

DUTCHESS COUNTY ADMINISTRATIVE CODE

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# ARTICLE I

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## SHORT TITLE AND DEFINITIONS

### Section

- 1.01. Title.
- 1.02. Purposes, Further Rules, Regulations and Manuals.
- 1.03. Effect on State Law.
- 1.04. Effect on Local Law and Enactments.
- 1.05. Definitions.

Section 1.01. Title.

This Code, and all amendments hereto, shall be known and may be cited as the "Dutchess County Administrative Code".

Section 1.02. Purposes, Further Rules, Regulations and Manuals.

The purpose of this Code is to set forth the details of administration of the Dutchess County government, consistent with the provisions of the Dutchess County Charter. The County Executive shall promulgate and maintain a Manual of Management Policies, Organization and Procedures to further implement the provisions of the Dutchess County Charter and this Code with respect to the powers and duties of his office.

Section 1.03. Effect on State Law.

Any State law which is inconsistent with this Code shall be superseded by this Code to the extent inconsistent and within the limits prescribed by law.

Section 1.04. Effect on Local Law and Enactments.

All existing laws, ordinances, legalizing acts and resolutions of the County shall remain operative except where inconsistent with this Code, provided, however, that the provisions of this Code shall not be construed to invalidate or impair any provision of the Dutchess County Charter.

Section 1.05. Definitions.

Whenever used in this Code, local laws, ordinances, legalizing acts or resolutions, unless otherwise expressly stated or required by subject matter or context.

- (a) "County" shall mean the County of Dutchess,
- (b) "Charter" shall mean the Dutchess County Charter and all amendments thereto,
- (c) "Administrative Code" and "Code" shall mean the administrative code adopted by and for the County of Dutchess and all amendments hereto,
- (d) "local law" shall mean a law adopted pursuant to the Charter within the power granted by the Constitution of the State of New York, an act of the State Legislature or a provision of the Charter, but shall not include ordinances, legalizing acts or resolutions;

- (e) "ordinance" shall mean a legislative act, not subject to referendum, adopted pursuant to the Charter and relating to property or any other subject of County concern not required to be enacted by local law, legalizing act or resolution;
- (f) "legalizing act" shall mean a legislative act, not subject to referendum, which legalizes and validates any act had and taken in connection with a lawful municipal object or purpose by the governing board or other local body, officer or agency of a municipality wholly within the County, in the manner and under the conditions prescribed in the County Law, as amended, or other applicable law;
- (g) "resolution" shall mean a legislative act other than a local law, ordinance or legalizing act, adopted pursuant to the Charter, but not subject to referendum;
- (h) "legislative branch" shall mean the County Legislature and all units of government within its jurisdiction;
- (i) "executive branch" shall mean the County Executive and all units of government within his jurisdiction;
- (j) "department" shall mean each of those units of the executive branch set forth in Articles IV through XIX of the Charter,
- (k) "officer" shall mean a person in the County government who has authority to exercise some portion of the sovereign power, either in making, executing or administering the laws;
- (l) "division" shall mean a unit within a department or office of an appointed or elected officer;
- (m) "committee" shall mean a body of persons appointed in the manner herein provided for the purpose of investigating, studying or reporting on matters of transitory County interest;

- (n) "commission" shall mean a body of persons appointed in the manner herein provided for the purpose of investigating, studying, reporting, drafting and advising on matters of County interest;
- (o) "board", except as otherwise provided herein, shall mean a body of persons appointed in the manner herein provided for the purpose of studying and advising on matters of continuing County interest;
- (p) "deputy" shall mean a County officer authorized by his principal to exercise delegated discretionary powers and duties;
- (q) "unit" shall mean any part of the County government including officers thereof;
- (r) "judiciary" shall mean judges;
- (s) "qualified elector" shall mean a person qualified to cast a ballot in a County election;
- (t) "quorum" shall mean a majority of the total number;
- (u) "total number" shall mean the number of a duly constituted body if there were no vacancies and no persons disqualified from acting.

ARTICLE II

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LEGISLATIVE BRANCH

Section.

- 2.01. County Legislature; Employees; Officers.
- 2.02. County Legislature; Meetings Open to Public.
- 2.03. Chairman of the County Legislature; Vacancy.
- 2.04. Membership Vacancy; Selection of Interim Successor.
- 2.05. Authorization for Conference Expenses.
- 2.06. Petty Cash Funds.
- 2.07. Seal of the County Legislature.

Section 2.01. County Legislature; Employees, Officers.

The County Legislature, and all officers and employees thereof, shall comprise the legislative branch of Dutchess County government.

Section 2.02. County Legislature; Meetings Open to Public.

All meetings of the County Legislature shall be open to the public, and its records open to public inspection.

Section 2.03. Chairman of the County Legislature; Vacancy.

If the County Legislature shall fail to select a Chairman within thirty (30) days after that office shall have become vacant for any reason, the Clerk of the County Legislature, on the thirty-first day after its occurrence, shall certify in writing that the position of the Chairman has been vacant for thirty days, and shall cause such certification to be delivered by hand that same day to the Office of the County Executive. The County Executive, as soon thereafter as practicable, shall appoint a member of the County Legislature to serve as its Chairman for the balance of the calendar year. Such appointment shall be in writing and filed with the Clerk of the County Legislature and the County Clerk. The Clerk of the County Legislature, upon receipt of such appointment, shall notify each member of the County Legislature of the County Executive's action by written notice of appointment duly mailed to the address of each member of the Legislature as given to the Clerk of the County Legislature.

Section 2.04. Membership Vacancy; Selection of Interim Successor.

(a) Whenever a vacancy in the membership of the County Legislature shall occur, the Clerk of the County Legislature shall, within five (5) days of the occurrence of such vacancy, notify in writing the following persons:

(1) in single town districts, the town clerk of said town and the town supervisor;

(2) in multiple town districts, the town clerks and town supervisors of all towns within the district;

(3) in the City of Poughkeepsie, the city clerk of said City, and the presiding officer of the Common Council;

(4) in the City of Beacon, the city clerk of said City, and the presiding officer of the City Council.

(b) The town supervisor in single town districts, or the town supervisor of the most populous town in multiple town districts, or the presiding officer of the Poughkeepsie Common Council, or the presiding officer of the Beacon City Council, as the case may be, shall, within twenty (20) days after receipt of such notification, convene and preside at a meeting of persons designated by Section 2.13 of the Charter to select an interim successor.

(c) When such interim successor has been selected at such meeting, the presiding officer of such meeting shall certify in writing to the Clerk of the County Legislature the name of the interim successor. The person selected 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 hold such office pursuant to Section 2.13 of the Charter.

