Foundations of County Government

NYSAC December 2021









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 Laws" or the Kings Charter



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



Created 12 counties

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

Created the Office of Sheriff

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



New York State Constitution





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



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



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



Legislature Empowered

To mandate programs and the costs on units of local Government including Counties



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



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."



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



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



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

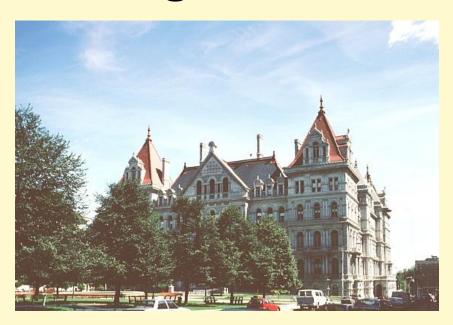


Consolidated Laws

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



State Statutes Affecting County Organization



✓ County Law

✓ Municipal Home Rule Law



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



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



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



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



County Organization





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)

16 counties have a Board of Supervisors

40 counties have a County Legislature

1 County has a Board of Representatives



Supervisor Legislator/Representative

What's in a name?



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



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



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



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
- Veto actions of the legislative body



Counties with Appointed Administrative Official

- 22 Counties have created a County Administrator
- 11 Counties have created a County Manager
- 5 Counties have created the position through county charter
- 28 counties have created the position through local law



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



Legislative Administration

- 9 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



Changing County Structure

- All Counties 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



QUESTIONS?

