial Notice.
- Section 210. Referendum.
- Section 211. Effective Date.
- Section 212. Ordinances.
- Section 213. Clerk of Legislature.

Section 200. Termination of Board of Supervisors as now constituted. The terms of Supervisors heretofore elected to the Chemung County Board of Supervisors, and those elected at the General Election of 1971 shall terminate on December 31, 1973.

Section 201. County Legislature; Members; Qualification.

1. Upon adoption of this Charter, the elective legislative body of Chemung County shall be the County Legislature of the County of Chemung.
2. Members. The County of Chemung shall be divided into districts to be known as legislative districts, from each of which shall be elected one(1) person to be a member of the County Legislature. Such persons while holding office shall be known as County Legislators.
3. The County Legislature shall be the governing body of Chemung County. It shall be the legislative, appropriating and policy-determining body of the County.
4. The County of Chemung shall be divided into such legislative districts as adopted and approved by the voters of Chemung County at the General Election on November 3, 1981, by Local Law which established fifteen(15) legislative districts with fifteen(15) Legislators in the County of Chemung, as follows (amended at the General Election held on November 8, 1994) (1990 district population numbers are given—former number given in parenthesis) :

LEGISLATIVE DISTRICT #1 – POPULATION 6,094 (6370)

All that tract or parcel of land in the County of Chemung described as follows;

All of the Town of Catlin and Town of Veteran.

LEGISLATIVE DISTRICT #2 – POPULATION 6,311 (6367)

All that tract of land in the County of Chemung, Town of Big Flats, described as follows:

Commencing at the northwest corner of the Town of Big Flats, which is the southwest corner of the Town of Catlin, running thence easterly along the northern boundary of the Town of Big Flats, which is the southern boundary of the Town of Catlin, to a point of intersection with the Barnes Hill Road in the Town of Big Flats;

Running thence southerly along the centerline of Barnes Hill Road to a point of intersection with the centerline of Sing Sing Road in the Town of Big Flats;

Running thence westerly along the centerline of Chambers Road to the point of intersection with the centerline of County Road 64 (also known as the Horseheads/Big Flats Road) in the Town of Big Flats;

Running thence southerly along the centerline of Chambers Road to the point of intersection with the centerline of County Road 64 (also known as the Horseheads/Big Flats Road) in the Town of Big Flats;

Running thence easterly along the centerline of County Road 64 (also known as the Horseheads/Big Flats Road) to the point of intersection with the eastern boundary of the Town of Big Flats;

Running thence southerly along the eastern boundary of the Town of Big Flats, which is also the western boundary of the Town of Horseheads and the Town of Elmira, to the point of intersection with the centerline of NYS Route 352 in the Town of Big Flats;

Running thence northwesterly along the centerline of NYS Route 352 to the point of intersection with the centerline of an extension of Bennett Road if the said Bennett Road were extended northerly from the road known as Far Rockaway Road in the Town of Big Flats;

Running thence southerly along the centerline of Bennett Road as extended to said centerline of NYS Route 352 to the point of intersection of said Bennett Road with the centerline of the road known as Far Rockaway Road in the Town of Big Flats;

Running thence southeasterly along the centerline of Far Rockaway Road to point of intersection with the centerline of Hendy Creek Road in the Town of Big Flats;

Running thence westerly and southerly along the centerline of Hendy Creek Road to the southern boundary of the Town of Big Flats, which is also the northern boundary of the Town of Southport.

Running thence westerly along the southern boundary of the Town of Big Flats and along the northern boundary of the Town of Southport to the southwest corner of the Town of Big Flats, which is also the northwest corner of the Town of Southport;

Running thence northerly along the western boundary of the Town of Big Flats, which is also the eastern boundary of Steuben County, to the point of beginning, which is the northwest corner of the Town of Big Flats.

LEGISLATIVE DISTRICT #3 – POPULATION 5,924 (6355)

All that tract or parcel; of land in the County of Chemung, Town of Horseheads, described as follows:

Commencing at the point of intersection of the centerline of Wygant Road with the centerline of County Road 5 (also known a Ridge Road), running thence easterly along the centerline of Wygant Road, which is also the northern boundary of the Village of Horseheads, to a point where said village boundary turns south;

Running thence southerly along the eastern boundary of the Village of Horseheads to the point of intersection with the centerline of NYS Route 17;

Running thence northwesterly and westerly along the centerline of NYS Route 17 as the same proceeds through the Village of Horseheads to the point of intersection with the Village of Horseheads western boundary;

Running thence northwesterly and westerly along the centerline of NYS Route 17 as the same proceeds through the Village of Horseheads to the point of intersection with the Village of Horseheads western boundary;

Running thence northerly along the Village of Horseheads western boundary as the same now exists, to the point of intersection wit the centerline of Sing Sing Road in the Town of Horseheads:

Running thence easterly along the northern boundary of the Village of Horseheads as the same now exists, to the point of beginning which is the point of intersection of the centerlines of Wygant Road and County Road 5 (also knows as Ridge Road) located in the Town of Horseheads.

LEGISLATIVE DISTRICT #4 – POPULATION 6105 (6140)

All that tract or parcel of land in the County of Chemung, Towns of Big Flats and Horseheads, described a follows:

Commencing at the point of intersection of the centerline of County Road 5 (also known as Ridge Road) and the northern boundary of the Town of Horseheads, which is also the southern boundary of the Town of Veteran, running thence westerly along the northern boundaries of the Town of Horseheads and Big Flats, which are also the southern boundaries of the towns of Veteran and Catlin, to their point of intersection with the centerline of Barnes Hill Road in the Town of Big Flats;

Running thence southerly along the centerline of Barnes Hill Road to the point of intersection with the centerline of Sing Sing Road in the Town of Big Flats;

Running thence westerly along the centerline of Sing Sing Road to the point of intersection with the centerline of Chambers Road in the Town of Big Flats;

Running thence southerly along the centerline of Chambers Road to the point of intersection with the centerline of County Road 64 (also known as the Horseheads/Big Flats Road) in the Town of Big Flats;

Running thence easterly along the centerline of County Road 64 (also known as the Horseheads/Big Flats Road) to the point of intersection with the western boundary of the Town of Horseheads and the eastern boundary of the Town of Big Flats;

Running thence southerly along the eastern boundary of the Town of Big Flats and the western boundary of the Town of Horseheads to the point of intersection with the southwest corner of the Town of Horseheads, being also the northwest corner of the Town of Elmira;

Running thence easterly along the southern boundary of the Town of Horseheads, which is also the northern boundary of the Town of Elmira, to the point of intersection with the western boundary of the Village of Elmira Heights;

Running thence northerly along the western boundary of the Village of Elmira Heights to the northwestern corner of the Village of Elmira Heights;

Running thence easterly along the northern boundary of the Village of Elmira Heights to the northeast corner of the Village of Elmira Heights to the northeast corner of the Village of Elmira Heights boundary, continuing then easterly as an extension of the northern boundary to the Village of Elmira Heights, as if the same were extended to the centerline of NYS Route 17;

Running thence northerly and northwesterly along the centerline of NYS Route 17 as the same proceeds through the Village of Horseheads to the point of intersection with the western boundary of the Village of Horseheads;

Running thence northerly along the Village of Horseheads western boundary to the point of intersection with the centerline of Sing Sing Road in the Town of Horseheads;

Running thence easterly along the northern boundary of the Village of Horseheads as the same now exists to the point of intersection with the centerline of County Road 5 (also known as Ridge Road) located in the Town of Horseheads;

Running thence northerly along the centerline of County Road 5 (also known as Ridge Road) to the point of beginning at the intersection of County Road 5 with the northern of the Town of Horseheads and the southern boundary of the Town of Veteran.

LEGISLATIVE DISTRICT #5 – POPULATION 6,334 (6254)

All that tract or parcel of land in the County of Chemung, Town of Horseheads and Town of Erin, described as follows:

Commencing at a point which is the northeast corner of the Town of Horseheads, which is also the southeast corner of the Town of Veteran, running thence westerly along the northern boundary of the Town of Horseheads, which is the southern boundary of the Town of Veteran, to its point of intersection with the centerline of County Route 5 (also known as Ridge Road) in the Town of Horseheads;

Running thence southerly along the centerline of County Route 5 (also known as Ridge Road) to the point of intersection with the northwestern corner of the Village of Horseheads boundary;

Running thence southerly along the eastern boundary of the village of Horseheads to the point of intersection with the centerline of NYS Route 17 in the Town of Horseheads;

Running thence easterly along the southern boundary of the Town of Horseheads, also being the northern boundary of the Town of Elmira, to a point in the southeast corner of the Town of Horseheads which is also the northeast corner of the Town of Elmira;

Running thence northerly along the eastern boundary of the Town of Horseheads, which is also the western boundary of the Town of Erin, to the point of intersection with the centerline of County Route 1 (also known as the Breesport/North Chemung Road) in the Town of Erin;

Running thence southeasterly along the centerline of County Route 1 (also known as the Breesport/North Chemung Road) to the point of intersection with the centerline of Rorick Hollow Road in the Town of Erin;

Running thence easterly and northerly along the centerline of Rorick Hollow Road to its point of intersection with the Langdon Hill Road where Rorick Hollow Road becomes Wheaton Road in the Town of Erin;

Running thence northeasterly and northerly along the centerline of Wheaton Road to the point of intersection with the centerline of County Route 37 also known as Fairview Road) in the Town of Erin;

Running thence easterly along the centerline of County Route 37 (also known as Fairview Road) to the point of intersection with the centerline of County Route 4 (also known as Marsh Road)

Running thence northerly along the centerline of County Route 4 (also known as Marsh Road) to the point of intersection with the centerline of NYS Route 223 (also known as the Erin/Breesport Road) in the Town of Erin;

Running thence northerly and northeasterly along the centerline of NYS 223 (this segment known as the Erin/VanEtten Road) to the point of intersection with the northeastern boundary of the Town of Erin, which is also a southwestern boundary of the Town of VanEtten;

Running thence northwesterly and westerly along the northern boundary of the Town of Erin, which is also the southeastern boundary of Schuyler County, to a point where the northern boundary of the Town of Erin intersects with the eastern boundary of the Town of Veteran;

Running thence southerly along the western boundary of the Town of Erin, which is also the eastern boundary of the Town of Erin, which is also the eastern boundary of the Town of Veteran, to the point of beginning which is the northeastern corner of the Town of Horseheads and the southeastern corner of the Town of Veteran.