(d) In the event an interim successor has not been selected during the first thirty (30) days after the occurrence of the vacancy, the Clerk of the County Legislature shall certify in writing to the Board of Elections that such vacancy has existed for thirty (30) days consecutively, and the Board of Elections shall conduct a special election pursuant to Section 2.13 of the Charter.

Section 2.05. Authorization for Conference Expenses.

The County Legislature may authorize any member, officer or employee of the Legislative Branch to attend any convention, conference, school, or other function for the betterment of county government. Within the appropriation therefor and when so authorized, all necessary and actual expenses in connection therewith shall be paid from county funds.

Section 2.06. Petty Cash Funds. The County Legislature may establish a revolving petty cash fund, in such amount as it may determine, for any officer or unit of county government, except the Dutchess Community College. Expenditures from a petty cash fund may be made only for payment in advance of audit of properly itemized and verified bills or claims. After audit of such bills or claims by the Comptroller, the Commissioner of Finance shall reimburse to such petty cash fund, from the appropriate budgetary item or items, the amount so audited and allowed.

Section 2.07. Seal of the County Legislature.

The seal of the County of Dutchess shall be the seal of the County Legislature. Such seal shall be used for all authorized and required purposes.

## ARTICLE III

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### EXECUTIVE BRANCH

#### Section

- 3.01 County Executive; Procurement Policies.
- 3.02 County Executive; Personnel Administration.
- 3.03 County Executive; Financial Policies.
- 3.04 County Executive; Central Services.
- 3.05 County Executive; Other Powers and Duties.
- 3.06 Investigations; Subpoenas; Oaths and Affirmations.
- 3.07 Fixing of Equalization Rates.
- 3.08 Conflict of Interest.
- 3.09 Seal of the County Executive.

Section 3.01. County Executive; Procurement Policies.

The County Executive, within appropriations provided therefor, may designate a person or unit within the executive branch to assist him in the purchasing, sale, rental and servicing of all materials, supplies and equipment for the County as provided in Article XXVIII of the Code. The County Executive may authorize such designee to approve and execute any or all such contracts on behalf of the County. The County Executive, or his designee, shall, among other related powers and duties:

- (a) establish and maintain a central purchasing system;
- (b) establish and enforce standard specifications with respect to supplies, materials, equipment and services;
- (c) inspect or supervise, or otherwise provide for the inspection or supervision of, all deliveries of supplies, materials and equipment and determine their quality, quantity and conformance to specifications;
- (d) disburse and transfer supplies, materials and equipment among and between the various units of government;
- (e) sell or lease surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by resolution of the County Legislature.
- (f) prepare and update annually an inventory of all real or personal property of the County, and make such inventory available to the various units of government; and
- (g) upon the request of any city, town, village, school district or other unit of local government, provide central purchasing services for all or part of its purchases, upon such conditions as may be prescribed by the County Legislature.

Section 3.02. County Executive; Personnel Administration.

The County Executive, within appropriations provided therefor, may designate a person within the executive branch to assist him in administering a personnel and employee relations program. The County Executive, or his designee, shall, among other related powers and duties:

(a) maintain and administer a salary plan for Dutchess County employees and periodically resurvey prevailing salaries and recommend amendments to the County Legislature to eliminate inequities, recruiting difficulties and employee turnover problems;

(b) institute programs to insure that each incoming county employee is properly advised of the characteristics and practices of county employment and receives necessary orientation and prework-assignment training;

(c) determine those aspects of employment, working conditions, benefit programs and employee activities which would be conducive to improving employee morale and performance as a basis for recommending necessary action to the County Legislature; and

(d) negotiate and administer on behalf of the County agreements with recognized employee representatives concerning conditions of employment, wages, employee sick leave, vacation, health insurance, retirement plans and such other matters as may come before him, and recommend necessary action to the County Legislature.

Section 3.03. County Executive; County Financial Policies.

The County Executive, within appropriations provided therefor, may designate a person within the executive branch to assist him in the preparation of a tentative County budget, as provided in Article XXIX of the Code. The County Executive, or his designee, shall, among other related powers and duties:

(a) provide for the submission to, and the review and amendment by, him or his designee, of unit budget requests and their presentation to the County Legislature;

(b) provide for the preparation of a long range capital program for the County of Dutchess with detailed plans to meet the physical facilities needs of the County; and

(c) provide for budget controls and allocation of appropriated funds in the most efficient and economical fashion.

Section 3.04. County Executive; Central Services.

The County Executive, within appropriations provided therefor, may designate one or more persons or units within the executive branch to assist him in administering supporting services or facilities required in common by the various units for maximum economy and effectiveness. The County Executive, or his designee shall, among other related powers and duties:

(a) have custody of and supervise the installation, operation and maintenance of all data processing equipment, supervise the personnel assigned to operate such equipment and consult and advise with personnel and heads of units in identifying applications which can advantageously be made to achieve full efficiency, economy and utilization of such equipment;

(b) maintain and operate facilities for the central receipt, distribution, processing and collection of mail and messages from and between units designated by the County Executive; and

(c) maintain and operate facilities for the central reproduction of printed matter.

Section 3.05. County Executive; Others Powers and Duties.

In addition to the enumerated powers and duties set forth in the Charter, this Code or applicable law, the County Executive shall be empowered to:

(a) authorize any officer or employee paid from County funds, except members, officers and employees of the legislative branch, to attend, at County expense, any convention, conference, school or function deemed to be in the interest of County government;

(b) transfer employees temporarily between units of the executive branch;

(c) determine what officer or employee of the executive branch shall exercise powers or perform duties not otherwise assigned by the Charter, this Code, local law, ordinances or resolutions of the County Legislature, or any applicable provision of any act of the Legislature;

(d) declare the existence of an emergency affecting the life, health or safety of inhabitants of Dutchess County, and, except as otherwise specifically provided by law, perform all acts necessary for the protection of such inhabitants, and execute all necessary documents to effectuate this authorization; and

(e) make such recommendations to the County Legislature as he may deem advisable.

Section 3.06. Investigations; Subpoenas; Oaths and Affirmations.

(a) The County Executive may issue a subpoena requiring any officer or employee under his jurisdiction to attend before him and be examined in reference to any matter within the scope of any study or investigation of the affairs, functions, accounts or personnel of the County government and, in a proper case, to bring with him books, papers, documents and other evidence. The provisions of the Civil Practice Law and Rules in relation to enforcing obedience to a subpoena lawfully issued by a judge, arbitrator, referee or other person in a matter not arising in an action in a court of record shall apply to a subpoena issued as authorized by this section.

