

RESOLUTION NO. 2015004

RE: UNDERTAKINGS 2015

Legislators ROLISON, FLESLAND, and BOLNER offer the following and move its adoption:

WHEREAS, by Resolution No. 87 of 1973, the County Legislature authorized a blanket undertaking in lieu of individual undertakings in accordance with Section 11, Subdivision 2 of the Public Officers Law of the State of New York, and

WHEREAS, Section 2.02 (1) of the Dutchess County Charter requires that the County Legislature shall establish the amount of bonds of officers and employees, now, therefore, be it

RESOLVED, that the blanket undertaking be continued in force and that the amount of the bond shall be \$100,000 for each covered officer and employee.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 6th day of January, 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 6th day of January, 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

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deed, and in payment of the above tax sales and unpaid taxes,
NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and Clerk of the Board of Representatives be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Board of Representatives of said County a quitclaim deed to the said RAYMOND AND CAROL TILLMAN, of any and all interest which the County of Dutchess may have acquired in and to the above property by reason of the above tax deed, and the Commissioner of Finance is hereby authorized, empowered and directed to cancel the remaining tax sales and unpaid taxes.

The roll call vote on the foregoing Resolution No. 86 of 1973, Quitclaim Deed, Property in the Town of Fishkill, assessed under the name of Hyman Rubin, resulted as follows:

Ayes: 29

Nays: 0

Absent: 8—Bartlett, Clearwater, L'Archevesque, MacClelland, Mostachetti, Serino, Stewart, and Utter.

Resolution Adopted

RESOLUTION NO. 87—1973

Re: Authorizing the Commissioner of Finance to Procure a blanket undertaking.

The Ways & Means Committee offers the following and moves its adoption:

WHEREAS, prior to the 1st day of January, 1973, municipal corporations were required to obtain individual undertakings for each clerk, officer, or employee, as required for the faithful discharge of their duties and for the prompt accounting and pay-over of all monies or property received by them in their official capacity, and

WHEREAS, by Section 11, Subdivision 2 of the Public Officers Law of the State of New York, effective January 1, 1973, the governing body of any municipality has been granted discretionary authority to authorize a blanket undertaking in lieu of individual undertakings, and

WHEREAS, the Commissioner of Finance of the County of Dutchess has requested permission and authority to implement the

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forementioned section of the Public Officers Law of the State of New York now, therefore, be it

RESOLVED, that the Commissioner of Finance be authorized to procure a blanket undertaking from the duly designated corporate surety covering all required officers, clerks, and employees in the amount of \$100,000.00 against loss through one of the following conditions:

1. through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, or

2. through fraudulent or dishonest acts committed by the officers, clerks, and employees covered thereunder.

Voice Vote

Resolution Adopted

RESOLUTION NO. 88—1973

Re: Amendment to Salary Resolution No. 511 of 1972; Section 30, Central Storeroom (A1660)

The Personnel Committee offers the following and moves its adoption:

WHEREAS a request for an upgrading of a position in the Purchasing Department has been received by the Purchasing Agent, and

WHEREAS after a review of the position of Storekeeper and Assistant Storekeeper it has been found that there is an inequity in the salary job groupings, now, therefore, be it

RESOLVED, that Resolution No. 511 of 1972 be amended, to read as follows:

SECTION 30 CENTRAL STOREROOM (A1660)

Sub-Division Number	Title	Minimum	Maximum
b 1	Assistant Storekeeper	\$4,973.	\$6,268.
b 1	Assistant Storekeeper	5,391.	6,791.

✓ 2. Notwithstanding the foregoing provisions of this section or any other law, general, special or local, requiring an official undertaking to be conditioned substantially to the effect that an officer, clerk or employee will faithfully discharge his duties and promptly account for and pay over all moneys or property received by him in his official capacity, it shall be permissible in lieu thereof, with the consent and approval of the officer or governing body authorized to require the undertaking, for any department or agency of the state or any municipal corporation or district corporation or department or agency thereof to procure a blanket undertaking from any duly authorized corporate surety covering officers, clerks and employees. Any such blanket undertaking entered into on or after January first, nineteen hundred seventy-eight shall indemnify against losses:

(a) through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all moneys or property received by virtue of their positions or employment, and

(b) through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

Notwithstanding any provisions of the civil practice law and rules any such blanket undertaking entered into prior to January first, nineteen hundred eighty-three may contain a provision that no suit, action or proceeding of any kind to recover on account of loss under such blanket undertaking shall be brought after the expiration of three years from the cancellation of such blanket undertaking as an entirety. Any such blanket undertaking shall be approved as to its form, manner of execution and sufficiency of the surety and filed and the expense of procuring such surety paid in the same manner as provided in subdivision one of this section. The failure to execute such blanket undertaking in the form required by law, or the omission of the approval required by law, shall not affect the liability of the surety thereon.