LEGISLATIVE DISTRICT #6 – POPULATION 6,227 (6228)

All that tract or parcel of land in the County of Chemung in the Towns of Elmira, Chemung, Baldwin, Erin, and VanEtten described as follows:

Commencing at the northeast corner of the Town of Elmira, which is also the southeast corner of the Town of Horseheads, running thence westerly along the northern boundary of the Town of Elmira, which is the southern boundary of the Town of Horseheads, to the point of intersection with the centerline of NYS Route 17;

Running thence southerly along the centerline of NYS Route 17 to the point of intersection with the eastern boundary of the City of Elmira;

Running thence easterly and southeasterly along the eastern boundary of the City of Elmira to the point of intersection with the centerline of NYS Route 17;

Running thence southerly along the centerline of NYS Route 17 to the point of intersection with the centerline of an extension of Schuyler Avenue if the same were extended easterly from the City of Elmira to the centerline of NYS Route 17;

Running thence westerly along the said extension of Schuyler Avenue to a point in the Chemung River, which is the northern boundary of the Town of Ashland;

Running thence southerly and southeasterly along the northern boundary of the Town of Ashland, which is also the southern boundary of the Town of Elmira, to the point of intersection with the western boundary of the Town of Chemung;

Running thence southerly and easterly along the western boundary of the Town of Chemung, which is also the eastern boundary of the Town of Ashland, to the point of intersection with the southwestern corner of the Town of Chemung, this being also the northern boundary of the State of Pennsylvania;

Running thence easterly along the southern boundary of the Town of Chemung, which is also the northern boundary of the State of Pennsylvania, to the southeast corner of the Town of Chemung;

Running thence northerly along the eastern boundary of the Town of Chemung which is also the western boundary of the County of Tioga to the northeastern corner of the Town of Chemung, this being also the southeastern corner of the Town of Baldwin;

Running thence northerly from the southeastern corner of the Town of Baldwin along the eastern boundary of the Town of Baldwin, which is also the western boundary of the County of Tioga, to the northeast corner of the Town of Baldwin, this being also the southeast corner of the Town of VanEtten;

Running thence northerly and easterly along the western boundary of the Town of VanEtten, which is also the western boundary of the County of Tioga, to the northeast corner of the Town of VanEtten;

Running thence westerly along the northern boundary of the Town of VanEtten, which is also the southern boundary of the County of Tompkins, to the northwest corner of the Town of VanEtten;

Running thence southerly and southwesterly along the western boundary of the Town of VanEtten, which is also the southwestern boundary of the County of Schuyler, to the point of intersection with the northeastern boundary of the Town of Erin;

Running thence southeasterly along the western boundary of the Town of VanEtten, which is also the eastern boundary of the Town of Erin, to the point of intersection with the centerline of the NYS Route 223 (also known as the Erin/VanEtten Road) in the Town of Erin;

Running thence southwesterly and southerly along the centerline of NYS Route 223 (also known as the Erin/VanEtten Road) to the point of intersection with the centerline of County Route 4 (also known as the Marsh Road) in the Town of Erin;

Running thence southerly along the centerline of County Route 4 (also known as the Marsh Road) to the point of intersection with the centerline of County Route 37 (also known as Fairview Road) in the Town of Erin;

Running thence westerly along the centerline of County Route 37 (also known as Fairview Road) to the point of intersection with the centerline of Wheaton Road in the Town of Erin;

Running thence southerly and westerly along the centerline of Rorick Hollow Road to the point of intersection with the centerline of County Route 1 (also known as the Breesport/North Chemung Road) in the Town of Erin;

Running thence westerly and northerly along the centerline of County Route 1 (also known as the Breesport/North Chemung Road) to the point of intersection with the western boundary of the Town of Erin, which is also the eastern boundary of the Town of Horseheads;

Running thence southerly to the point of beginning which is the northeast corner of the Town of Elmira and the southeast corner of the Town of Horseheads.

LEGISLATIVE DISTRICT #7 – POPULATION 6,050 (6404)

All that tract or parcel of land in the County of Chemung in the Town of Elmira described as follows:

Commencing at a point on the northwestern corner of the Town of Elmira, which is also the southwestern corner of the Town of Horseheads, running thence southerly along the western boundary of the Town of Elmira, this being also the eastern boundary of the Town of Big Flats, to the point of intersection with the centerline of NYS Route 352 in the Town of Big Flats;

Running thence northwesterly along the centerline of NYS Route 352 to the point of intersection with the centerline of an extension of Bennett Road if the same were extended northerly from Far Rockaway Road in the Town of Big Flats;

Running thence southerly along said extension to its point of intersection with the centerline of Far Rockaway Road in the Town of Big Flats;

Running thence southwesterly along the centerline of Far Rockaway Road to the point of intersection with the centerline of Hendy Creek Road in the Town of Big Flats;

Running thence westerly and southerly along the centerline of Hendy Creek Road to its intersection with the southern boundary of the town of Big Flats, which is also the northern boundary of the Town of Southport;

Running thence easterly along the southern boundary of the Town of Big Flats, which is also the northern boundary of the Town of Southport, to the point of intersection with the southwestern corner of the Town of Elmira;

Running thence southerly and easterly along the centerline of the Chemung River, which is also the southern boundary of the Town of Elmira and the northern boundary of the Town of Southport, to the point of intersection with the western boundary of the City of Elmira;

Running thence northerly along the western boundary of the City of Elmira to the northwest corner of the City of Elmira;

Running thence easterly along the northern boundary of the City of Elmira to the point of intersection with the centerline of Davis Street, which is also known as Oakwood Avenue in the Village of Elmira Heights;

Running thence northerly along the centerline of Davis Street, which is also known as Oakwood Avenue in the Village of Elmira Heights, to the point of intersection with the southwestern boundary of the Village of Elmira Heights;

Running thence northerly and westerly along the western boundary of the Village of Elmira Heights to the point of intersection with the northern boundary of the Town of Elmira, which is also the southern boundary of the Town of Horseheads;

Running thence westerly along the northern boundary of the town of Elmira and the southern boundary of the Town of Horseheads to the point of beginning, which is the northwest corner of the Town of Elmira and the southwest corner of the Town of Horseheads.

LEGISLATIVE DISTRICT #8 – POPULATION 6,344

All that tract or parcel of land in the County of Chemung in the Village of Elmira Heights, City of Elmira, and Towns of Elmira and Horseheads described as follows:

Commencing at the point of intersection of the southern boundary of the Town of Horseheads, which is also the northern boundary of the Town of Elmira, with the western boundary of the Village of Elmira Heights

Running thence northerly along the western boundary of the Village of Elmira Heights to the northwest corner of the Village of Elmira Heights;

Running thence easterly along the northern boundary of the Village of Elmira Heights to the northeast corner of the Village of Elmira Heights, continuing then easterly as an extension of the northern boundary of the Village of Elmira Heights as if the same were extended to the centerline of NYS Route 17;

Running thence southerly along the centerline of NYS Route 17 to the point of intersection with the southern boundary of the Town of Horseheads, which is also the northern boundary of the Town of Elmira;

Running thence southerly along NYS Route 17 in the Town of Elmira to the point of intersection with an easterly extension of the northeast corner of the City of Elmira, if the same were extended due east from its northerly point of intersection with Newtown Creek located in the Town of Elmira;

Running thence westerly along said extension to the northeast corner of the City of Elmira;

Running thence westerly along the northern boundary of the City of Elmira to its point of intersection with the centerline of the abandoned Lehigh Valley right-of-way;

Running thence southwesterly along the centerline of the abandoned Lehigh Valley right-of-way to the point of intersection with the centerline of Clemens Center Parkway located in the City of Elmira;

Running thence southwesterly along the centerline of Clemens Center Parkway to its intersection with the centerline of Woodlawn Avenue located in the city of Elmira;

Running thence westerly along the centerline of Woodlawn Avenue to the point of intersection with the centerline of North Main Street located in the City of Elmira;

Running thence southerly along the centerline of Northern Main Street to the point of intersection with the centerline of Park Avenue located in the City of Elmira;

Running thence southwesterly along the centerline of Park Avenue to the point of intersection with the centerline of College Avenue located in the City of Elmira;

Running thence southerly along the centerline of College Avenue to the point of intersection with the centerline of Grant Street located in the City of Elmira;

Running thence westerly along the centerline of Grant Street to the point of intersection with the centerline of Davis Street located in the City of Elmira;

Running thence northerly along the centerline of Davis Street also known as Oakwood Avenue in the Village of Elmira Heights, to its intersection with the southern boundary of the Village of Elmira Heights;

Running thence westerly and northerly along the western boundary of the Village of Elmira Heights to the point of beginning, which is the intersection of the western boundary of the Village of Elmira Heights with the southern boundary of the Town of Horseheads and the northern boundary of the Town of Elmira.

LEGISLATIVE DISTRICT #9 – POPULATION 6,370

All that tract or parcel of land in the County of Chemung in the City of Elmira and the Town of Elmira described as follows:

Commencing at the point of intersection of the centerline of NYS Route 17 and the extension of the northeast corner the City of Elmira, if the same extended due east from its northerly point of intersection with Newtown Creek located in the Town of Elmira;

Running thence westerly along the said extension to the northeast corner of the City of Elmira;

Running thence westerly along the northern boundary of the City of Elmira to its point of intersection with the centerline of the abandoned Lehigh Valley right-of-way;

Running thence southwesterly along the centerline of the abandoned Lehigh Valley right-of-way to the point of intersection with the centerline of Clemens Center Parkway located in the city of Elmira;

Running thence southwesterly along the centerline of Clemens Center Parkway to its intersection with the centerline of Woodlawn Avenue located in the City of Elmira;

Running thence westerly along the centerline of Woodlawn Avenue to the point of intersection with the centerline of North Main Street located in the City of Elmira;

Running thence southerly along the centerline of North Main Street to the point of intersection with the centerline of Park Avenue located in the City of Elmira;

Running thence southwesterly along the centerline of Park Avenue to the point of intersection with the centerline of College Avenue located in the City of Elmira;

Running thence southerly along the centerline of College Avenue to the point of intersection with the centerline of Grant Street located in the City of Elmira;

Running thence westerly along the centerline of Grant Street to the point of intersection with the centerline of Davis Street located in the city of Elmira;

Running thence southwesterly along the northern boundary of the City of Elmira to the northwest corner of the City of Elmira;

Running thence southerly along the western boundary of the City of Elmira to the point of intersection with the centerline of Hillcrest Road located in the City of Elmira;

Running thence easterly along the centerline of Hillcrest Road to the point of intersection with the centerline of Hoffman Street in the City of Elmira;

Running thence southerly on Hoffman Street to the point of intersection with the centerline of Hart Street in the City of Elmira;

Running thence easterly along the centerline of Hart Street to the point of intersection with the centerline of Walnut Street in the City of Elmira;

Running thence southerly along the centerline of Walnut Street to the point of intersection with the centerline of Roe Avenue located in the City of Elmira;

Running thence easterly along the centerline of Roe Avenue to the point of intersection with the centerline of Davis Street located in the City of Elmira;

Running thence southerly along the centerline of Davis Street to the point of intersection with the centerline of Washington Avenue located in the City of Elmira;

Running thence easterly along the centerline of Washington Avenue to the point of intersection with the centerline of the Conrail right-of-way located in the City of Elmira;

Running thence southerly along the centerline of the Conrail right-of-way to the point of intersection with the centerline of East Fifth Street located in the City of Elmira;

Running thence easterly the centerline of East Fifth Street to the point of intersection with the centerline of Madison Avenue located in the City of Elmira;

Running thence southerly along the centerline of Madison Avenue to the point of intersection with the centerline of East Clinton Street located in the City of Elmira;

Running thence easterly along the centerline of East Clinton Street to the point of intersection with the centerline of High Street located in the City of Elmira;

Running thence southerly along the centerline of High Street to its point of intersection with the centerline of Church Street located in the City of Elmira;

Running thence easterly along the centerline of Church Street to the point of intersection with the eastern boundary of the City of Elmira;

Running thence northerly and westerly along the eastern boundary of the City of Elmira to the point of intersection with the centerline of NYS Route 17;

Running thence northerly along the centerline of NYS Route 17 to the point of beginning which is an extension of the northeast corner of the City of Elmira if the same were extended due east from the northern junction of Newtown Creek in the Town of Elmira.

LEGISLATIVE DISTRICT #10 – POPULATION 6,371 (6625)

All that tract or parcel of land in the County of Chemung in the City of Elmira described as follows:

Commencing at the point of intersection of the centerline of Walnut Street and Hart Street in the City of Elmira, running thence westerly along the centerline of Hart Street to its point of intersection with the centerline of Hoffman Street located in the City of Elmira;

Running northerly along the centerline of Hoffman Street to the point of intersection with the centerline of Hillcrest Road in the City of Elmira;

Running thence westerly along the centerline of Hillcrest Road to the point of intersection with the western boundary of the City of Elmira;

Running southerly along the western boundary of the City of Elmira to the point of intersection with the centerline of West Second Street;

Running thence easterly along the centerline of West Second Street to its point of intersection with the centerline of Davis Street located in the City of Elmira;

Running thence northerly along the centerline of Davis Street to the point of intersection with the centerline of West Third Street located in the City of Elmira;

Running thence easterly along the centerline of West Third Street to the point of intersection with the centerline of Columbia Street located in the City of Elmira;

Running thence northerly along the centerline of Columbia Street to the point of intersection with the centerline of West Clinton Street located in the City of Elmira;

Running thence easterly along the centerline of West Clinton Street and continuing easterly as if the same were extended to the point of intersection with the centerline of the Conrail right-of-way;

Running thence northerly along the centerline of Conrail right-of-way to the point of intersection with the centerline of Washington Avenue in the City of Elmira;

Running thence westerly along the centerline of Washington Avenue to the point of intersection with the centerline of Davis Street located in the City of Elmira;

Running thence northerly along the centerline of David Street to the point of intersection with the centerline of Roe Avenue located in the City of Elmira;

Running thence westerly along the centerline of Roe Avenue to the point of intersection with the centerline of Walnut Street located in the City of Elmira;

Running thence northerly along the centerline of Walnut Street to the point of beginning which is the intersection of centerlines of Walnut Street and Hart Street in the City of Elmira.