(b) The County Executive, within appropriations provided therefor, may employ, contract with or otherwise retain all personnel necessary for the conduct of such study or investigation, and in connection therewith, may designate any county officer to preside, administer oaths or affirmations, examine witnesses, receive evidence and report his finding and recommendations to the County Executive.

Section 3.07. Fixing of Equalization Rates.

On or before the first day of October of each year, after obtaining such information or holding such hearings as he may deem necessary or advisable, the County Executive shall determine and fix the real property tax equalization rates among the various tax districts of the County for County purposes, and shall file the same on or before such date, together with an abstract of computations upon which such rates are based, with the Clerk of the County Legislature and the State Board of Equalization and Assessment. The basis for computation of such rates shall be preserved by the County Executive and an abstract thereof shall be published with the County equalization rates in the Journal of Proceedings of the County Legislature.

Section 3.08. Conflict of Interest.

The County Executive shall not be an officer, director or stockholder of any depository or depositories designated by him pursuant to Section 3.02 (g) of the Charter, nor in any business proposing to supply equipment, supplies, materials or service pursuant to Section 3.01 of the Code.

Section 3.09. Seal of the County Executive.

The seal of the County of Dutchess shall be the seal of the County Executive. Such seal shall be used for all authorized and required purposes.

ARTICLE IV

ARTICLE V

## ARTICLE VI

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### DEPARTMENT OF FINANCE<sup>43</sup>

#### Section

- 6.01. Bonded Indebtedness.
- 6.02. Submission of Budget Data.
- 6.03. Custody of Documents.
- 6.04. Regular Statements.
- 6.05. Statement of Financial Condition.
- 6.06. Depository Undertakings.
- 6.07. Submittal of Proposed Equalization Rates.
- 6.08. Tax Preparation.
- 6.09. Bond of Commissioner of Finance.
- 6.10. Seal of the Commissioner of Finance.
- 6.11.<sup>62</sup> Division of Real Property Tax Services, Director, Appointment, Term, Powers and Duties.

Section 6.01. Bonded Indebtedness.

The Commissioner of Finance shall conduct the sale of all bonds pursuant to the provisions of the Local Finance Law, and shall keep a record of all indebtedness, bonded or otherwise, of the County.

Section 6.02. Submission of Budget Data.

The Commissioner of Finance shall prepare and submit to the County Executive annually, on such date and on such forms as the County Executive may prescribe, such information as may be required in the preparation of the tentative County budget.

Section 6.03. Custody of Documents.

The Commissioner of Finance shall have custody of all insurance policies, surety bonds, deeds to County property and such other instruments as the County Executive may direct. Except as otherwise provided by law, he shall file and maintain as public records all original instruments pertaining to real estate and duplicates of all other documents executed, issued or received for the County by any officer or unit thereof, provided, however, that upon the sale of any real estate of the County, the documents relating thereto may be transferred to the purchaser.

Section 6.04. Regular Statements.

The Commissioner of Finance shall make and file with the Comptroller, as the Comptroller shall require, regular statements of all funds and moneys received and disbursed, of whatever name or nature.

Section 6.05. Statement of Financial Condition.<sup>57</sup>

(a) In addition to the annual report required by Section 6.02 (e) of the Charter, the Commissioner of Finance shall, on or before the 25th day of February, May, August, and November and at such other times as the County Legislature, by resolution, may direct, submit to

the County Executive, the Comptroller, and the County Legislature a statement of the financial condition of the County as of the last day of the preceding calendar quarter-year.

(b) Such statement shall reflect the aggregate revenues received for general County purposes and for each appropriation account or fund where required by law to be expended for the purpose of such account or fund. It shall also indicate for each such account the amount appropriated, the amount encumbered but remaining unexpended, the aggregate expenditures and the unencumbered balance, together with such other information as the County Executive, Comptroller or County Legislature may require.

Section 6.06. Depository Undertakings.

(a) Each depository designated by the County Executive pursuant to Section 3.02 (g) of the Charter shall, for the benefit of the security of the County and before receiving any such deposit, give to the County a good and sufficient undertaking, approved as to the sufficiency of surety by the County Executive and as to form by the County Attorney. Such undertaking shall specify the amount which the Commissioner of Finance shall be authorized to have on deposit at any one time with such depository. Such undertaking shall provide (1) that such depository shall faithfully keep and pay over, on the order or warrant of the Commissioner of Finance, or other lawful authority, such deposits and the agreed interest thereon, and (2) for the payment of such bonds or coupons as by their terms are made payable at a bank or banks for the payment of which a deposit shall be made by the Commissioner of Finance with such depository. The County Executive may increase the amount which any such depository is authorized to have on deposit at any one time and require additional undertaking therefor. The Commissioner of Finance shall file each such undertaking with the County Clerk.

(b) In lieu of such undertaking a depository may execute its own undertaking in such form and upon such conditions as may be prescribed by law and as collateral thereto shall deposit with the Commissioner of Finance outstanding unmatured bonds or other obligations of the United States of America, State of New York, or of any county, town, city, village or school district in the State of New York authorized to be issued by law in the face amount at all times at least equal to the amount on deposit less the amount certified by the depository as covered by insurance under the Federal Deposit Insurance Act. The collateral shall be approved as to amount and sufficiency by the Commissioner of Finance accepting the same. The depository shall deposit with the Commissioner of Finance an assignment in blank of such collateral. The Commissioner of Finance shall deliver a certificate of deposit containing a description of the bonds or other securities so deposited as collateral. In the event of a default on the undertaking of any depository and the consequent necessity to complete the assignment in blank, the Commissioner of Finance shall complete the assignment and shall be deemed to be the agent of the assignor for such purpose. The Commissioner of Finance may from time to time require the depository to increase the amount of securities deposited and may from time to time release securities whenever the amount of the balance on deposit shall be lawfully reduced. Upon the withdrawal of all moneys from any depository and the closing and settlement of the account thereof, the Commissioner of Finance may require the surrender of the certificate of deposit and thereupon shall return the securities so deposited as collateral. Whenever, in the judgment of the Commissioner of Finance, it appears that additional facilities for the safeguarding of the securities deposited with him are essential, he may lease or rent a safety deposit box and the cost thereof shall be audited and paid as a County charge. The depository, with the consent of the Commissioner of Finance, may deposit such securities in a safety deposit box maintained by the

depository under the joint control of the depository and the Commissioner of Finance, or if such depository has and maintains a separate trust department, said depository may, with like consent, deliver such securities to said trust department, or may, with like consent, deposit such securities in escrow in the trust department of any other bank within the State of New York to be held by it subject to the joint order of the depository and the Commissioner of Finance, and all expenses in connection therewith shall be borne by the depository.