3. Nothing herein contained shall be construed to prevent the procuring of a blanket undertaking to cover the liability of employees handling funds collected pursuant to the provisions of section fifty of the vehicle and traffic law.

4. Notwithstanding the provisions of this section or any other law, general or special, requiring an official undertaking or bond to be conditioned substantially to the effect that a state officer, clerk or employee will faithfully discharge his duties and promptly account for and pay over all moneys or property received by him in his official capacity, the comptroller may, in his discretion, waive the requirement of procuring such official undertaking or bond, and the expense of procuring an official undertaking or bond shall not be a charge upon the state unless the comptroller shall first have approved the necessity of requiring such official undertaking or bond.

Credits

(L.1909, c. 51. Amended L.1911, c. 424; L.1912, c. 481, § 1; L.1913, c. 325; L.1914, c. 48; L.1915, c. 628; L.1927, c. 234; L.1953, c. 859; L.1956, c. 740; L.1962, c. 488, § 2; L.1965, c. 89; L.1972, c. 813, § 1; L.1977, c. 953, § 1; L.1982, c. 101, § 1; L.2004, c. 624, § 1, eff. Oct. 19, 2004.)

Notes of Decisions (41)

McKinney's Public Officers Law § 11, NY PUB OFF § 11

Current through L.2014, chapters 1 to 504, 506 to 508, 510 to 523, 525 to 533.

Section 2.01. County Legislature; Membership; Election; Term; Reapportionment. ^{29, 39}

There shall be a County Legislature composed of Legislators elected from single member districts prescribed in such local laws of reapportionment as may from time to time to be applicable. Each Legislator shall be deemed a County Officer and shall be elected at a general odd-numbered year election for a term of two years. At the time of his/her nomination and election, and throughout his/her term of office, each Legislator shall be and remain an elector of the district from which he/she is elected. Hereafter, the County Legislature, by a Local Law subject to permissive referendum, shall reapportion its membership within two years after the publication of each federal decennial census in a manner consistent with constitutionally and legally accepted principles of legislative representation, but in no event shall the number of Legislators exceed twenty-five (25). Notwithstanding any other provision of this Charter to the contrary, such local law of reapportionment shall not be subject to disapproval by the County Executive.

✓ Section 2.02. Powers and Duties. The County Legislature shall be the legislative, appropriating and policy determining body of the County. Except as may otherwise be provided herein, it shall have and exercise all the legislative powers and duties now or hereafter conferred or imposed by State law or this Charter upon a board of supervisors or a legislative body of a county, and all powers and duties necessarily implied or incidental thereto.

Among such powers and duties, but not by way of limitation, it shall:

(a) make appropriations, levy taxes, incur indebtedness and adopt the County budget;

(b) enact, amend or rescind local laws, ordinances, legalizing acts or resolutions, subject to approval of the County Executive as provided in section 3.02 (i) of this Charter;

(c) adopt, amend or repeal, by local law, an Administrative Code which shall set forth the details of administration of the County government consistent with the provisions of the Charter;

(d) adopt by resolution all necessary rules and regulations for its own conduct and procedure;

(e) establish or abolish positions of employment and titles thereof, as provided by law;

(f) establish by local law one or more offices of deputy to the head of any unit of County government;

(g) fix by resolution the compensation of all County Officers and employees except members of the Judiciary;

(h) fix by resolution the compensation to be paid from County funds to officers or employees who are not officers or employees of the County;

(i) grant by resolution to its officers and employees vacations, sick leaves, compensatory time and leaves of absence, with or without pay, and adopt rules and regulations in relation thereto;

(j) fix by resolution 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;

(k) establish by resolution the method for the correction of manifest clerical or other errors or omissions in assessment rolls or returns thereof as authorized by sections 554 and 556 of the Real Property Tax Law, subject to review by the courts;

(l) fix the amount of bonds of officers and employees paid from County funds;

(m) conduct studies and investigations in furtherance of its legislative functions, and in connection therewith obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence necessary or material to such studies or investigations;

(n) legalize and validate by legalizing act any act had or taken in connection with a lawful municipal purpose by a governing board or other body, officer or agency of a local municipality wholly within the County in the manner provided in the County Law;

(o) override the disapproval of legislation by the County Executive pursuant to the provisions of section 3.02 (i) of this Charter by two-thirds (2/3) vote of the total number of its members, and the same shall be duly enacted as originally submitted to him, but if the County Legislature shall fail to override such disapproval within thirty (30) days of the return to it of such legislation, the disapproval shall be final; and

(p) appoint Legislators who shall serve at the pleasure of the County Legislature, unless otherwise required by law, as those members of the Jury board authorized by law to be appointed by a County unit.

Section 2.03. Local Laws.

2.031. Adoption, Amendment and Repeal.

The County Legislature may adopt, amend and repeal local laws by not less than a majority vote of the total number of its members. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the