LEGISLATIVE DISTRICT #11 – POPULATION 5,931 (6167)

All that tract or parcel of land in the County of Chemung in the City of Elmira described as follows:

Commencing at the point of intersection of the western boundary of the City of Elmira with the centerline of the Chemung River, running thence northerly along the western boundary of the City of Elmira to the point of intersection with the centerline of West Second Street in the City of Elmira;

Running thence easterly along the centerline of West Second Street to the point of intersection with the centerline of Davis Street in the City of Elmira;

Running thence northerly along the centerline of Davis Street to the point of intersection with the centerline of West Third Street in the City of Elmira;

Running thence easterly along the centerline of West Third Street to the point of intersection with the centerline of Columbia Street in the City of Elmira;

Running thence northerly along the centerline of Columbia Street to the point of intersection with the centerline of West Clinton Street in the City of Elmira;

Running thence easterly along the centerline of West Clinton Street and continuing easterly as if the same were extended to the point of intersection with the centerline of the Conrail right-of-way in the City of Elmira;

Running thence northerly along the centerline of the Conrail right-of-way to the point of intersection with the centerline of East Fifth Street in the City of Elmira;

Running thence easterly along the centerline of East Fifth Street to the point of intersection with the centerline of Madison Avenue in the City of Elmira;

Running thence southerly along the centerline of Madison Avenue to the point of intersection with the centerline of East Clinton Street in the City of Elmira;

Running thence easterly along the centerline of East Clinton Street to the point of intersection with the centerline of High Street in the City of Elmira;

Running thence southerly along the centerline of East Fifth Street to the point of intersection with the centerline of East Clinton Street in the City of Elmira;

Running thence easterly along the centerline of East Clinton Street to the point of intersection with the centerline of High Street in the City of Elmira;

Running thence southerly along the centerline of High Street to the point of intersection with the centerline of East Church Street in the City of Elmira;

Running thence easterly along the centerline of East Church Street to the point of intersection with the centerline of NYS Route 17;

Running thence southerly along the centerline of NYS Route 17 to the point of intersection with an extension of the east-west centerline of the Chemung River if the same were intended to intersect with the centerline of NYS Route 17;

Running thence westerly along the said extension and the centerline of the Chemung River as it runs through the City of Elmira, to the point of Beginning, which is the point of intersection of the centerline of the Chemung River with the western boundary of the City of Elmira.

LEGISLATIVE DISTRICT #12 – POPULATION 6149 (6348)

All that tract or parcel of land in the County of Chemung in the City of Elmira described as follows:

Commencing at the point of intersection of the centerline of the Chemung River, with the centerline of South Main Street in the City of Elmira, and running thence southerly along the centerline of Pennsylvania Avenue in the City of Elmira;

Running thence southwesterly along the centerline of Pennsylvania Avenue to the point of intersection with the southern boundary of the City of Elmira;

Running thence westerly along the southern boundary of the City of Elmira to the southwest corner of the City of Elmira;

Running thence northerly along the western boundary of the City of Elmira to its point of intersection with the centerline of the Chemung River;

Running thence easterly along the centerline of the Chemung River to the point of beginning, which is the intersection of the centerline of the Chemung River with the centerline of South Main Street in the City of Elmira.

LEGISLATIVE DISTRICT #13 – POPULATION 5,931 (6425)

All that tract or parcel of land in the County of Chemung in the Town of Southport and City of Elmira described as follows:

Commencing at the point of intersection of the centerline of the Chemung River with the centerline of South Main Street, and running thence southerly along the centerline of South Main Street to the point of intersection with the centerline of Pennsylvania Avenue in the City of Elmira;

Running thence southwesterly along the centerline of Pennsylvania Avenue to the point of intersection with the southern boundary of the City of Elmira;

Running thence easterly along the southern boundary of the City of Elmira to a point where the southern boundary of the City of Elmira runs northerly;

Running thence northerly along the eastern boundary of the City of Elmira to the point of intersection with the centerline of Schuyler Avenue in the Town of Southport;

Running thence easterly along the centerline of Schuyler Avenue to its point of ending with the Chemung River dike, thence continuing easterly as an extension to the centerline of Schuyler Avenue if the same were extended to the centerline of NYS Route 17;

Running thence northerly from the said extension of Schuyler Avenue and the centerline of NYS Route 17 to the point of intersection with the southern boundary of the City of Elmira;

Running thence northerly along the eastern boundary of the City of Elmira to the point of intersection with an extension of the east-west centerline of the Chemung River if the same were intended to intersect with the centerline of NYS Route 17;

Running thence westerly along the said extension of the centerline of the Chemung River and centerline of the Chemung River to the point of beginning at the centerline of South Main Street in the City of Elmira.

LEGISLATIVE DISTRICT #14 – POPULATION 6,240 (6722)

All that tract or parcel of land in the County of Chemung in the Town of Southport described as follows:

Commencing at the northwest corner of the Town of Southport, which is also the southwest corner of the Town of Big Flats, running thence easterly along the northern boundary of the Town of Southport, also being the southern boundary of the Town of Big Flats, to the point of intersection with the southwestern corner of the Town of Elmira;

Running thence easterly along the southern boundary of the Town of Elmira, which is also the centerline of the Chemung River, to the point of intersection with the western boundary of the City of Elmira;

Running thence southerly along the western boundary of the City of Elmira to the point of intersection with the centerline of Thompson Street in the Town of Southport;

Running thence westerly along the centerline of Thompson Street to the point of intersection with the centerline of Cedar Street in the Town of Southport;

Running thence southerly along the centerline of Cedar Street to the point of intersection with the centerline of Pennsylvania Avenue in the Town of Southport;

Running thence southwesterly along the centerline of Pennsylvania Avenue to the point of intersection with the centerline of NYS Route 14 in the Town of Southport;

Running thence southerly along the centerline of NYS Route 14 to the point of intersection with the eastern boundary of the Town of Southport, which is also the western boundary of the Town of Ashland;

Running thence southeasterly along the eastern boundary of the Town of Southport, which is also the western boundary of the Town of Ashland, to the point in the southeast corner of the Town of Southport and the southwest center of the Town of Ashland, being also the northern boundary of the State of Pennsylvania;

Running thence westerly along the southern boundary of the Town of Southport, which is also the northern boundary of the State of Pennsylvania, to the point in the southwestern corner of the Town of Southport, being also southeastern corner of the County of Steuben;

Running thence northerly along the western boundary of the Town of Southport, which is also the eastern boundary of the County of Steuben, to the point of beginning, which is a point in the northwest corner of the Town of Southport, being also the southwest corner of the Town of Big Flats.

LEGISLATIVE DISTRICT #15 – POPULATION 6134 (6408)

All that tract or parcel of land in the County of Chemung in the Towns of Ashland and Southport described as follows:

Commencing at the point of intersection of the western boundary of the City of Elmira with the centerline of Thompson Street, running thence westerly along the centerline of Thompson Street to the point of intersection with the centerline of Cedar Street in the Town of Southport;

Running thence southerly along the centerline of Cedar Street to the point of intersection with the centerline of Pennsylvania Avenue in the Town of Southport;

Running thence southwesterly along the centerline of Pennsylvania Avenue to the point of intersection with the centerline of NYS Route 14 in the Town of Southport;

Running thence southerly along the centerline of NYS Route 14 to the point of intersection with the eastern boundary of the Town of Southport, which is also the western boundary of the Town of Ashland;

Running thence easterly along the eastern boundary of the Town of Ashland, which is also the northern boundary of the State of Pennsylvania, to the southeastern corner of the Town of Ashland, being also the southwestern corner of the Town of Chemung;

Running thence northerly along the eastern boundary of the Town of Ashland which is also the southern boundary of the Town of Chemung, to the point of intersection with the southern boundary of the Town of Elmira;

Running thence westerly along the northern boundary of the Town of Ashland, which is also the southern boundary of the Town of Elmira, to a point where the same intersects the centerline of the Chemung River;

Running thence northerly along the centerline of the Chemung River, which is also the eastern boundary of the Town of Ashland and the western boundary of the Town of Elmira, to the point of intersection of an extension of the centerline of Schuyler Avenue if the same were extended from the City of Elmira to the centerline of NYS Route 17;

Running thence southwesterly along said extension of Schuyler Avenue and the centerline of Schuyler Avenue in the Town of Southport to the point of intersection with the eastern boundary of the City of Elmira;

Running thence southerly along the eastern boundary of the City of Elmira to a point where it turns westward;

Running thence westerly along the southern boundary of the City of Elmira to the southwest corner of the City of Elmira;

Running thence northerly to the point of beginning, which is the intersection of the western boundary of the City of Elmira with the centerline of Thompson Street in the Town of Southport.

5. Each County Legislator shall be a resident elector of the district he represents at the time of his nomination and election throughout his term of office. He shall also be a resident elector of the district he represents if he is appointed to fill a vacancy and throughout that term of office. No mayors of cities or villages, supervisors of towns, or members of the legislative body of cities, towns or villages who reside in the County shall be eligible to be elected as members of the County Legislative body.
6. After each Federal decennial census, including that of 1970, the Clerk of the County Legislature shall determine the results of said census, publicly announce each results, and file same with the County Legislature. The County Legislature shall thereupon reconsider its representation, and, if necessary, redraw legislative district boundaries. Any amendment to the Charter reapportioning representation on the County Legislative shall be submitted to the electorate of Chemung County not later than the General Election next succeeding the year in which the results of any Federal decennial census are announced.

Section 202. Term of Office. The term of office of the members of the County Legislature shall be for four(4) years, and shall begin on the first day of January immediately succeeding their election.

Section 203. Powers and Duties. The County Legislature 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 the County Legislature by applicable law, and any and all powers and duties as are provided for in this Charter. In addition to all powers conferred or imposed on the County Legislature by applicable law, and any and all powers and duties as are provided for in this Charter. In addition to all powers conferred by the foregoing of other provisions of this Charter, the County Legislature shall have the power among others:

- (a) to make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital program
- (b) to make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital program
- (c) to exercise all powers of local legislation in relation to enacting, amending, or rescinding local laws, legalizing acts, ordinances, or resolutions;
- (d) by local law to adopt, amend or repeal an Administrative Code which shall set forth the details of administration of the County Government consistent with the provisions of this Charter and which

Administrative Code may contain revisions, simplification, consolidations, modifications and restatements of special laws, ordinances, resolutions, rules and regulations consistent with this Charter or amendments thereto;

- (e) by local law to create, alter, combine or abolish County administrative units not headed by elective officials;
- (f) to adopt by resolution all necessary rules and regulations for its own conduct and procedure;
- (g) subject to the construction 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 employees, and grant to the employing officer or board the power to stagger working hours;
- (h) to fix compensation of all officers and employees paid from County funds except members of the judiciary and of such other officers and employees when specifically authorized by statute;
- (i) to fix the amount of official bonds and undertakings of officers and employees paid from County funds;
- (j) 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;
- (k) to legalize and validate any act had and taken in connection with a lawful municipal purpose or for a lawful municipal object or purpose by the governing board or other local body, officer, or agency of a municipality, wholly within the County, in the manner provided by Section 227 of the County Law;
- (l) 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;
- (m) 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 transition to this Charter form of Government

(n) to establish the County Equalization Rate for the City of Elmira and each town as provided by the Real Property Tax Law and;

(o) to award all contracts for professional services.

Section 204. Chairman of the County Legislature. The County Legislature shall elect one of their members to be Chairman for a term for which the members of the County Legislature were elected. Said chairman shall preside over all meetings of the County Legislature and shall have all the powers and perform all the duties prescribed by applicable statutes, local laws or resolution heretofore and hereafter adopted until the same shall be amended or repealed.