(c) The Commissioner of Finance shall not be liable for the loss of public funds of the County by reason of the default or insolvency of a designated depository, provided such funds have been deposited in accordance with the provisions of this section. In the event that securities have been deposited as provided in paragraph (b) of this section, such Commissioner of Finance shall be liable to the extent of any loss in excess of the face amount of such securities on deposit at the time of such insolvency.

Section 6.07. Submittal of Proposed Equalization Rates.

The Commissioner of Finance shall, on or before the fifteenth day of September, submit to the County Executive the proposed County tax equalization rates and any other information which the County Executive shall request in connection therewith.

Section 6.08. Tax Preparation.

The Commissioner of Finance shall perform, or cause to be performed, all duties in relation to ascertaining, spreading, entering and extending taxes levied by the County Legislature for all state, county, town and special district purposes, and including the preparation of tax rolls and the issuance of tax bills for such taxes. Nothing herein shall be construed to

affect the power of the Cities of Poughkeepsie and Beacon to levy and collect State and County taxes on all taxable property within said Cities, pursuant to law.

Section 6.09. Bond of Commissioner of Finance.

The Commissioner of Finance and such of his deputies, officers and employees as the County Legislature or the County Executive shall require, shall give a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his duties. Such bond shall be approved as to form by the County Attorney and as to sufficiency of surety by the County Executive, and shall be filed with the County Clerk. It shall be a charge on the County.

Section 6.10. Seal of the Commissioner of Finance.

The seal of the County of Dutchess shall be the seal of the Commissioner of Finance. Such seal shall be used for all authorized and required purposes.

Section 6.11. Division of Real Property Tax Services, Director, Appointment, Term, Powers and Duties.<sup>62</sup>

- (a) There shall be within the Department of Finance, an independent Division of Real Property Tax Services under the direction of a Deputy Commissioner of Finance/Director of Real Property Tax Services. The qualifications of the Deputy Commissioner of Finance/Director of Real Property Tax Services shall conform to those prescribed by the State of New York for county directors of real property tax service agencies pursuant to Article 15-A, Section 1530 of the New York State Real Property Tax Law. The Deputy Commissioner of Finance/Director of Real Property Tax Services shall be appointed by the County Executive for a term of six (6) years.
- (b) The Deputy Commissioner of Finance/Director of Real Property Tax Services shall have all of the powers and perform all of the duties conferred or imposed by Article 15-A of the Real Property Tax Law, including but not limited to the extension of real estate taxes, the issuance of tax bills, the maintenance of County assessment records, the submission to the County executive of tax equalization rates and the rendering of assistance to assessors throughout the County in the performance of their responsibilities and shall perform such other and related duties required by the County Executive or County Legislature.

43 Article IV, Finance, Department of renumbered Article VI by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

57 Section 6.05, Statement of Financial Condition (a) amended by Resolution No. 201 of 1997. Local Law No. 8 of 1997.

62 Section 6.11. Division of Real Property Tax Services, Director, Appointment, Term, Powers and Duties. Added by Resolution No. 2010348, Local Law No. 3 of 2011.

## ARTICLE VII

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### DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH<sup>45 78</sup>

#### Section

- 7.01. Board of Health; Sanitary Code; Procedure for Adoption.
- 7.02. County Sanitary Code; Violations and Penalties.
- 7.03. Board of Health; Powers and Duties.
- 7.04. Health Services; Intergovernmental Cooperation.
- 7.05. Mental Hygiene Advisory Board; Appointment; Officers; Meetings.
- 7.06. Mental Hygiene Advisory Board; Powers and Duties.

Section 7.01. Board of Health; Sanitary Code; Procedure for Adoption.

(a) The affirmative vote of a majority of the total membership of the Board of Health shall be required to pass any rule, regulation, order or direction which constitutes an amendment or addition to the County Sanitary Code. On the final passage, the question shall be taken by ayes and noes, and the names of the members present and their vote shall be entered in the minutes of proceedings.

(b) Every rule, regulation, order or direction which constitutes an amendment or addition to the County Sanitary Code shall be mailed or delivered in final form to each member at least 10 calendar days, exclusive of Sunday, prior to its final passage, unless the County Executive certifies as to the necessity for its immediate passage, and, in such event, such rule, regulation, order or direction may be passed by the affirmative vote of two-thirds of the total membership of the Board of Health.

(c) The Board of Health shall hold a public hearing on every rule, regulation, order or direction which constitutes an amendment or addition to the County Sanitary Code prior to its final passage. Such public hearing shall be on at least five days' notice, published in the official daily newspapers in the County of Dutchess.

(d) The Board of Health shall cause to be published annually a supplement to the County Sanitary Code which shall indicate all additions to, repeals, and amendments of any section of said Code.

(e) The Commissioner of Behavioral & Community Health shall cause to be furnished certified copies of the County Sanitary Code and its amendments for such fee as may be authorized by law.

Section 7.02. County Sanitary Code; Violations and Penalties.

The provisions of the County Sanitary Code shall have the force and effect of law. Any violation or non-conformance with any provision of such County Sanitary Code or of any rule, regulation, order or direction made thereunder shall constitute a misdemeanor punishable by a fine of not more than fifty dollars or by imprisonment for not more than six months or by both such fine and imprisonment. Certified copies of the County Sanitary Code shall be received in evidence in all courts and proceedings in the State.

Section 7.03. Board of Health; Powers and Duties.

The Board of Health shall, in consultation with the Commissioner, prepare recommendations for meeting the public health needs of Dutchess County. Copies of the recommendations shall be transmitted to the County Executive for his or her evaluation and referral within sixty (60) days to the County Legislature and the State Commissioner of Health. The Board of Health shall have and exercise such other powers and duties conferred upon such Board by the County Charter or this Code.

Section 7.04. Health Services, Intergovernmental Cooperation.

The County Executive, upon recommendation of the Commissioner and the Board of Health, shall have the power to enter into contracts to obtain or render health services, pursuant to Section 33.02 of the Charter.

Section 7.05. Mental Hygiene Advisory Board; Appointment; Officers; Meetings.

