

**Government Services and Administration**

RESOLUTION NO. 2015014

RE: CONFIRMATION OF REAPPOINTMENT OF  
SCOTT L. VOLKMAN AS COUNSEL TO THE DUTCHESS COUNTY  
LEGISLATURE

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

WHEREAS, pursuant to Article 11, Section 2.14 of the Dutchess County Charter, Robert Rolison, Chairman of the Dutchess County Legislature, has reappointed Scott L. Volkman as Counsel to the Dutchess County Legislature, now, therefore, be it

RESOLVED, that said appointment of Scott L. Volkman, as counsel to the Dutchess County Legislature, be and the same is hereby confirmed.

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 22nd 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 22<sup>nd</sup> day of January, 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

to serve as its Chairman for the balance of the calendar year, as provided in section 3.02 (j) of this Charter.

Section 2.12. Clerk of the County Legislature; Appointment; Qualifications; Vacancy; Deputies and Employees. A Clerk of the County Legislature shall be appointed by the County Legislature at its organizational meeting, or at an adjourned meeting thereof, in the manner provided by its rules. The Clerk shall be and remain an elector of the County, and he shall serve at the pleasure of the County Legislature and until his successor shall be appointed and shall qualify. A vacancy in the office of Clerk shall be filled by the County Legislature. The County Legislature may appoint such Deputy Clerks and employees as it may require.

Section 2.13. Membership Vacancy; Selection of Interim Successor; Election of Successor; Special Election. A Vacancy in the membership of the County Legislature shall be filled during the first thirty (30) days after its occurrence as follows:

(a) in a district lying wholly within the boundaries of one town or city, by a majority vote of the whole board or council governing said town or city;

(b) in a district lying within the boundaries of two or more towns or cities or parts thereof, by a majority weighted vote of all the boards or councils governing said towns or cities assembled collectively for the purpose of filling such vacancy. Such weighting shall be based upon the ratio of population of each town in such district, and divided equally among the members of each separate board or council.

The person selected to fill such vacancy shall take and file his oath of office pursuant to law, and shall be entitled to take his seat on the County Legislature at its next meeting. He shall serve until the first day of January next following the general election at which such vacancy may be filled, at which general election such vacancy shall be filled for the unexpired term, if any.

In the event such vacancy is not filled as herein above provided during the first thirty (30) days after its occurrence, a special election shall be held in the district wherein such vacancy shall have occurred. The person elected at such special election shall take and file his oath of office pursuant to law, and shall be entitled to take his seat on the County Legislature at its next meeting and shall serve for the unexpired term.

Section 2.14. Counsel to the Legislature.<sup>1</sup>

✓ There shall be a counsel to the Legislature who shall be appointed by the Chairman of the Legislature subject to the confirmation of the County Legislature. At the time of his appointment, and throughout his term of office, the Counsel to the Legislature shall be and remain duly licensed and entitled to practice law in the State of New York. He shall be appointed on the basis of his legal experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Legislature.

(a) Powers and Duties. Except as may otherwise be provided in this Charter, the Counsel to the Legislature shall, with respect to matters of the County Legislature:

1. render legal advice to the County Legislature;
2. prepare all local laws, ordinances, resolutions, legalizing acts or other legislation upon request of a member of the County Legislature, together with notices and other documents in connection therewith;
3. attend all regular and special meetings of the Dutchess County Legislature. Be available to attend all committee meetings of the Legislature;
4. prepare all necessary memoranda and opinions surrounding the various issues addressed by the legislation of this County;
5. be prepared at all times to give legal counsel to the Legislators and the various officers of the Legislature surrounding their respective functions;
6. perform such other related and nonconflicting duties as may be required by the County Legislature.

(b) Deputies and Assistants. Legal Counsel to the Legislature shall have the power to appoint such Deputy and Assistants and employees of his department as shall be authorized by the County Legislature. At the time of their appointment, and throughout their terms of office, all Deputies and Assistants shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputies and Assistants and employees of the department shall be directly responsible to, and serve at the pleasure of the Counsel to the Legislature, except as otherwise provided by this Charter, the Administrative Code or applicable law.

(c) Acting Legal Counsel to the Legislature. The Legal Counsel to the Legislature, subject to approval by the Legislature, shall designate in writing, and in order of succession, the Deputy and Assistant Counsel who shall be Acting Legal Counsel in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the Legislature and may be revoked at any time by the Legal Counsel to the Legislature filing a new written designation and order of succession. The Acting Legal Counsel shall have all the powers and perform all the duties of the Legal Counsel to the Legislature.

(d) Term of Appointment. The Counsel to the Legislature shall serve for a fixed term of appointment of five (5) years.

(e) Vacancies in the Office of Counsel to the Legislature. A vacancy in the Office of Counsel to the Legislature which occurs during the term of the Counsel to the Legislature shall be filled for the balance of that term by the Chairman of the Legislature. The appointee to the position shall be subject to confirmation by the Legislature.