Section 205. Vacancy. A vacancy occurring in the County Legislature, otherwise than by expiration of term, shall be filled by a vote of majority of the members thereof who shall appoint a qualified person to fill the vacancy having the same political affiliation as the person elected to that office. The term of such person so appointed shall be until the commencement of the calendar year next succeeding the first General Election after the happening of the vacancy. If the vacancy occurs after September 20th of any year, then the term of such person shall be until the commencement of the second calendar year next succeeding the first General Election after the happening of the vacancy. Such appointee shall be a resident elector of the district he represents at the time of his appointment and throughout his term of office.

Section 206. Veto. Except as otherwise provided in this Charter and Administrative Code, the County Executive shall have power, within fifteen(15) days after its passage to veto the budget and local laws only passed by County Legislature.

A copy of such legislation shall immediately after its passage be separately certified by the Clerk of the County Legislature and filed by the Clerk with the County Executive within five(5) days after its passage. If the County Executive approves it, he shall sign it and return it to the Clerk, and the legislation shall thereupon take effect. If he vetoes it, he shall return it to the Clerk with his objections stated in writing, and the Clerk shall present the same with such objections to the County Legislature at its next regular or special meeting, called for that purpose, and such objections shall be entered in its journal. The County Legislature, within forty-five(45) days after its return to the Clerk, may by a three-fifths vote of the whole number of its members, over-ride such veto. Only one vote shall be had to over-ride such veto, which shall be taken by roll call and entered in the journal. If any such legislation shall not be returned by the County Executive within fifteen(15) days after it shall have been presented to him, or if it shall be returned within such period without the County Executive approval or veto, it shall be deemed to be adopted with like effect as if he had approved and signed it.

Section 207. Local Laws; Definition; Power to Adopt; Amend and Repeal; Effect on Legislative Acts. A local law is a law adopted pursuant to this Charter within the power granted by the State Constitution, act of the Legislature or provision of this Charter, and shall not include a resolution, ordinance, or legalizing act.

The County Legislature may adopt, amend, or repeal a local law. A local law shall be passed by not less than a majority of the whole number of members of the County Legislature, and may relate to property, affairs and 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 4 of the Municipal Home Rule 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 or repeal local laws granted by any provisions of general laws, special laws, charter, special acts or local laws. The provisions of Article 3 of the Municipal Home Rule Law are hereby made applicable except as the same may be inconsistent with any provisions of this Charter.

Section 208. Form and Procedure. Every local law shall be entitled “Local Law No. ____ of the Year ____” (amending, etc., or otherwise as the same case may be). If a local law amends a specific State statute or specific local law, the matter to be eliminated shall be enclosed in brackets or parentheses and the matter underscored or italicized.

Except as may otherwise be provided in this Charter, the procedure for the adoption of a local law; including referendum, mandatory or permissive, shall be as provided in Articles 3 and 4 of the Municipal Home Rule Law.

Section 209. Filing and Publication of Local Laws; Judicial Notice. The filing and publication of local laws shall take by Section 27 of the Municipal Home Rule Law and the court shall take judicial notice of all local laws and/or rules and regulations adopted pursuant thereto.

That the Chemung County Charter be and hereby is amended by the addition to Article 11, Section 209, the following to wit;

Notwithstanding any other provision herein or any other general laws relative to publication of local laws, the Clerk of the Legislature, within ten(10) days after approval of a local law, shall cause to be published in the official newspapers of the Chemung County Legislature a notice of adoption of a local law. The notice of adoption of a local law shall be published once and shall contain a synopsis of the law, and notice that the full text of the law may be examined at the Office of the Clerk of the Legislature during normal business hours.

Section 210. Referendum. A local law shall be subject to mandatory or permissive referendum when required by this Charter or applicable law. Where no mandatory or permissive referendum is so required, the County Legislature may nevertheless provide in a local law that a referendum shall be had or that it shall be subject to permissive referendum.

Section 211. Effective Date. After adoption, every local law shall become effective when filed in the office of the Secretary of the State of New York, or on such later date as may be provided in said local law.

Section 212. Ordinances. Ordinances may be adopted by the County Legislature 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 County Legislature.

Such ordinance may provide for its enforcement by legal or equitable proceedings in a court or competent jurisdiction; may prescribe that violations thereof shall constitute offenses or misdemeanors; and may provide for punishment of violations by civil penalty or by fine or imprisonment or two or more such penalties or punishments. Ordinances and their application, including particular subjects and form, may be further provided in the Administrative Code.

Section 213. Clerk of the Legislature; Term; Duties.

1. The Chairman of the County Legislature shall appoint a clerk who shall serve during the pleasure of the Chairman of the County Legislature, and until his successor is appointed and had qualified.

2. The clerk shall keep a record of all acts and proceedings of the County Legislature, and be the custodian of the records, vouchers and other papers required or authorized by law to be deposited in his office. He shall have custody of all policies of insurance of all types carried on the corporate property of the County, and shall keep a record properly indexed showing the property, name of insurance carrier amount of insurance, and date of expiration of all policies. He shall perform such additional and related duties as may be prescribed by law and directed by the County Legislature.

ARTICLE III
EXECUTIVE BRANCH

- Section 301. County Executive; Appointed Executive; Term; Elective County Executive; Term.
- Section 302. Powers and Duties.
- Section 303. Removal of County Executive.
- Section 304. Deputy County Executive; Appointment; Duties.
- Section 305. Acting County Executive; How Designated; When to Act; Appointment; Duties.
- Section 306. Division of Budget and Research; Director; Appointment; Powers and Duties.
- Section 307. Division of Purchase; Director; Appointment; Duties.
- Section 308. Division of Central Services; Director; Appointment; Duties.
- Section 309. Administrative Heads; Interim Appointments; Appointment of other Officers and Employees.
- Section 310. Confirmation by County Legislature.

Section 301. County Executive; Appointed Executive; Term; Elective County Executive; Term. The Executive Branch of the County Government shall be administered by the County Executive.

The Board of Supervisors shall, prior to January 1, 1974, appoint a qualified elector of the County to fill the office of County Executive as appointive Executive from January 1, 1974, through December 31, 1974. This paragraph shall take effect upon approval of the County Charter at the 1973 General Election.

An elective County Executive shall be elected at large at the General Election in November, 1974, and shall serve for a four(4) year term. He shall thereafter be elected every fourth year thereafter. This paragraph shall take effect January 1, 1974, upon approval of the County Charter at the 1973 General Election.

No elective or appointive official of any town, village, city, county of any other municipality shall be eligible to hold office of County Executive.

Section 302. Powers and Duties. The County Executive in addition to any other powers and duties provided by this Charter, shall:

- (a) be the Chief Executive Officer and administrative head of the County Government;
- (b) supervise and direct the internal organization and reorganization of each department or other administrative unit, the head of which he has the power to appoint;

- (c) be the Chief Budget Officer of the County and be responsible for preparation of the operating and capital budgets of the County;
- (d) determine and fix real property tax equalization rates among the various taxing districts of the County for County purposes and file the same with the County Legislature on or before the first day of November in each year. If the County Legislature fails to act, by a majority vote of the whole number of its members, upon these rates by the 20th day of November, the determination by the Executive of the tax equalization rates shall be final. The said rates shall be subject to confirmation and revision by the County Legislature, and the County Executive shall have no veto power over the final determination by the County Legislature;
- (e) have authority to appoint and terminate one or more temporary advisory boards or committees of citizens of the County who shall, without compensation other than such necessary expenses as may be provided in the budget, advise in the consideration of County administrative policies and programs;
- (f) designate one or more depositories located within the County for the deposit of all monies received by the County Treasurer, and determine what funds may be vested and in what securities, according to law;
- (g) examine and approve or disapprove the sufficiency of sureties on official bonds and undertakings of the Directors of the Division of Budget and Research, Division of Purchases, and Division of Central Services. The sufficiency of sureties of all other official bonds and undertakings shall be examined and approved or disapproved by the County Legislature;
- (h) report to County Legislature annually at the close of the fiscal year or as soon thereafter as practicable, but in no event later than the first day of March, and at such other times as the County Legislature shall direct, the activities of the several administrative units of the County during the preceding fiscal year, in such detail as the County Legislature shall direct;
- (i) appoint a member of the County Legislature to serve as Chairman of such board, (1) for the remainder of the calendar year, in case the County Legislature has failed to select a Chairman on or before February first, or (2) for the unexpired term of the previous Chairman, in case the County Legislature has failed to select a Chairman within thirty(30) days after a vacancy has occurred in the office of the Chairman;
- (j) to administer the workmen's compensation programs as now provided by local law and the laws of the State of New York applicable thereto;

- (k) perform such other duties and have such other powers as may be prescribed for him by law; and
- (l) have all necessary incidental powers to perform and exercise any of the duties and functions specified above or lawfully delegated to him.

Section 303. Removal of County Executive. The County Executive may be removed by the Governor in the manner provided in the Public Officers Law for the removal of County Officers.

Section 304. Deputy County Executive; Appointment; Duties. The County Executive may appoint a Deputy County Executive subject to confirmation by the County Legislature by majority vote who shall hold office at the pleasure of the County Executive. The Deputy County Executive shall perform such duties not inconsistent with this Charter and Administrative Code as shall be assigned to him by the County Executive; he shall also perform the duties of the County Executive during the latter's temporary inability to perform by reason of absence from the County or disability.

Section 305. Acting County Executive; How Designated; When to Act. The County Executive shall, within ten(10) days upon taking office, designate in writing one or more appointive department or executive division heads to perform such duties of the County Executive as hereinafter provided. Such appointment, with order of succession specified, shall be filed with the Clerk of the County Legislature and any such designation may be revoked at any time by the County Executive filing a new designation with the Clerk of the County Legislature.

The Acting County Executive shall perform the duties of the County Executive: (1) if a Deputy County Executive has not been appointed pursuant to Section 304 herein and the County Executive is unable to perform his duties by reason of absence from the County or disability; or (2) if a Deputy County Executive has been appointed pursuant to Section 304 herein and both the County Executive and Deputy County Executive are unable to perform their duties by reason of absence from the County or disability.

In the event that no Acting County Executive has been designated, the County Legislature shall designate an appointive department or executive division head to perform the duties of the office of the County Executive as provided hereinabove.

Section 306. Division of Budget and Research; Director; Appointment; Powers and Duties. There shall be in the office of the County Executive a Division of Budget and Research, headed by one (1) Director, who shall be appointed by and serve at the pleasure of the County Executive.

The Director shall:

- (a) assist the County Executive in the preparation and administration of the operating and capital budgets, the capital program, and the study of administrative efficiency; and
- (b) initiate such studies as the County Executive, the County Legislature, or he himself may deem necessary, except that any such studies shall have some bearing or relation to County Government.

Section 307. Division of Purchase; Director; Appointment; Powers and Duties. There shall be in the office of the County Executive a Division of Purchase, headed by a Director who shall be appointed by and serve at the pleasure of the County Executive.

The Director shall:

- (a) in accordance with requirements for advertising and competitive bidding, make all purchases and sales of materials, supplies and equipment, and contracts for the rental or servicing of equipment for the County;
- (b) approve and execute certain contracts as shall be prescribed in the administrative Code; and
- (c) establish and enforce suitable specifications and standards for all supplies, material and equipment to be purchased for the County.

Section 308. Division of Central Services; Director; Appointment; Powers and Duties. There shall be in the office of the County Executive a Division of Central Services, headed by a Director who shall be appointed by and serve at the pleasure of the County Executive.

The Director shall:

- (a) have such duties as prescribed in the Administrative Code and by the County Executive or County Legislature;
- (b) supervise the County Sealer of Weights and Measures;
- (c) supervise mailing and data processing; and
- (d) make available a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices.

Section 309. Administrative Heads; Interim Appointment; Appointment of Other Officers and Employees. Except as otherwise provided in this Charter, the County Executive shall appoint, to serve during his pleasure, or for such term as may be specified in this Charter, the head of every department or other administrative unit not administered by an elective official. The appointment by the County Executive of the head of each department or other administrative unit shall be subject to confirmation by the County Legislature, except for the Division of Budget and Research, Division of Purchase, and Division of Central Services.