There shall be in the Department of Behavioral & Community Health a Mental Hygiene Advisory Board whose members shall be appointed by the County Legislature in the manner and for the term provided in the Mental Hygiene Law for Community Mental Health Boards. Each member of the Community Mental Health Board shall continue to hold office for the balance of his or her other respective term, at the conclusion of which the applicable appointive provisions of this Code shall become effective. The Mental Hygiene Advisory Board shall elect annually a Chairman, Vice-Chairman, and a Secretary from among its members. Meetings of the Mental Hygiene Advisory Board shall be held at least quarterly at the call of the Chairman of such Board or the Director of Community Services, on three (3) days' written notice, mailed to such board members. Vacancies in the membership of said Board, occurring otherwise than by expiration of term shall be filled by appointment by the County Legislature for the unexpired terms.

Section 7.06. Mental Hygiene Advisory Board; Powers and Duties.

The Mental Hygiene Advisory Board, shall in consultation with the Director of Community Services prepare recommendations for meeting the mental health needs of Dutchess County. Copies of the recommendations shall be transmitted to the County Executive for his or her evaluation and referral within sixty (60) days to the County Legislature and the State Commissioner of Mental Hygiene. The Mental Hygiene Advisory Board shall have and exercise such other powers and duties conferred upon such Board by the County Charter or this Code.

45 Article VI, Health, Department of renumbered VII by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

78 Article VII, amended to rename the Department of Health to the Department of Behavioral & Community Health, update title of Commissioner in subparagraph (e) and add new Sections 7.05 and 7.06, by Resolution No. 2015250 and Local Law No. 7 of 2015.

## ARTICLE VIII

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### DEPARTMENT OF LAW<sup>44</sup>

#### Section

- 8.01. Deputy and Assistant County Attorneys.
- 8.02. Inconsistent Interests Among County Officials.
- 8.03. Confidential Secretary, Appointment.
- 8.04. Expert Assistance.
- 8.05. Supplement to Charter and Code.
- 8.06. Waiver of Filing Fees.

Section 8.01. Deputy and Assistant County Attorneys.

Every appointment of a confidential deputy county attorney or an assistant county attorney by the County Attorney shall be in a writing filed and recorded in the Office of the County Clerk. The person or persons so appointed shall take the prescribed oath of office and furnish any required official undertaking. Any such appointment may be revoked by the County Attorney at any time by filing a written revocation in the Office of the County Clerk.

Section 8.02. Inconsistent Interests Among County Officials.

Whenever the interests of the County Legislature or the county are inconsistent with the interests of any other officer paid his compensation from county funds, the County Attorney shall represent the interest of the County Legislature and the County. In such case the officer may at his own expense employ an attorney at law.

Section 8.03. Confidential Secretary; Appointment.

The County Legislature may create the position of confidential secretary to the County Attorney. Such position shall be in the exempt class of the civil service. The County Attorney shall appoint such confidential secretary, who shall serve at his pleasure.

Section 8.04. Expert Assistance.

The County Attorney may, within the limits of appropriations provided therefor, employ special counsel, professional, technical or other consultant services and incur such expenses in connection therewith as he may deem necessary for the performance of his duties.

Section 8.05. Supplement to Charter and Code.

The County Attorney shall prepare annually a supplement to the County Charter and Administrative Code, which shall indicate all additions to, repeals and amendments of any section of the Charter or Code.

Section 8.06. Waiver of Filing Fees.

No office, officer, department or court of the County shall require from the Department of Law any filing or recording fee or other charge pertaining to or in connection with the work of said Department.

44 Article V, Law, Department of renumbered VIII by Resolution No. 195 of 1997.  
Local Law No. 6 of 1997.

## ARTICLE IX<sup>79</sup>

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51 Article IX, Mental Hygiene, Department of renumbered IX by Resolution No. 195 of 1997, Local Law No. 6 of 1997.

79 Article IX, Mental Hygiene, Department of deleted by Resolution No. 2015250, Local Law No. 7 of 2015. The Department of Mental Hygiene merged with the Department of Behavioral & Community Health. See Article VII.

ARTICLE X

## ARTICLE XI

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### DEPARTMENT OF HUMAN RESOURCES <sup>46, 61</sup>

#### Section.

- 11.01. Commissioner of Human Resources <sup>61</sup>; Qualifications.
- 11.02. Commissioner; Powers and Duties.
- 11.03. Certification of Payrolls.
- 11.04. Cooperation by and With Administrative Unit Heads.

Section 11.01. Commissioner of Human Resources<sup>61</sup>; Qualifications.

The Commissioner of Human Resources<sup>61</sup> shall have at least ten years in education, training or professional experience in personnel administration, and the County Executive shall certify his qualifications, at the time of appointment, to the County Legislature.

Section 11.02. Commissioner; Powers and Duties.

Among the powers and duties of the Commissioner provided in Section 11.02 of the Charter, the Commissioner shall:

(a) Establish, in cooperation with the other heads of units of county government, a program of employee recruitment designed to acquaint interested persons with the opportunities for employment in Dutchess County government, and to provide Dutchess County government with a steady influx of qualified employees to fill vacancies in established positions;

(b) Maintain, in cooperation with the other heads of units of county government, a central file of job opportunities in Dutchess County government, and make provisions for the dissemination of such information to the public; and

(c) Establish and maintain a roster of all county officers and employees. Such roster shall show for each county officer and employee the date of appointment or election, the title of the position, the rate of pay and rate changes, promotions, demotions, transfers, the time and cause of separations from county employment and any other information the Commissioner considers necessary for a proper personnel record.

Section 11.03. Certification of Payrolls.

No payroll, estimate or account providing for the payment of wages or salaries shall be approved by the Commissioner of Finance or Comptroller unless it bears the certificate of the Commissioner of Human Resources<sup>61</sup> that the person named therein have been, during the

period specified, employed in their respective positions in accordance with law and rules made pursuant thereto.

Section 11.04. Cooperation By and With Administrative Unit Heads.

It shall be the duty of the head of each unit to furnish the Commissioner of Human Resources<sup>61</sup> with such information and aid as may be necessary to the performance of his duties. The Commissioner of Human Resources<sup>61</sup> shall furnish the County Executive, or his designee, with such information as will assist the County Executive in carrying out the employee relations function of county government.

46 Article VII, Personnel, Department of renumbered XI by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

61 Article XI, Amended by Resolution No. 2010346. Local Law No. 1 of 2011.

## ARTICLE XII

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### DEPARTMENT OF PLANNING AND DEVELOPMENT<sup>37, 47</sup>

#### Section

- 12.01. Commissioner of Planning and Development;  
Powers and Duties.
- 12.02. Planning Board; Appointment; Officers; Meetings.
- 12.03<sup>71</sup> Solid Waste Management

Section 12.01. Commissioner of Planning and Development; Powers and Duties.

