

NYSAC Training for County Officials

Foundations of County Government

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NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES



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Foundations of County Government

The First Counties 1683

- Established by Act of British King
- We were a part of the First Assembly of the New York Colony – “The Dongan Charter” under King James II.
- Charter of Rights and Liberties



Foundations of County Government

The First Counties 1683

- Established by Act of the First Assembly of the New York Colony – “ The Dongan Laws”
- Created 12 counties and created the Office of Sheriff in each
- Sheriff of the county appointed by the Colonial Governor and could only serve one term
- Created a legislative body of freeholders to be elected in each county



Foundations of County Government

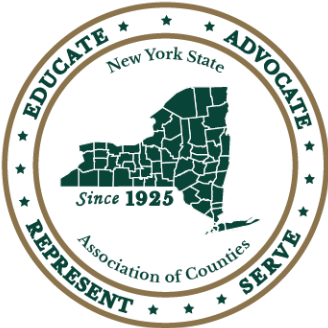
The First Counties 1683

Created 12 counties

Albany	Kings	Richmond
Cornwall	New York	Suffolk
Dukes	Orange	Ulster
Dutchess	Queens	Westchester

Created the Office of Sheriff

Sheriff of the county was appointed by the Colonial Governor could only serve one term



Foundations of County Government

New York State Constitution



Foundations of County Government

New York State Constitution

- Basis of State Law and delineates the powers & authority of local government
- Basic structure has remained unchanged for over a century
- Can be amended through state legislation followed by voter referendum
- Action of state constitutional convention



Foundations of County Government

Bill of Rights for Local Governments

- Every local government shall have an elected legislative body
- No local government can be annexed without approval of the voters through referendum
- Power to apportion costs of government services with authorization of the legislature
- Request the legislature to authorize establishment of forms of county government



Foundations of County Government

Bill of Rights for Local Governments

- All offices not in the Constitution are elected or appointed by officials of local government
- Have the power of Eminent Domain
- Local governments can act jointly as authorized by the legislature
- State Legislature must adopt a statute of local governments



Foundations of County Government

State Legislature Empowered

To mandate programs and the costs on units of local government including counties...



Foundations of County Government

Public Employee Pension Systems

- City of New York Pension System
- New York State & Local Retirement System
- New York State & Local Police and Fire Retirement System
- New York State Teachers Retirement System



Foundations of County Government

Article V, Section 7 NYS Constitution

“...membership in any Pension or Retirement System of the State or of a Civil division thereof shall be a contractual relationship, the benefits of which shall not be diminished or impaired.”



Foundations of County Government

Consolidated Laws Relating to County Government

- **Civil Service Law** – local civil service administration; the Public Employees Fair Employment Act (The Taylor Law)
- **Election Law** – the conduct of elections
- **Eminent Domain Procedure Law** – acquiring property through eminent domain
- **Highway Law** – construction & maintenance of county highways



Foundations of County Government

More Consolidated Laws

- **Public Officers Law** - official oaths, resignations, filing of vacancies, removal from office, F.O.I.L., Open meetings law
- **Retirement & Social Security Law** – operation and benefits of state & local retirement systems
- **Local Finance Law** – Authorization and procedures relating to incurring debt
- **Tax Law** – authorization for sales & use taxed



Foundations of County Government

More Consolidated Laws

- **Vehicle & Traffic Law** – authorization for regulation by counties
- **Volunteer Firefighters Benefit Law** – disability and death benefits
- **Workers Compensation Law** – benefits for public and private employers; allows for county self insurance plans



Foundations of County Government

More Consolidated Laws

- **General Municipal Law** - maintenance of reserve funds, planning activities, cooperative actions, public bidding requirements, urban renewal, conflicts of interest, industrial development agencies



Foundations of County Government

State Statutes Affecting County Organization

- ✓ County Law
- ✓ Municipal Home Rule Law



Foundations of County Government

The County Law

- Makes No Provision for an Elected Executive
- Vests all Authority in Board of Supervisors
- All powers exercised through local law or resolution
- Must elect a chair, to which it may delegate administrative duties on its behalf



Foundations of County Government

Municipal Home Rule Law

- Delineates powers & restrictions on the adoption and amendment of local laws
- Grants authority to set powers, duties, qualifications of its officers & employees
- Adopt laws regarding term, composition & apportionment of legislative body
- Adopt or Amend a County Charter



Foundations of County Government

County Charter Law

- Counties are empowered to adopt charter which establishes the structure of county government
- May provide for an elected executive
- Must provide for a legislative body
- Assign administrative or executive functions to elected and appointed officials



Foundations of County Government

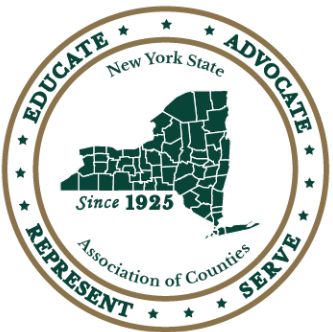
Adopting a Charter

- Resolution of legislative body or by petition of voters
- Charter may be drafted by legislative body or committee
- Charter commission appointed for the purpose of drafting
- Charter adoption, repeal, or amendment subject to referendum



Foundations of County Government

County Organization



Foundations of County Government

New York Counties

- 23 counties have adopted a County Charter, 18 with an elected executive (*Montgomery in 2012, Ulster in 2009*) and one Mayor (*NYC*)
 - Five have charters but different forms of administration
- 16 counties have a Board of Supervisors
- 40 counties have a County Legislature
- 1 County has a Board of Representatives



Foundations of County Government

Supervisor Legislator/Representative

What's in a name?



Foundations of County Government

Board of Supervisors

- Generally, has duties as a Town official as well as a county legislative body member
- Is the chief elected official of town government or represents an area within a city
- Votes by weighted vote – according to relative share of county population



Foundations of County Government

Legislator/Representative

- Legislator/Representative are the same
- Represent a District with Equal Share of County Population in Charter Counties
- Fulfills “one person, one vote” requirements – all cast equal vote
- Weighted vote in non-charter counties



Foundations of County Government

How Are They The Same?

- All serve as legislative body of the county
- All empowered to enact or repeal local laws & resolutions
- Make appropriations, levy taxes and incur debt
- Adopt an administrative code
- Adopt rules and regulations for its conduct and procedures



Foundations of County Government

Elected Executives

- 18 Counties have an Elected Executive who can veto actions of the legislature
- Executive appoints all department heads, with confirmation of legislature
- Manages the internal operation of all departments
- Chief Budget Officer of the county
- Empowered to veto actions of the legislative body



Foundations of County Government

Counties with Appointed Administrative Official

- 24 Counties have created a County Administrator*
- 10 Counties have created a County Manager
- 5 Counties have created the position through county charter
- 28 counties have created the position through local law

*one county just hired a county administrator. Another is in the search process.



Foundations of County Government

Appointed Administrative Official

- Official is delegated administrative functions by the legislative body
- Appointed by legislative body and serves at its pleasure
- Generally, prepares annual budget for submission to the legislative body for adoption
- Oversees the day-to-day operation of county government



Foundations of County Government

Legislative Administration

- Four counties provide administration through the legislative body*
- Chair is delegated administrative authority
- Body may appoint an administrative assistant to the Board Chair
- Strong committee system may be established to provide oversight

*Six counties until this year.



Foundations of County Government

Changing County Structure

- All counties are empowered to change structure
- Charter Counties – adoption, repeal or amendment needs voter approval through referendum
- Non-Charter counties can amend structure by local law
- Cannot abolish or diminish powers of elected official without referendum



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Questions?



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