All appointments shall be in writing, signed by the County Executive, and filed in the office of the Clerk of the County Legislature and the County Clerk within then(10) days after the date of appointment. No such appointee shall hold office beyond the term of the County Executive by whom the appointment was made, except that unless removed, he shall continue to serve until his successor is appointed and had qualified, or until an interim appointment is made, unless otherwise provided in this Charter.

Upon confirmation by the County Legislature and qualifying for the office, an appointee to the position of the head of a department or other administrative unit shall enter upon the duties thereof.

In the event that the County Legislature has neither confirmed nor rejected by majority of the whole number of members of the County Legislature an appointment by the next regular meeting occurring more than fifteen(15) days after the filing of appointment with the Clerk of the County Legislature, such appointment shall be deemed to be confirmed.

Awaiting action by the County Legislature, the County Executive may designate a qualified person to serve as such head.

All other officers and employees of each department or other administrative unit shall be appointed by the head thereof, unless otherwise provided by this Charter.

- (a) the County Executive may appoint one head for two or more departments or other administrative units subject to all requirements as to qualifications, or may himself so serve.

Section 310. Confirmation by County Legislature. Confirmation of appointment, when required, shall be made affirmative vote of a majority of the whole number of members of the County Legislature taken at a regular or special meeting.

ARTICLE IV
DEPARTMENT OF FINANCE

Section 401. Department of Finance; County Treasurer; Elections; Qualifications.

Section 402. Powers and Duties.

Section 403. Deputies.

Section 401. Department of Finance; County Treasurer; Elections; Qualifications.
There shall be a Department of Finance, headed by a County Treasurer who shall be elected from the County at large. His term of office shall be for three(3) years beginning with the first day of January immediately succeeding his election except that the provisions of this section with respect to such election shall not take effect until the General Election of 1974, at which time the County Treasurer shall be elected for a three(3) year term to commence on January 1, 1975, and every County Treasurer thereafter shall have a term of three(3) years.

Section 402. Powers and Duties. The County Treasurer shall:

- (a) be the chief fiscal officer of the County and have charge of the administration of all its financial affairs;
- (b) collect, receive, have custody of, deposit, invest, and disburse all fees, revenues and other funds of the County or for which the County is responsible;
- (c) submit to the County Legislature annually on or before the first day of April, and at such other times as such Legislature may require a complete financial statement containing a general balance sheet for the County;
- (d) perform all the duties including, but not limited to, the collection of taxes required by any law to be performed by a County Treasurer;
- (e) perform all duties in relation to the extension of taxes and such other related duties in connection therewith as shall be prescribed by the County Executive or County Legislature;
- (f) perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature;
- (g) shall have all the powers and duties conferred upon a public administrator pursuant to the Surrogate's Court Act of the State of New York except that any fees received in the performance of such duties shall be the property of the County of Chemung;
- (h) be the chief accounting and auditing officer of the County;
- (i) keep records of appropriations, encumbrances and expenditures and prescribe approved methods of accounting for County Officers and administrative units;
- (j) examine all requisitions for the encumbering of funds for the expenditures for which the County is responsible, and certify as to the availability of funds therefore;
- (k) annually, and at such times as he may deem appropriate, and at such other times as directed by the County Executive or County Legislature, audit the financial records and accounts of all officers and employees charged with any duty relating to County funds or funds for which the County is responsible;
- (l) procure statements from all depositories of County funds and funds for which the County is responsible and reconcile such statements with County accounts;

- (m) submit to the County Legislature and County Executive reports in such form and detail and at such time as may be prescribed by the County Legislature or County Executive; and
- (n) perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature.

Section 403. Deputies. The County Treasurer shall appoint such Deputies as may be authorized by the County Legislature. All Deputies shall serve at the pleasure of the County Treasurer.

ARTICLE V FINANCIAL PROCEDURES

- Section 501. Fiscal Year.
- Section 502. Preparation of Proposed Budget and Capital Program.
- Section 503. Proposed Budget and capital Program by County Executive.
- Section 504. Budget Message.
- Section 505. Review of Proposed Budget; Capital Program and Message.
- Section 506. Public Hearing.
- Section 507. Adoption of Budget
- Section 508. Levy of Taxes; Inclusion of Reserve for Uncollected Taxes.
- Section 509. Appropriations; Supplemental and Emergency.
- Section 510. Appropriations; Reduction and Transfer after Budget Adoption.
- Section 511. Certain Obligations and Payments Prohibited.
- Section 512. Performance of Acts; Scheduling.

Section 501. 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 502. Preparation of Proposed Budget and Capital Program. The Director of the Division of Budget and Research shall prepare a proposed budget and capital program for submission to the County Executive in such manner and form as shall be prescribed by this Charter.

Section 503. Proposed Budget and Capital Program by County Executive. The County Executive shall submit to the Clerk of the County Legislature, on or before the 10th day of November of each year, for consideration by such board, a proposed budget for the ensuing fiscal year and a capital program for the next six(6) fiscal years.

Upon its submission, the proposed budget and capital program and budget message, hereinafter provided, shall become a public record in the office of the Clerk of the County Legislature, 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 for the County budget of the ensuing fiscal year.

Section 504. 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 the County Legislature may be resolution required. 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 505. Review of Proposed Budget; Capital Program and Message. The County Legislature or a committee designated by that body shall review the proposed budget, the capital program and the budget message as submitted by the County Executive and shall, not later than the 25th day of November, file with the Clerk of the

County Legislature its report, including any recommendations proposed therein. Such report shall become a public record in the office of the Clerk of the County Legislature and copies thereof shall be made available by such Clerk for distribution.

Section 506. Public Hearing. Not later than the 20th day of November, the Clerk of the County Legislature shall cause to be published in the official newspaper and such other newspapers as may be designated by the County Legislature, a notice of the place and time, not less than seven(7) days after such publication nor later than the 1st day of December, at which time the County Legislature will hold a public hearing on the proposed budget, the capital program, the budget message submitted by the County Executive, and any report, if submitted, by the County Legislature or a committee designated by that body.

Section 507. Adoption of Budget.

- (a) After the conclusion of the public hearing, the County Legislature 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. It may change items in such budget, provided that such changes are stated separately and distinctly.
- (b) If the budget, as submitted by the County Executive, is adopted by resolution of the County Legislature with no changes, 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 County Legislature contains any changes, the same shall be presented by the Clerk of the County Legislature to the County Executive not later than the 7th day December for his examination and consideration. If the County Executive approves all the changes, he shall affix his signature to a statement to the Clerk of the County Legislature, and the budget, including the changes as part thereof, shall then be deemed to be adopted.
- (c) If the budget, with any changes, is not returned by the County Executive to the Clerk of the County Legislature with his objections on or before the 9th day of December, it shall be deemed adopted.
- (d) If the County Executive objects to any one or more of the changes, he shall append to the budget a statement of the changes to which he objects, setting forth his reasons therefore, and shall, not later than the 9th day of December, return the budget with his objections to the Clerk of the County Legislature, who shall present the same to the County Legislature at a meeting to be held not later than the 13 day of December. The County Legislature shall thereupon enter the objections upon its journal, and proceed to reconsider the changes to which objections is made by the County Executive. If upon such

reconsideration, three-fifths of the whole number of members of the County Legislature vote to approve such change or any of them, the budget, with the changes approved, together with any changes not so objected by the County Executive, shall be deemed adopted. If the board fails to act on or override such objections by said three-fifths vote, on or before the 15th day of December, the objection shall become final and deemed adopted without the changes objected to by the County Executive.

- (e) If a budget has not been adopted as herein provided on or before the 15th day of December, then the proposed budget as submitted by the County Executive, plus all changes as to which he has failed to object, shall be the budget for the ensuing fiscal year.
- (f) If any limitation date mentioned in this Article falls on a holiday, Saturday, or Sunday, then any time limitations required herein shall be extended to the next business day of the County.
- (g) Four(4) copies of the budget adopted shall be certified by the County Executive and by the Clerk of the County Legislature, and one each of such copies shall be filed in the office of the County Executive, the County Treasurer, the Clerk of the County Legislature, and the Department of Audit and Control, State of New York. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

Section 508. Levy of Taxes; Inclusion of Reserve for Uncollected Taxes. The net County tax requirement determined by subtracting the total estimated revenues for the total proposed expenditures as set forth in the adopted budget, shall be levied in advance by the County Legislature 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 County Legislature shall fix the amount of such a sum as they may deem sufficient to produce in cash form the collection of estimated expenditures of such year, provide, however, that such reserve for uncollected taxes shall be not less than the face amount of unpaid taxes for the preceding completed fiscal year.

The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the County Legislature 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 509. 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 thereof, the County Legislature 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 County Legislature may make emergency appropriations. To the extent that there are not available unappropriated revenues to meet such appropriations, the County Legislature may authorize the issuance of obligations pursuant to the Local Finance Law.

Section 510. 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 County Legislature without delay the estimated amount of the deficit, remedial action taken by him, and his recommendations as it deems necessary to prevent or minimize any deficit. For that purpose it may by resolution reduce one or more appropriations; but no appropriations 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 so desires, borrow temporarily pursuant to the Local Finance Law in any 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 or expenditures within the same administrative unit. Provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer would affect any salary or salary total.

If the County Executive requests in writing, the County Legislature by resolution effective immediately may transfer part or all of any unencumbered appropriation balance from one County administrative unit to another, or a contingent fund to any administrative unit, 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 511. 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 constructed 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 512. 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 the Administrative Code or an amendment thereof.

ARTICLE VI
DEPARTMENT OF HEALTH

Section 601. County Health District.

Section 602. Board of Health.

Section 603. Powers and Duties.

Section 604. County Sanitary Code.

Section 601. County Health District. The County of Chemung shall continue as a County health district.

Section 602. Board of Health. There shall be in the Department of Health a Board of Health. The members of the Board of Health shall be appointed in the manner as provided by the Public Health Law. The Board of Health shall consist of such members and terms of officers conferred by the Public Health Law or any other

applicable law or regulations, and their terms should be of such duration as provided by the Public Health Law or any other applicable law or regulation.

Section 603. Powers and Duties. Said Board of Health shall:

- (a) Exercise all powers and perform all duties as provided in the Public Health Law and may formulate, promulgate, adopt and publish rules and regulations, orders and directions for the security of life and health in the County Health District which shall not be inconsistent with the Public Health Law and State Sanitary Code.
- (b) Perform such other and related duties as shall be required or delegated to it by the County as are consistent with the Public Health Law.
- (c) Have the powers and duties to appoint a local health officer and/or a Public Health Administrator as provided in the Public Health Law and State Sanitary Code, who shall have such powers and duties as provided in the Public Health Law and State Sanitary Code.
- (d) Formulate, adopt, promulgate, amend, or repeal a County Sanitary Code.
- (e) Have the powers and duties to take appropriate action to preserve and improve the health within the County.

Section 604. County Sanitary Code. The Board of Health shall adopt, amend or repeal all rules and regulations, orders and directions relating to health in the County or part-County district in such manner and form provided in and not inconsistent with the Public Health Law or State Sanitary Code. The Commissioner may, subject to the approval of the Board of Health, adopt, amend or repeal thereof rules, regulations, orders and directions relating to health in the County or part-County district in such manner and form provided in and not inconsistent with the Public Health Law or the State Sanitary Code. Any such rules, regulations, orders and directions so adopted, amended, or repealed by the Board of Health, shall be known as the Chemung County or part-County Sanitary Code.

The Provisions of such Sanitary Code shall have the force and effect of Law, and shall be published as provided by the Public Health Law. Penalties for violation or non-conformance with such code shall be as provided by such Code or other applicable law. Certified copies shall be filed with the Commissioner of Health, the Clerk of the County Legislature, and the County Clerk and shall be received in evidence in all courts of law and proceedings in the State of New York.

ARTICE VII
DEPARTMENT OF MENTAL HEALTH

Section 701. Department of Mental Health; Director; Appointment; Qualifications.