The Commissioner of Planning and Development shall:

(a) Prepare and update periodically, in consultation with the advisory Planning Board, a comprehensive master plan for the development of Dutchess County, which shall include the highways, parks, parkways and sites for public buildings or works including sub-service facilities, in the acquisition, financing or construction of which the county has participated or may be called upon to participate, acquire, finance or construct. Such plan shall be submitted for approval to the County Legislature in the manner provided by Section 239-d (2) of the General Municipal Law;

(b) Collect and distribute, or cause to be collected and distributed, information relative to metropolitan, regional and community planning and zoning in Dutchess County;

(c) Conduct research into business and industrial conditions in the county and the municipal subdivisions thereof, and seek to cooperate with official and unofficial bodies organized for such purposes;

(d) Furnish the services of his department, when such services are requested, to communities within the county in matters pertaining to planning and zoning. The County Legislature may establish the charges to be made for such services;

(e) Make recommendations concerning special permits, variances, or adoption or amendment of zoning regulations, upon referral from municipalities pursuant to Section 239-m of the General Municipal Law; and

(f) Prepare and submit to the County Executive annually, and on such date and on such forms as the County Executive shall prescribe, the information required by the County Executive in the preparation of the tentative county budget and capital program, and assist all

units in the preparation of and development of information for their respective capital project requests, where such assistance is requested.

Section 12.02. Planning Board; Appointment; Officers; Meetings.

Each member of the County Planning Board shall continue to hold office for the balance of his respective term, at the conclusion of which the applicable appointive provisions of the Charter and this Code shall become effective. Members of the advisory Planning Board shall be appointed in the manner and for the term provided in Section 12.03 of the Charter. The advisory Planning Board shall elect annually a chairman, vice-chairman and a secretary from among its members. Meetings of the advisory Planning Board shall be held at least quarterly at the call of the Chairman of such Board, or the Commissioner of Planning and Development, on three (3) days written notice mailed to the last known address of such Board members. Vacancies in the membership of said Board occurring otherwise than by expiration of term shall be filled by appointment of the County Executive, for the unexpired term.

Section 12.03. Solid Waste Management.<sup>71</sup>

The Commissioner of Planning and Development shall have the authority to administer solid waste management for the County of Dutchess and toward that end may delegate the following responsibilities to the Deputy Commissioner for Solid Waste Management:

(a) Responsibility for the development and implementation of the Local Solid Waste Management Plan as adopted by the County of Dutchess as the Planning Unit;

(b) Supervision of the issuance of permits and licenses as may be required of haulers and such other commercial enterprises engaged in the business of the collection and sanitary disposal of solid waste, recycling and composting within the County;

(c) Have jurisdiction, administer, maintain, manage and exercise direction and control over any solid waste management facilities which the County may own, operate or manage;

(d) Be responsible for regularly providing the County Executive with an economic analysis of the cost to the County of the management of solid waste with appropriate recommendations regarding the same;

(e) Supervise such employees as may be hired by the County to facilitate the acceptance, hauling, processing and disposing of solid waste generated within the County;

(f) Recommend for adoption by the County Legislature such rules and regulations for the handling, hauling and disposal of solid waste within the County and affixing penalties for the violation thereof;

(g) Be responsible for and have the duty of maintaining liaison with all County, State and Federal Agencies and for the compliance with all rules and regulations of such agencies in reference to the disposal of solid waste within Dutchess County.

37 Article VIII, Department of Planning and Development, amended by Resolution No. 135 of 1993, that all references to the “Department of Planning” or “Commissioner of Planning” shall read “Department of Planning and Development” or “Commissioner of Planning and Development.” Local Law No. 4 of 1993.

47 Article VIII, Planning and Development, Department of renumbered XII by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

71 Article XII, Department of Planning and Development, amended by Resolution No. 2013088, Local Law No. 4 of 2013.

ARTICLE XIII

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DEPARTMENT OF PUBLIC DEFENDER<sup>21, 49</sup>

Section

- 13.01. Public Defender; Indigency of Defendants; Investigation.
- 13.02. Assistance From Other County Units.

Section 13.01. Public Defender; Indigency of Defendants; Investigation.

Whenever the Public Defender is requested to represent without charge, whether at the request of the defendant or by order of the court, with the consent of the defendant, each indigent defendant who is charged with a crime, the Public Defender shall cause to be conducted such investigation to determine the indigency of such defendant. If such investigation results in determination that such defendant is indigent, the Public Defender shall counsel and represent him at every stage of the proceedings following arrest, shall initiate such proceedings as in his judgment are necessary to protect the rights of the accused, and may prosecute any appeal, if in his judgment the facts and circumstances warrant such appeal. If such investigation results in a determination of non-indigency on the part of such defendant, the Public Defender shall immediately notify the appropriate court and request the cessation of representation.

Section 13.02. Assistance from Other County Units.

In the conduct of the investigation provided for in Section 13.01 of this Code, the Public Defender may seek the cooperation and assistance of any unit of County Government and such unit shall furnish such information as the Public Defender may require, except where prohibited by law.

21 Article XIII Section 13.01. Commissioner of Aviation, Powers and Duties. repealed in its entirety by Resolution No. 318 of 1992. Local Law No. 8 of 1992.

49 Article X, Public Defense, Department of renumbered XIII and renamed Public Defender, Department of by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

ARTICLE XIV

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DEPARTMENT OF PUBLIC WORKS<sup>48</sup>

Section

- 14.01. Commissioner of Public Works; Powers and Duties.
- 14.02. Department of Public Works; Deputies and Staff; Appointment.
- 14.03. Acting Commissioner of Public Works.
- 14.04. Bond of the Commissioner of Public Works.

Section 14.01. Commissioner of Public Works; Powers and Duties.

