

(Please Use this Form for Filing your Local Law with the Secretary of State)

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

County
~~City~~
~~Town~~ of STEUBEN
~~Village~~

Local Law No. FIVE of the year 19 ..87....

A local law establishing a Department of Public Works for the County
of Steuben. (Insert title)

Be it enacted by the Steuben County Legislature of the
(Name of Legislative Body)

County
~~City~~ of Steuben as follows:
~~Town~~
~~Village~~

SECTION 1. TITLE

This Law shall be entitled "A Local Law Establishing a Department of Public Works for the County of Steuben".

SECTION 2. DEPARTMENT OF PUBLIC WORKS

There is hereby created a Department of Public Works of the County of Steuben in accordance with the terms and provisions of the Municipal Home Rule Law of the State of New York, which shall be under the direction of a Commissioner of Public Works.

SECTION 3. QUALIFICATIONS, TERM, AND SALARY OF COMMISSIONER OF PUBLIC WORKS

The Department of Public Works of the County of Steuben shall be under the direction of the Commissioner of Public Works.

- (a) The Commissioner of Public Works shall possess a four-year degree in engineering.
- (b) The Commissioner of Public Works shall be appointed by the Steuben County Legislature and shall be appointed on the basis of professional experience and other qualifications appropriate to the responsibilities of the office. The Commissioner of Public Works shall be directly responsible to the Steuben County Legislature.

(If additional space is needed, please attach sheets of the same size as this and number each)

- (c) The Commissioner of Public Works shall be appointed by the Steuben County Legislature for a term expiring August 27, 1988. Thereafter, the Commissioner of Public Works shall be appointed for a full four (4) year term. In the event of a vacancy occurring in the Office of Commissioner of Public Works before the expiration of any term of office, the Steuben County Legislature shall appoint a Commissioner of Public Works to fill the unexpired term.
- (d) The salary of the Commissioner of Public Works shall be fixed by the Steuben County Management Salary Plan.

SECTION 4. POWERS AND DUTIES

Except as may otherwise be provided in relevant State or Local Law, or as set forth herein, the Commissioner of Public Works:

- (a) Shall be responsible for the construction, maintenance, supervision, repair, alteration, demolition of all County owned highways, bridges, parks, preserves, gravel and sand facilities, forests, solid waste facilities, recreational facilities and other facilities in the nature of Public Works within County jurisdiction or where contractually or otherwise appropriate and lawful.
- (b) Shall possess such powers and duties with respect to drainage, flood control, gravel and sand facilities, waste disposal, including septage, as may be prescribed by local law.
- (c) Shall have all the powers and perform all the duties conferred or imposed by law upon a Commissioner of Public Works, County Engineer, County Superintendent of Highways, Director of Waste Disposal, County Superintendent of Parks, and shall perform such other and related duties required by the Steuben County Legislature.
- (d) May, within the appropriations provided therefor, employ such special engineering, architectural, or other technical counsel and incur such expenses as may be necessary for the performance of any of the duties set forth herein and other relevant state and local laws, except that professional fees or other compensation shall be within policies approved by the Steuben County Legislature.
- (e) May enter into contracts with the approval of the County Legislature with any public corporation or public authority or any combination of the same for public works services.
- (f) Shall assist in the advertising and calling for bids on the construction of any capital project of the County of Steuben when such advertising and calling for bids is required and further assist in the preparation of specifications.
- (g) May authorize the rental, with or without operator, of the Public Works Department's machinery, tools, equipment and implements by any local government or any public corporation, public authority or combination thereof upon such terms as may be agreed upon. All sums obtained pursuant to any terms agreed upon shall be deposited in the County Road Machinery Fund.
- (h) May authorize the rental of machinery from any person, company, public or private corporation, public authority, or any combination thereof, and such rental fees shall be payable from the County Road Fund.
- (i) Shall perform surveying and related services for the County and shall be responsible for the supervision of the construction of all capital projects when any of such capital projects are designed and constructed by the County of Steuben, a governmental unit or private contractor under contract to the County of Steuben, or any combination thereof.
- (j) Shall perform such other duties as may be authorized by the Steuben County Legislature.

SECTION 5. DELEGATION OF POWERS AND DUTIES

The Commissioner of Public Works may delegate by written designation to one or more persons within his department any of the specific powers and duties which he or she has as County Superintendent of Highways, County Supervisor of Parks, or Director of Waste Disposal, such designations setting forth the specific powers and duties granted. Such designation will be filed with the Clerk of the County Legislature and the County Clerk, and may be revoked in whole or in part by written notice filed with the Clerk of the Legislature and the County Clerk. If the powers and duties so designated or revoked are those which the Commissioner of Public Works has as County Superintendent of Highways, a duplicate of such written designation or revocation shall be filed with the New York State Commissioner of Transportation. The acts performed by such designees shall have the same effect in law as if performed by the Commissioner of Public Works.

SECTION 6. DEPUTIES AND STAFF APPOINTMENTS

Commissioner of Public Works shall appoint such assistants and members of the Department of Public Works' staff as may be authorized by the Steuben County Legislature. All persons so appointed shall be directly responsible to the Commissioner of Public Works.

SECTION 7. SEPARABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree, or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect on the 1st day of January, 1988.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. FIVE of 19 87
County
of the ~~City~~ of Steuben was duly passed by the Steuben County Legislature
~~Town~~ ~~Village~~ (Name of Legislative Body)
on November 23, 1987. in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ of was duly passed by the
~~Town~~ ~~Village~~ (Name of Legislative Body)
on 19..... and was approved ~~not disapproved~~ by the
repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ of was duly passed by the
~~Town~~ ~~Village~~ (Name of Legislative Body)
on 19..... and was approved ~~not disapproved~~ by the
repassed after disapproval Elective Chief Executive Officer *
on 19...... Such local law was submitted to the people by reason of a
mandatory ~~permissive~~ referendum, and received the affirmative vote of a majority of the qualified electors voting
general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ of was duly passed by the on
~~Town~~ ~~Village~~ (Name of Legislative Body)
..... 19..... and was approved ~~not disapproved~~ by the on
repassed after disapproval Elective Chief Executive Officer *
..... 19...... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., in accordance with the applicable provisions of law.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} election held on 19 became operative.

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

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19..... pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph¹ above.

Russell S. Kemp
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 30, 1987

(Seal)

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

STATE OF NEW YORK
COUNTY OF STEUBEN

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

[Signature]
.....
Signature

..... STEUBEN COUNTY ATTORNEY

Title

Date: November 23, 1987

County
~~City~~ of Steuben
~~Town~~
~~Village~~