Section 702. Powers and Duties of the Director of Mental Health.

Section 703. Mental Health Board.

Section 704. Organization of the Department.

Section 705. Powers and Duties of the Mental Health Board.

Section 701. Department of Mental Health; Director; Appointment; Qualifications. There shall be a Department of Mental Health, headed by a Director, who shall be appointed by the Mental Health Board subject to confirmation by the County Legislature, and shall serve at the pleasure of the Mental Health Board.

The Director of Mental Health shall be appointed on the basis of his administrative experience and his qualifications for the duties of this office. Such qualifications shall meet the standards fixed by the State Commissioner of Mental Hygiene, or the Mental Health Hygiene Law.

Section 702. Powers and Duties of Director of Mental Health. The Director of Mental Health shall have all the powers and perform all the duties now or hereafter conferred or imposed upon a director of Community Mental Health by Law. He shall perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature, or the Mental Health Board.

Section 703. Mental Health Board. There shall be in the Department a Mental Health Board. The Chairman of the County Legislature shall be a member of this Board, or a County Legislator as designated by the Chairman of the County Legislature. The members of the Mental Health Board shall be appointed in the manner provided by the Mental Hygiene Law, and shall consist of such members and terms as conferred by the Mental Hygiene Law or any other applicable law or regulations, and the terms of said members should be of such duration as provided by the Mental Hygiene Law or any other applicable law or regulation.

Section 704. Organization of the Department. The Department of Mental Health shall be organized into such divisions and bureaus as shall be prescribed in the Administrative Code.

Section 705. Powers and Duties of the Mental Health Board. The Mental Health Board shall have all the powers and perform all the duties now or hereafter conferred by the Mental Health Law or by the Administrative Code.

ARTICLE VIII DEPARTMENT OF PUBLIC WORKS

Section 801. Department of Public Works; Commissioner; Appointment; Qualifications.

Section 802. Powers and Duties.

Section 803. Deputies.

Section 804. Rules and Regulations.

Section 801. Department of Public Works; Commissioner; Appointment; Qualifications. There shall be a Department of Public Works, headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve for a term of four(4) years.

The Commissioner shall be a professional engineer duly licensed and registered by the State of New York. He shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office.

Section 802. Powers and Duties. 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;
- (b) except as otherwise provided in Articles X and XIII of this Charter, he shall have charge and supervision of the design, specifications, construction, alterations, maintenance and repair of roads, parking areas, equipment and appurtenances, but not including custodial care and ground work.
- (c) Have such powers and duties in relation to County facilities for drainage, flood control, as may be prescribed in this Charter or other applicable law;
- (d) Furnish engineering and other related services to the County Legislature, the County Executive, Department of Planning and other County Departments; and
- (e) Have charge of, and have the duty of performing such other functions concerning County property, public works and other matters as the County Legislature or the County Executive may, from time to time, direct.

Section 803. Deputies. The Commissioner of Public Works shall appoint such Deputies as may be authorized by the County Legislature. All Deputy Commissioners shall serve at the pleasure of the Commissioner of Public Works.

Section 804. Rules and Regulations. The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for use by the public of facilities under the jurisdiction of the Department of Public Works, and to provide for the enforcement thereof.

ARTICLE IX
DEPARTMENT OF PUBLIC TRANSPORTATION

Section 901. Department of Public Transportation; Commissioner; Appointment.

Section 902. Powers and Duties.

Section 903. Deputies.

Section 904. Rules and Regulations.

Section 905. Provisions for Contracting for Mass Transportation.

Section 901. Department of Public Transportation; Commissioner; Appointment.
There shall be a Department of Public Transportation, headed by a Commissioner, who shall be appointed by the County Legislature, who shall serve at the pleasure of the

County Executive. Said Commissioner shall be in the unclassified service of the Civil Service.

Section 902. Powers and Duties. The Commissioner of Public Transportation shall:

- (a) have the power to operate and manage a bus transit system, hereinafter referred to as the Chemung County Transit System, for the County of Chemung.
- (b) to proceed as effectively as possible in the direction and control of the conduct, maintenance, extension, repair, care and operation of the Chemung County Transit System.
- (c) have charge, supervision and custodial care of all vehicles, buildings and other real or personal property, things, or matters appurtenant thereto relating to the Chemung County Transit System.
- (d) have charge of and the duty of performing other functions concerning the Transit System and other modes of transportation as the County Executive and/or County Legislature may, from time to time, direct.

Section 903. Deputies. The Commissioner of Public Transportation shall appoint such deputies as may be authorized by the County Legislature. All Deputy Commissioners shall serve at the pleasure of the Commissioner of Public Transportation, and such Deputy Commissioners shall be in the exempt class of the Civil Service.

Section 904. Rules and Regulations. The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for the use of facilities and equipment under the jurisdiction of the Department of Public Transportation, and to provide for the enforcement thereof.

Section 905. Provisions for Contracting of Mass Transportation. In lieu of the appointment of a Commissioner and the exercising of the powers and duties by said Commissioner as aforesaid, the County Legislature may authorize the County Executive as follows:

- (a) to make a contract or contracts with any person, firm, or corporation, including a public authority, for the equipment, maintenance or operation of a mass transportation system owned, acquired, constructed, reconstructed or improved by it.
- (b) to make a contract or contracts for a fair and reasonable consideration for mass transportation services to be rendered to the public by privately owned or operated mass transportation system. Such power shall include but not be limited to the power to appropriate funds for

payment of such consideration, and to provide that all or part of such consideration shall be in the form of capital equipment to be furnished to and used and maintained by such privately owned or operated mass transportation system.

ARTICLE X
DEPARTMENT OF BUILDINGS AND GROUNDS

Section 1001. Department of Buildings and Grounds; Superintendent; Appointment.

Section 1002. Powers and Duties.

Section 1003. Rules and Regulations.

Section 1001. Department of Buildings and Grounds; Superintendent; Appointment. There shall be a Department of Buildings and Grounds headed by a Superintendent who shall be appointed by the County Executive, subject to confirmation by the County Legislature and shall serve for a term of three(3) years.

Section 1002. Powers and Duties. The Superintendent of Buildings and Grounds shall:

- (a) have all the powers and duties and be made in charge of the design, specifications, construction, alterations, maintenance and repairs including all equipment and appurtenances of all county buildings, parks, recreational facilities, grounds, parking fields, drives, walks, together with all structures;
- (b) have charge of and have duty of performing such other functions concerning County buildings, property and grounds, and other related matters as the County Legislature or the County Executive may, from time to time, direct.

Section 1003. Rules and Regulations. The County Legislature shall have the power by legislation to establish such rules and regulations as may be necessary to provide for the use by the public under the jurisdiction of the Department of Buildings and Grounds, and to provide for the enforcement thereof.

ARTICLE XI
BOARD OF ACQUISITION AND CONTRACT

Section 1101. Board Created; Powers and Duties.

Section 1102. Execution of Contracts.

Section 1103. Pre-qualification of Bidders.

Section 1101. 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 County Legislature.

The Board of Acquisition and Contract shall contract for and acquire by purchase or condemnation all lands, buildings and other real property, the acquisition of which has been authorized by the County Legislature, and shall award all contracts for the construction, reconstruction, repair or alteration of all public works or improvements. It shall also award all contracts for non-professional services.

Section 1102. Execution of Contracts. All contracts, except for the purchase of equipment, supplies, material and services incidental thereof, shall be executed in behalf of the County by the County Executive in accordance with the provisions of this Article. Whenever such contract involves the expenditure of more than \$5,000., except contracts for the acquisition of real property, the contract shall be awarded to the lowest responsible bidder in the manner as set forth in the Administrative Code. A copy of each contract, when executed, shall be filed with the Comptroller, together with a copy of the local law, resolution or ordinance of the County Legislature upon which the right to make such contracts rests, other than the annual appropriation act.

Section 1103. Pre-qualification of Bidders. If directed by the County Legislature, the Board of Acquisition and Contract shall require pre-qualifications of bidders on any contract. Otherwise, the board may require the pre-qualifications as shall be established by the County Legislature.

ARTICLE XII
DEPARTMENT OF SOCIAL SERVICES

Section 1201. Department of Social Services; Commissioner, Appointment; Qualifications.

Section 1202. Powers and Duties.

Section 1201. Department of Social Services; Commissioner; Appointment; Qualifications. There shall be a Department of Social Services, headed by a Commissioner, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, except if that person serving as Commissioner of Social Services at the time immediately prior of this Charter taking effect, shall continue to serve as the Commissioner of the Department of Social Services until December 31, 1977, and thereafter the Commissioner of the Department of Social Services shall be appointed as provided herein for a term prescribed by the Social Welfare Law.

The Commissioner shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office as prescribed by the Social Welfare Law and the rules and regulations made pursuant thereto.

Section 1202. Powers and Duties. The Commissioner of Social Services shall:

- (a) have all the powers and perform all the duties conferred on or required of a County Commissioner of Social Services under the Social Welfare Law or other applicable law;
- (b) perform such other and related duties as shall be required of or delegated to him by the County Executive or the County Legislature.

ARTICLE XIII
DEPARTMENT OF AVIATION

Section 1301. Department of Aviation; Manager; Appointment.

Section 1302. Powers and Duties.

Section 1303. Deputies.

Section 1304. Rules and Regulations.

Section 1301. Department of Aviation; Manager; Appointment. There shall be a Department of Aviation headed by a Manager, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

Section 1302. Powers and Duties. Except otherwise provided in this Charter and Administrative Code, the Manager of Aviation shall:

- (a) have all powers and duties in relation to County Airport facilities subject to such control by Federal and State aviation agencies and statutes as may be applicable;
- (b) have charge, supervision and custodial care of all buildings or other County-owned facilities located upon or used in connection with the County Airport;
- (c) have charge and supervision of the County Airport, including the maintenance, repair and alterations of all runways and other airport facilities which are subject to control by Federal and State aviation agencies; and
- (d) have charge of and have the duty of performing such other duties concerning the County Airport facilities, property and other matters as the County Executive of County Legislature may direct.

Section 1303. Deputies. The Manager of Aviation shall appoint such deputies as may be authorized by the County Legislature. All deputy Managers shall serve at the pleasure of the manager of Aviation.

Section 1304. Rules and Regulations. The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for use by the public of the facilities and grounds under the jurisdiction of the Manager of the Department of Aviation and to provide for the enforcement thereof.

ARTICLE XIV DEPARTMENT OF PLANNING

Section 1401. Department of Planning; Commissioner; Appointment.

Section 1402. Powers and Duties.

Section 1403. The Planning Advisory Board.

Section 1401. Department of Planning; Commissioner; Appointment. There shall be a Department of Planning, headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

Section 1402. Powers and Duties. The Commissioner of Planning shall have and exercise all the powers and duties of a county, metropolitan or regional planning board as authorized by law. He shall perform such other related duties as shall be required or delegated to him by the County Executive or County Legislature.

Section 1403. The Planning Advisory Board. There shall be in the Department a Planning Advisory Board who shall be appointed as provided in the Administrative Code. Such board shall be advisory to the Planning Commissioner in matters related to comprehensive metropolitan, regional, county and municipal planning.

ARTICLE XV
DEPARTMENT OF PERSONNEL

Section 1501. Department of Personnel Officer;
Appointment; Term

Section 1502. Powers and Duties.