The Commissioner of Public Works may delegate by designation one or more persons within his department the specific powers and duties which he has as county engineer, county superintendent of highways or county superintendent of parks. Such designation, setting forth the specific powers and duties granted, shall be filed with the County Executive and County Clerk. They may be revoked in whole or in part by written notice by the Commissioner of Public Works, filed with the County Executive and County Clerk. If the powers or 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 Superintendent of Public Works. The acts performed by such persons pursuant to such designations shall have the same effect in law as if performed by the Commissioner of Public Works. Any professional engineering work required to be practiced by said Commissioner in the exercise of the powers and duties of his office shall be delegated to one or more licensed professional engineers unless said Commissioner shall be a licensed professional engineer. The Commissioner of Public Works, or his designee:

(a) May within the appropriations provided therefor, and when authorized by the County Executive, 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 in Article XIV of the Charter or Article XIV of the Code, except that the professional fees or other compensation shall not exceed rates approved by the County Legislature;

(b) May contract, subject to the approval of the County Executive and the County Legislature, with any public corporation, public authority or any combination of the same for public works services pursuant to Section 33.02 of the Charter and Section 33.01 of this Code;

(c) Shall assist the County Executive or his designee in the advertising and calling for bids on the construction of any capital project of the county, when such advertising and calling for bids is required, and further assist in the preparation of specifications, and submit his recommendations with respect to the awarding of such bids to the County Executive;

(d) Shall assist all administrative units in the preparation of and development of information for their respective capital project requests, when such assistance is requested;

(e) Shall file with the County Executive copies of statements and reports required to be filed with the County Legislature and the State Department of Public Works by Paragraphs 3 and 7 of Section 102 of the Highway Law;

(f) Shall file with the County Executive, the Comptroller and the Commissioner of Finance copies of the inventories required by Paragraph 13 of Section 102 of the Highway Law to be filed with the County Legislature;

(g) May authorize the rental, with or without operator, of the public works machinery, tools, equipment and implements by any public corporation, public authority or any combination of the same as provided by Section 33.02 of the Charter or Section 33.01 of this Code, upon such terms as may be agreed upon, but with the payment to the county of not less than the hourly rate as fixed by the New York State Superintendent of Public Works for the rental or hiring of such machinery, tools, equipment or implements by the county. 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 of the same as provided by Section

33.02 of the Charter or Section 33.01 of this Code, and such rental shall be payable from the county road fund;

(i) Shall have powers and duties in relation to the construction and management of county facilities for drainage, flood control, sanitation, sewerage or water supply, including the management of county improvement districts including, but not limited to, county water, sewer, water supply and drainage districts;

(j) Shall have powers and duties in relation to the development and management of county parks and recreation facilities, beaches, zoological and botanical gardens, golf courses, and any other recreation facilities;

(k) Shall have powers and duties in relation to the development and management of programs relating to the conservation function of forestry, reforestation, fish and wildlife propagation and other kindred activities other than soil conservation within the County of Dutchess, and in connection therewith shall consult with and advise any executive unit requesting his services in the selection, planting, care and maintenance of trees on any property owned or operated by the county;

(l) Shall perform professional engineering, surveying and related engineering services for the county and supervise the design and construction of all capital projects when any of such capital projects are designed and constructed by the county or by any other governmental unit or private contractor under contract to the county, or any combination of the same;

(m) Have jurisdiction, direction and control over, administer, maintain, manage and operate all aviation facilities required by the County, including airports, lands, structures, runways, equipment and appurtenances;

(n) Recommend for adoption by the County Legislature, regulations for the maintenance of order and safety with respect to and for the utilization of all aviation facilities and appurtenances owned by and under the control of the County at the Dutchess County Airport, and affixing penalties for violations thereof, pursuant to law;<sup>23</sup>

(o) Conduct negotiations with respect to the granting of leases, concessions, licenses, and permits for use of aviation facilities, lands, structures and appurtenances at the Dutchess County Airport; and to recommend the appropriate action thereon by the County Legislature in accordance with Article 14 of the General Municipal Law of the State of New York; the County Legislature shall not be precluded from acting upon its own initiative upon such matters;<sup>24</sup>

(p) Recommend to the County Legislature for its action, schedules of charges for use of aviation facilities, lands, structures and appurtenances at the Dutchess County Airport. All rental, fees and funds collected or received by the Commissioner in the discharge of his official duties or by the Department of Public Works shall be deposited by the Commissioner with the Commissioner of Finance and credited by him to the general fund;<sup>25</sup>

(q) Prepare for and upon request by the Commissioner of Finance such reports as will accurately reflect the cost and performance of the functions of his department in connection with the operation of the Dutchess County Airport;<sup>26</sup>

(r) He shall be responsible for and have the duty of maintaining liaison with all State and Federal Aviation agencies and for compliance with all regulations applicable to the County Airport under the rules and regulations of such State and Federal agencies in reference to the operation, maintenance and safety of said Airport, and<sup>27</sup>

(s) Perform such other and related duties as may be prescribed by the County

Executive or the County Legislature.<sup>28</sup>

Section 14.02. Department of Public Works; Deputies and Staff; Appointment.

The Commissioner shall have the power to recommend to the County Executive the appointment of such Deputy Commissioners of Public Works, assistants and employees of his Department, as shall be authorized by the County Legislature. All persons so appointed shall be directly responsible to the Commissioner of Public Works, except where otherwise provided by the Charter, this Code, or by applicable law.

Section 14.03. Acting Commissioner of Public Works.

The Commissioner, subject to the approval of the County Executive, shall designate in writing, in order of succession, the Deputy Commissioner of Public Works who shall be the Acting Commissioner of Public Works 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 County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Public Works shall have all the powers and perform all the duties of the Commissioner.

Section 14.04. Bond of the Commissioner of Public Works.

The Commissioner of Public Works and such of his deputies, officers and employees, as the County Legislature or County Executive shall require shall give a surety bond to the County in the sum fixed by the County Legislature conditioned for the faithful performance of his duties. Such bond shall be approved as to form by the County Attorney and

as to the sufficiency of surety by the County Executive, and filed with the County Clerk. It shall be a charge on the County.

22 Section 9.01. Commissioner of Public Works; Powers and Duties. (m) amended by Resolution No. 318 of 1992. Local Law No. 8 of 1992.

23 Section 9.01. Commissioner of Public Works; Powers and Duties. (n) added by Resolution No. 318 of 1992. Local Law No. 8 of 1992.

24 Ibid., (o).

25 Ibid., (p).

26 Ibid., (q).

27 Ibid., (r).

28 Ibid., (s).

48 Article IX, Public Works, Department of renumbered XIV by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

ARTICLE XV

ARTICLE XVI

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DEPARTMENT OF COMMUNITY AND FAMILY SERVICES <sup>38, 50, 70</sup>

Section

- 16.01 Department of Community and Family Services; Deputies and Staff; Appointment.
- 16.02 Acting Commissioner of Community and Family Services
- 16.03<sup>68, 75</sup> Youth Services.
- 16.04<sup>74, 75, 77</sup> The Youth Board & Coordinating Council, Powers, Duties
- 16.05 Reports.

Section 16.01. Department of Community and Family Services; Deputies and Staff; Appointment.

The Commissioner of Community and Family Services shall have the power to recommend to the County Executive appointment of such Deputy Commissioners, assistants and employees, as shall be authorized by the County Legislature. Such Deputy Commissioners, assistants and employees shall meet the qualifications prescribed by the Social Services Law and the Commissioner of Social Services of the State of New York. All Deputy Commissioners of Community and Family Services, assistants and employees shall be directly responsible to the Commissioner of Community and Family Services, except where otherwise provided by the County Charter, Code or other law.