Section 1501. Department of Personnel Officer; Appointment; Term. There shall be a Department of Personnel, headed by a subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

Section 1502. Powers and Duties. The Personnel Officer shall:

- (a) compile data and information, and render such other related assistance as may be deemed necessary by the County Executive or the County Legislature, to aid the County in its collective negotiations with employee organizations;
- (b) perform such other and related duties as shall be required of or delegated to him by the County Executive or the County Legislature;
- (c) maintain and administer a salary plan for County employees and periodically resurvey prevailing salaries and recommend amendments to the County Legislature to eliminate inequities, recruiting difficulties and employee turnover problems;
- (d) establish, in cooperation with the other heads of units of County government, a program of employee recruitment designed to acquaint interested persons with the opportunities for employment in County government, and to provide County government with a steady influx of qualified employees to fill vacancies in established positions;

- (e) maintain, in cooperation with other heads of units of County government, a central file of job opportunities in County government, and make provisions for the dissemination of such information to the public;
- (f) 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 of the position, the rate of pay and rate of changes, promotions, demotions, transfers, the time and cause of separations from County employment and any other information the Commissioner considers necessary for a proper personnel record.
- (g) institute programs to insure that each incoming County employee is properly advised of the characteristics and practices of County employment, and receives necessary orientation and pre-work assignment training;
- (h) determine those aspects of employment, working conditions, benefit programs and employee activities which would be conducive to improving employee morale and performance as a basis for recommending action to the County Legislature;
- (i) administer on behalf of the County, agreements with recognized employee representative concerning conditions of employment, wages, employee sick leave, vacation, health insurance, retirement plans, and such other matters as may come before him, and recommend necessary action to the County Legislature;
- (j) conduct collective negotiations with recognized employee representatives in conjunction with any other persons appointed by the County Executive;
- (k) Certification of Payrolls. No payroll, estimate or account providing for the payment of wages or salaries shall be approved by the Commissioner of Budget and Administration unless it bears the certificate of the Commissioner of Personnel that the persons named therein have been, during the period specified, employed in their respective positions in accordance with the law and rules made pursuant thereto.
- (l) Cooperation by Administration Unit Heads. It shall be duty of the head of each unit to furnish the Commissioner of Personnel with such information and aid as may be necessary to the performance of his duties.

ARTICLE XVI
DEPARTMENT OF LAW

Section 1601. Department of Law; County Attorney; Appointment; Qualifications.

Section 1602. Powers and Duties.

Section 1603. Assistant County Attorneys.

Section 1601. Department of Law; County Attorney; Appointment; Qualifications. There shall be a Department of Law headed by a County Attorney, who shall be appointed by the County Executive subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

He shall be duly admitted to the practice of law in the State of New York.

Section 1602. Powers and Duties. The County Attorney shall:

- (a) be the sole legal advisor of the County;
- (b) advise all County officers and employees in all County legal matters of a civil nature;
- (c) prosecute or defend all actions or proceedings of a nature brought on or against the County;
- (d) prepare resolutions, ordinances, legalizing acts and local laws, together with notices and other items in connection therewith, to be presented for action by the County Legislature;
- (e) perform such other and related duties as may be prescribed by law, the County Executive or the County Legislature.

Section 1603. Assistant County Attorneys. The County Attorney shall have the power to appoint Assistant County Attorneys as may be authorized by the County Legislature. All Assistant County Attorneys shall serve at the pleasure of the County Attorney.

ARTICLE XVII
DEPARTMENT OF REAL ESTATE AND TAX MAP OFFICE

Section 1701. Department of Real Estate and Tax Map; Appointment; Qualifications.
Section 1702. Powers and Duties.

Section 1702. Department of Real Estate and Tax Map; Appointment; Qualifications. There shall be a Department of Real Estate and Tax Map Office headed by a Director, who shall be appointed by the County Executive subject to confirmation by the County Legislature and shall serve at the pleasure of the County Executive.

Section 1702. Powers and Duties. The Department of Real Estate and Tax Map Office shall:

- (a) keep a record of all real property owned and acquired by the County. Such record shall show the date the property was acquired, the tax map description thereof, the town in which the property is located, and shall be properly cross-indexed to the original deeds of acquisition;
- (b) prepare tax maps for the use of the assessors of all the assessing units in the County, except for the City of Elmira; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law. The County Legislature may authorize the preparation of tax maps as required herein for the City of Elmira, provided the consent of the City is obtained and terms are mutually agreed upon between the City and County Legislature;
- (c) keep a record of the transfer to title to real property in each tax district and immediately notify the town clerk or the city assessor of all such transfers in each town or city, as the case may be;

- (d) submit annually, on or before the first day of September, to the County Executive proposed County Tax Equalization Rates consistent with standards prescribed by the Legislature of the State of New York;
- (e) have all the powers and duties conferred upon a Director of Real Property Tax Services as provided by the statutes of the State of New York;
- (f) determine and set the tax rate and prepare the tax rolls for the County and various municipalities in the county;
- (g) perform such additional related duties as may be prescribed by law and directed by the County Executive or the County Legislature.

ARTICLE XVIII
MEDICAL EXAMINERS

Section 1801. Medical Examiners; Appointment; Term; Qualifications.
Section 1802. Powers and Duties.

Section 1801. Medical Examiners; Appointment; Term; Qualifications. There shall be three(3) medical Examiners, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and who shall serve at the pleasure of the County Executive.

The Medical Examiners shall be physicians duly licensed to practice in the State of New York.

Section 1802. Powers and Duties. The Medical Examiners shall make inquiry into unnatural deaths within Chemung County as prescribed by law. They shall perform such additional and related duties as may be prescribed by law and directed by the County Executive or County Legislature.

ARTICLE XIX
FIRE COORDINATOR

Section 1901. Fire Coordinator; Appointment; Compensation. There shall be a Fire Coordinator who shall be appointed by the County Executive, and subject to confirmation by the County Legislature, and shall serve a term for three(3) years.

The Fire Coordinator shall be a County officer, and the amount of his compensation, if any, shall be fixed by the County Legislature.

Section 1902. Powers and Duties. The Fire Coordinator shall administer the County programs for fire training and mutual aid in cases of fire and either emergencies

in which the services of firemen would be used. He shall act as chief liaison officer between the County Legislature and the fire-fighting forces in the County and the governing boards and bodies thereof, and shall perform such other duties as the County Executive or the County Legislature may direct.

Section 1903. Fire Advisory Boards. There shall be a County Fire Advisory Board, who shall be appointed as provided by law.

ARTICLE XX DEPARTMENT OF RECORDS

Section 2001. Department of Records; County Clerk; Election; Qualifications.

Section 2002. Powers and Duties.

Section 2003. Deputy County Clerks.

Section 2001. Department of Records; County Clerk; Election; Qualifications. There shall be a Department of Records headed by a County Clerk, who shall be elected from the County at large. His term of office shall be for three(3) years beginning with the first day of January immediately succeeding his election, except that the provisions of this section with respect to such election shall not take effect until the General Election of 1974, at which time the County Clerk shall be elected for a three(3) year term to commence on January 1, 1975, and every County Clerk thereafter shall have a term of three(3) years.

Section 2002. Powers and Duties. The County Clerk shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature.

Section 2003. Deputy County Clerks. The County Clerks shall appoint such deputies as may be authorized by the County Legislature. All Deputy County Clerks shall serve at the pleasure of the County Clerk.

ARTICLE XXI
DISTRICT ATTORNEY

Section 2101. District Attorney; Election; Term; Qualifications.

Section 2102. Powers and Duties.

Section 2103. Assistant District Attorneys.

Section 2101. District Attorney; Election; Term; Qualifications. There shall be a District Attorney who shall be elected from the County at large. His term of office shall be for three(3) years beginning with the first day of January immediately succeeding his election, except that the provisions of this section with respect to such election shall not take effect until the General Election of 1976 at which time the District Attorney shall be elected for a three(3) year term to commence on January 1, 1977, and every District Attorney thereafter shall have a term of three(3) years.

He shall be duly admitted to the practice of law in the State of New York.

Section 2102. Powers and Duties. The District Attorney shall have exercised all powers and duties now and hereafter conferred or imposed upon him by any applicable law. He shall perform such other and related duties as shall be required of or delegated to him by the County Executive or the County Legislature, in accordance with applicable law.

Section 2103. Assistant District Attorneys. The District Attorney shall have the power to appoint Assistant District Attorneys as may be authorized by the County Legislature. All Assistant District Attorneys shall serve at the pleasure of the District Attorney.

ARTICLE XXII
PUBLIC DEFENDER

Section 2201. Public Defender; Appointment; Qualifications.

Section 2202. Powers and Duties.

Section 2203. Assistant Public Defenders.

Section 2201. Public Defender; Appointment; Qualifications. There shall be a Public Defender who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and who shall serve at the pleasure of the County Executive.

He shall be duly admitted to the practice of law in the State of New York.

Section 2202. Powers and Duties. The Public Defender shall represent in this County, 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 with a crime as defined in Section seven hundred twenty-two-a(722-a) of the County Law.

Section 2203. Assistant Public Defenders. The Public Defender shall have the power to appoint Assistant Public Defenders as may be authorized by the County Legislature. All Assistant Public Defenders shall serve at the pleasure of the Public Defender.

ARTICLE XXIII
SHERIFF

Section 2301. Sheriff; Election; Term; Qualifications.

Section 2302. Powers and Duties.

Section 2303. Deputies.

Section 2301. Sheriff; Election; Term; Qualifications. There shall be a Sheriff who shall be elected from the County at large. His term of office shall be for three(3) years beginning with the first day of January immediately succeeding his election, except that the provisions of this section with respect to such election shall not take effect until the General Election of 1974 at which time the Sheriff shall be elected for a three(3) year term to commence on January 1, 1975, and every Sheriff thereafter shall have a term of three(3) years.

Section 2302. Powers and Duties. The Sheriff shall have exercised all powers and duties now hereafter conferred or imposed upon him by any applicable law. He shall perform such other and related duties as shall be required of or delegated to him by the County Executive or the County Legislature.

Section 2303. Deputies. The Sheriff shall have the power to appoint such deputies as may be authorized by the County Legislature. All deputies shall serve at the pleasure of the Sheriff.

ARTICLE XXIV
DEPARTMENT OF WEIGHTS AND MEASURES

Section 2401. Department of Weights and Measures; County Sealer; Appointment; Qualifications.

Section 2402. Powers and Duties.

Section 2401. Department of Weights and Measures; County Sealer; Appointment; Qualifications. There shall be a Department of Weights and measures headed by a County Sealer of Weights and Measures, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and who shall serve at the pleasure of the County Executive and under the County Executive's supervision.

Section 2402. Powers and Duties. The Commissioner of Weights and Measures shall:

- (a) have all the powers and duties conferred on the County Sealer of Weights and Measures be conferred by law;
- (b) perform such other and related duties as shall be required or delegated to him by the County Executive or County Legislature

ARTICLE XXV
DEPARTMENT OF PUBLIC INFORMATION

Section 2501. Department of Public Information; Director; Appointment.

Section 2502. Powers and Duties.

Section 2501. Department of Public Information; Director; Appointment. There shall be a Department of Public Information headed by a Director who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and who shall serve at the pleasure of the County Executive.

Section 2502. Powers and Duties. The Director of Public Information shall:

- (a) keep the public informed on activities of County government, prepare articles, news releases and general reports;
- (b) perform such other and related duties as shall be required of or delegated to him by the County Executive or the County Legislature.

ARTICLE XXVI
DEPARTMENT OF DATA PROCESSING

Section 2601. Department of Data Processing; Director; Appointment.

Section 2602. Powers and Duties.

Section 2601. Department of Data Processing; Director, Appointment. There shall be a Department of Data Processing, headed by a Director, who shall be appointed by the County Executive subject to confirmation by the County Legislature, and who shall serve at the pleasure of the County Executive.

Section 2602. Powers and Duties. The Director of Data Processing shall:

- (a) head the office of data processing in the office of the County Executive, and shall perform such duties as shall be prescribed by the County Executive or the County Legislature.

ARTICLE XXVII
OTHER COUNTY BOARDS, OFFICES, INSTITUTIONS AND FUNCTIONS

Section 2701. Board of Elections.

Section 2702. Probation Office; Director.

Section 2703. Traffic Safety Board.

Section 2704. Additional Appointments by County Executive.

Section 2705. Miscellaneous Administrative Functions.

Section 2701. Board of Elections. The Board of Elections, its powers and duties, and the method of appointment of the members thereof by the County Legislature, shall continue as provided by law.

Section 2702. Probation Office; Director. There shall be an Office of Probation, headed by a Probation Director, who shall be appointed in the same manner provided by Article 12-A of the Executive Law of the State of New York, and who shall have such powers and duties as are provided by law.

Section 2703. Traffic Safety Board. The Traffic Safety Board, its powers and duties and the method of appointment of the members thereof by the County Legislature, shall continue as provided by law.

Section 2704. Additional Appointments by County Executive. The following offices, boards and administrative units are hereby continued, and its head and members as presently authorized shall continue in offices for the terms established thereof, and upon expiration of the term of said head or member, shall be appointed by the County Executive subject to confirmation by the County Legislature for terms presently authorized by to wit: Civil Service Commission (Civil Service Law Sec. 15-a); Drug Abuse Council (Gen. Mun. Law Art. 12-E Sec. 239-u); Economic Opportunity; Fire Advisory Board (pursuant to Sec. 225-A County Law); Fish and Wildlife Management Board(pursuant to Sec. 198, Fish and Game Law); Forest Practice Board(Conservation

Law Art. 3-1105); Historical Association; Human Relations Commission; Industrial Development Agency (N.Y.S. I. D. A. Art. Sec. 856); Jury Board (Judicial Law Art. 18); Medical Advisory Committee; Mental Health Board (Mental Hygiene Sec. 190-B); Soil Conservation Board; Southern Tier Central Regional Planning and Development Board (Art. 12-C Gen. Mun. Law); Finger Lakes Commission; Newtown-Hoffman Creeks Watershed; Harris Hill Soaring; Southern Tier Crime Control Planning Committee; Civil Defense Director; Veterans' Service Director; representatives on the County Extension Service; Dog Warden; Alcoholic Beverage Control Board; County Agriculture Society; County Conservation Commission; County Historian; Reforestry.

The County Executive shall appoint the head of any other offices, boards, administrative units and members thereof.

ARTICLE XXVII

Section 2705. Miscellaneous Administrative Functions. Administrative functions not otherwise assigned by this Charter shall be assigned by the County Executive to an administrative unit.

ARTICLE XXVIII
SERVICE RELATIONSHIPS

Section 2801. Contracts with Public Corporations and Authorities.

Section 2801. Contracts with Public Corporations and Authorities. The County of Chemung shall have the power to contract with any public corporation including, but not limited to, a municipal, district or public benefit corporation as defined in Section 3 of the General Corporation Law, or with any public authority or 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 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 contract in party as agreed upon.

ARTICLE XXIX
GENERAL PROVISIONS

Section 2901. Administrative and Advisory Boards.

Section 2902. Approval of Contracts.

Section 2903. Civil Service Rights Continued; Status of Certain County Officers Previously Appointed; Removal of Certain County Officers.

Section 2904. Classified Service; Exemptions.

Section 2905. Filling Vacancy in Elective Office of County Executive.

Section 2906. Filling Vacancy in Elective Office of District Attorney, Sheriff and County Clerk.

Section 2907. Filling Other Vacancies.

Section 2908. Power to Administer Oaths and Issue Subpoenas.

Section 2909. Officers and Employees Engaging in Other Transactions.

Section 2901. Administrative and Advisory Boards. The Administrative Board of Chemung County Sewer District No. 1 and the Chemung County Solid Waste Disposal District shall have such power as specified in Article 5-A of the County Law. Such Boards shall continue as provided by law except that the powers of appointment of the administrative members of said board shall be exercised by the County Executive, subject to confirmation of the County Legislature.

Except as otherwise provided in this Charter, every other board, the members of which are appointed, shall be an advisory board, consisting of such members, and the members thereof shall be appointed for such terms as may be provided in the Administrative Code.

Section 2902. Approval of Contracts. All contracts entered into by the County shall be executed in the manner as provided in this Charter or Administrative Code or as directed by the County Legislature.

Section 2903. Civil Service Rights Continued; Status of Certain County officers Previously Appointed; Removal of Certain County Officers. 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 this Charter and Administrative Code. Any officer, unless removed, shall continue to serve until his successor is appointed, and has qualified, or until an interim appointment is made. Any County officer appointed by the County Executive or County Legislature, except as otherwise provided by the State Law, and may be removed after receipt of written notice from the appointing authority. A copy of such notice shall be filed in the office of the Clerk of the County Legislature.

Section 2904. Classified Service; Exemptions. All positions in all department, 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) members of all boards, commissions and committees; and (4) the Commissioner of Jurors. For the purpose of this section, the heads of the divisions within the Executive Branch, including but not limited to Budget and Research, Purchase, and Central Services, shall be deemed to be heads of departments. 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) calendar clerk; (4) Personnel Officer; (5) Assistant District Attorneys; (6) Assistant County Attorneys; (7) Assistant Public Defenders; and (8) contractors and their employees engaged to public specified services.

Section 2905. Filling Vacancy in Elective office of County Executive. A vacancy, otherwise than by expiration of term or by creation upon passage of this Charter, in the office of the County Executive shall be filled by appointment by the County Legislature of a qualified elector of the County having the same political affiliation as the person last elected to that office. The term of such person so appointed shall be until the commencement of the calendar year next succeeding the first General Election after the happening of the vacancy, if the vacancy occurs before September 20th of any year. If the vacancy occurs after September 20th of any year, then the term of such person so appointed shall be until the commencement of the second calendar year next succeeding the first General Election after happening of the vacancy, at which election a County Executive may be elected for the balance of the unexpired term, if any.

Section 2906. Filling Vacancy in Elective office of District Attorney, Sheriff and County Clerk. The vacancy, otherwise than by expiration of term in any elective County office, including but not limited shall be filled by appointment by the County Executive, subject to confirmation by the County Legislature, of a qualified elector of the County, having the same political affiliation as the person last elected to that office. The term of such person so appointed shall be until the commencement of the calendar year next succeeding the first General Election after the happening of the vacancy if the vacancy occurs before September 20th of any year. If the vacancy occurs after September 20th of any year, then the term of such person so appointed shall be until the commencement of the second calendar year next succeeding the first General Election after the happening of the vacancy, at which election, a District Attorney, Sheriff and County Clerk, as the case may be, shall be elected for the balance of the term, if any.

Section 2907. Filling Other Vacancies. Except as otherwise provided in this Charter, a vacancy in the office of the head of any administrative unit, the head of which by virtue of this Charter the County Executive or the County Legislature 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 County Legislature. Except as otherwise provided in this Charter, the head of any administrative unit shall have the power to fill vacancies occurring within such administrative unit pursuant to the Civil Service Law.

Section 2908. Power to Administer Oaths and Issue Subpoenas. The County Legislature shall be empowered to conduct investigations into any subject matter within its jurisdiction. It shall have the power to issue subpoenas requiring witnesses to attend at such investigations for examination in reference to any matter within the scope of said investigations; and in a proper case, to require the production of all books, records, papers and documents, material relevant to such investigation, and to administer oaths or affirmations in connection therewith.

The County Executive shall be empowered to conduct investigations into the performance of the official duties of any officer or employee within the Executive branch. He shall have the power to issue subpoenas requiring witnesses to attend at such investigations for examination in reference to any matter within the scope of said examination in reference to any matter within the production of all books, records, papers and documents, or material relevant to such investigations, and to administer oaths or affirmations in connection therewith.

Section 2909. Officers and Employees Engaging in Other Transactions. No officer or employee of the County or member of the County Legislature shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

ARTICLE XXX
APPLICATION OF CHARTER

Section 3001. Adoption of Charter; When Effective.

Section 3002. Amendment of Charter.

Section 3003. Continuity of Authority; Completion of Unfinished Business.

Section 3004. Separability.

Section 3005. Charter to be Liberally Construed.

Section 3001. Adoption of Charter; When Effective. This Charter shall upon approval by referendum in the manner provided by law become effective as of January 1, 1974, except that the Board of Supervisors shall have the power to appoint the first County Executive prior to January 1, 1974, as provided in Section 301 of this Charter. The Administrative Code may be adopted and amended by local law at any time subsequent to the approval and adoption of this Charter.

Section 3002. Amendment of Charter. This Charter may be amended in the manner provided by law. Except as otherwise provided by this Charter, 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 change the powers of an elective County officer, shall be subject to mandatory referendum. No local law which would abolish or change an administrative unit prescribed in this Charter, or the power of an appointive County officer in the Executive branch, shall be enacted before January 1, 1974.

Section 3003. Continuity of Authority; Completion of Unfinished Business. The performance of functions pursuant to the provisions of this Charter 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 or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County officer or administrative unit responsible thereof under this Charter or Administrative Code.

This Charter shall not be deemed to invalidate any obligations heretofore issued by the County of Chemung 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 3004. Separability. If any clause, sentence, paragraph, section or article of this Charter 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 3005. Charter to be Liberally Construed. This Charter shall be liberally construed to effectuate its objectives and purposes.

ARTICLE XXXI
DEPARTMENT OF LONG TERM CARE

Section 3101. Title and Purpose.

Section 3102. Powers and Duties.

Section 3101. Title and Purpose. The County Legislature of the County of Chemung, in its continuing efforts to bring about the most efficient manner of providing services to the residents of Chemung County, and acknowledging the increasing complexity in the operation of the aforesaid can be best managed by a separate department of County government.

There shall be entitled a “Department of Long Term Care”, the head of which shall be the Director, who shall be responsible for the management and operation of the Department of Long Term Care. Such Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall continue to serve at the pleasure of the County Executive.

Section 3102. Powers and Duties. The Director shall have and exercise all the powers heretofore or hereinafter granted or imposed by the Charter, the Administrative Code, Local law, ordinance or resolution of the County Legislature, order of the County Executive or by any applicable provision of any act of the State Legislature not inconsistent with the Charter or Code.

The Director shall have the power to appoint and remove his deputies, officers and employees in his administrative unit as may be authorized by the County Legislature and within the appropriations provided thereof. He shall designate in writing the relative rank of deputies including the order of temporary succession of the deputies of the administrative head during absence or unavailability, and delegate among them such administrative powers and duties as he may determine. A copy of all designation and delegations shall be in writing and filed with the Department of Personnel, and copies thereof shall be filed with the County Executive and the Clerk of the County Legislature.

Amendment to the Chemung County Charter approved by Local Law No. 1 of 2004

ARTICLE XXXII
PUBLIC ADVOCATE

Section 3201. Public Advocate; Appointment; Qualifications.

Section 3202. Powers and Duties.

Section 3203. Assistant Public Advocates.

Section 3201. Public Advocate; Appointment; Qualifications.

There shall be a Public Advocate who shall be appointed by the County Executive subject to confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive, except that the Public Advocate may be removed from office by the County Executive only with the consent of the County Legislature. At the time of such appointment and throughout his or her term of office, the Public Advocate and his or her assistants shall be and remain duly licensed to practice law in the State of New York and shall have such other qualifications as may be required by law.

Section 3202. Powers and Duties.

The Office of the Public Advocate shall exist and function separately and distinctly from the Office of the Public Defender. The Public Advocate shall serve in the place and stead of the Public Defender whenever the Public Defender is disqualified from acting to discharge his or her duties in a particular case. The Public Advocate shall further have and exercise all powers, and perform all duties now or hereinafter otherwise imposed upon such position by applicable law.

Additionally, the Public Advocate shall provide legal counsel to persons charged with a crime and to those persons entitled to counsel pursuant to Section 262 and Section 1120 of the Family Court Act and Section 411 of the Surrogates Court Procedure Act in those circumstances in which such persons are financially unable to obtain such representation on their own. The Public Advocate shall also provide legal representation for persons charged with violations as defined in Section 55.05 of the Penal Law.

In the event that both the Office of the Public Defender and the Office of the Public Advocate are disqualified from acting in a particular case, it shall be the responsibility of the Public Advocate to ensure that counsel is assigned to all eligible parties. In all cases in which attorneys, other than from the Office of the Public Defender and the Office of the Public Advocate, are assigned to represent persons who are financially unable to obtain counsel, requests for payment of legal fees and expenses shall be submitted to the Office of the Public Advocate for approval prior to being paid by the County of Chemung.

Section 3203. Assistant Public Advocates.

The Public Advocate shall have the power to appoint Assistant Public Advocates as may be authorized by the Chemung County Legislature. All Assistant Public Advocates shall serve at the pleasure of the Public Advocate.