Section 16.02. Acting Commissioner of Community and Family Services.

The Commissioner, subject to the approval of the County Executive, shall designate in writing, in order of succession, the Deputy Commissioners of Community and Family Services who shall be the Acting Commissioner of Community and Family Services 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 County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Community and Family Services shall have all the powers and perform all the duties of the Commissioner.

Section 16.03. <sup>68, 75</sup> Department of Community and Family Services. In addition to social services, the Department of Community and Family Services shall provide the following services through the Division of Youth Services:

Youth Services. The Director of Youth Services shall:

Article XVI - 2

1. be responsible for providing the following general services in connection with the County's youth population which shall include but not be limited to:
  - a. providing youth development service and programs;
  - b. develop and/or recommend policies and/or plans which promote youth development and prevent delinquency;
  - c. advocate for youth regarding the development of services and strategies which address locally identified youth problems and needs;
  - d. establish closer cooperation among employers, labor, school, churches, recreation and/or youth commissions, service clubs, youth and family services providers and other public and private agencies to encourage youth programs on the basis of local community planning;
  - e. review and analyze grants provided to the Youth Services Division from federal, state and local governments as well as those from private individuals, corporations, and associations, and have the Youth Board & Coordinating Council establish local criteria for their allocation;
  - f. in cooperation with the Youth Board & Coordinating Council, effectuate the Resource Allocation Plan (RAP) and review, analyze, accept or reject proposals for the creation or expansion of recreational services and youth services or other youth programs as defined by the laws of New York State, and make appropriate recommendations to the County Executive;
  - g. develop and implement an integrated county plan approved by the Youth Board & Coordinating Council and County Executive that includes a statement of goals and objectives, youth problem analysis, and methods for evaluation, monitoring and control in conjunction with required partner agencies; and
  - h. make the necessary studies and recommendations regarding the needs of youth residing in the County.
  - i. The Director of Youth Services shall also hold the title of Executive Director of the Youth Bureau as set forth in Article 19-A of the New York State Executive Law.

2. The Commissioner of Community and Family Services in consultation with the Director of Youth Services may from time to time add or delete such programs as allowed by statute, rule or regulation.

Section 16.04. The Youth Board & Coordinating Council, Powers, Duties.<sup>74, 75</sup>

A. The Youth Board & Coordinating Council shall continue the work of the Youth Board without interruption, shall act as an advisory board reporting to the Director of Youth Services, and consist of the following members:

- (1) Composition of board. The Youth Board & Coordinating Council shall be representative of the community it serves. It shall have no more than 22 members, who shall be appointed by the County Executive with the exception of the 2 legislator appointments which shall be made by the Chairman of the Legislature (one from minority and one from majority). The total membership of

the Youth Board & Coordinating Council shall reflect a balance between government and nongovernment representatives who are directly concerned with the well-being of youth, including a minimum of two and maximum of five youth, plus: two members from primary, secondary, and/or higher education; four from the nonprofit community including one from the Workforce Investment Board and one from the Dutchess County Regional Chamber of Commerce; four from specific county departments/functions including Department of Community & Family Services (in addition to the Executive Director of the Youth Bureau who shall be a non-voting member except in the case of a tie vote), Department of Mental Hygiene, Department of Health, and Chair of the Health & Human Services Cabinet; and the rest (five at most) will serve at large. Regional and diverse representation is encouraged and recommended. All appointments of youth board members shall conform to federal, state and/or local requirements applicable to municipalities regarding equal opportunity and affirmative action.

- (2) Youth Representatives. Youth representatives are defined as under the age of twenty-one at time of appointment to term.
- (3) Terms for Representatives. Terms of Youth Board & Coordinating Council representatives shall be two years with a term being from September 1<sup>st</sup> to August 31<sup>st</sup>. Nongovernment representatives shall not serve more than two full consecutive terms. Legislator terms will be concurrent with their terms as legislators, serving at the pleasure of the Chairman. All other appointments serve at the pleasure of the County Executive.
- (4) Chairperson and Officers. The Youth Board & Coordinating Council shall annually elect from its membership a chairperson and such other officers as it may authorize in accordance with its rules and regulations.
- (5) All appointments of Youth Board & Coordinating Council members shall conform to federal, state and/or local requirements applicable to municipalities regarding equal opportunity and affirmative action.

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B. Powers, duties and responsibilities of Youth Board & Coordinating Council:

- (1) After consultation with the Executive Director of the Youth Bureau, develop and/or recommend policies and/or plans which promote youth development and prevent delinquency.
- (2) Advocate for youth with the executive, administrative and legislative bodies and the community at large regarding the development of services and strategies which address locally identified youth problems and needs.
- (3) Establish closer cooperation among employers, labor, school, churches, recreation and/or youth commissions, service clubs, youth and family service providers and

other public and private agencies to encourage youth programs on the basis of local community planning.

- (4) Review and analyze grants given to the Youth Board & Coordinating Council from federal, state and local governments as well as from private individuals, corporations, and associations and establish local criteria for the allocation.
- (5) In cooperation with the Youth Bureau's Executive Director, review and analyze, as well as accept or reject proposals for the creation or expansion of recreational services and youth service projects or other youth programs as defined by the laws of the State of New York, and make appropriate recommendations to the County Executive.
- (6) Receive, review and analyze statistical records and data, including those that reflect the incidence and trends of delinquency as well as youthful crimes and offenses in the locality. Make necessary studies and recommendations regarding the needs of youth residing in the community served by the board.
- (7) Appoint such advisory groups and committees as may be necessary to carry out its powers and duties.
- (8) Develop and implement the integrated county plan.

Section 16.05. The Commissioner of Community and Family Services in consultation with the Director of Youth Services shall submit an annual report of the department's activities to the County Executive. The Commissioner shall also be responsible for filing necessary reports as may be required by Federal or State law, rule or regulation.

38 Article XVI, deleted in its entirety by Resolution No. 327 of 1993. Local Law No. 7 of 1993. (New Article XVI added by Resolution No. 195 of 1997. Local Law No. 6 of 1997.)

50 Article XI, Social Welfare, Department of renumbered XVI and renamed Social Services, Department of by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

68 Article XVI, amended to add Sections 16.03, 16.04, 16.05 by Resolution No. 2012323. Local Law #7 of 2012.

70 Article XVI, amended to rename Department of Social Services the Department of Community and Family Services by Resolution No. 2012324. Local Law No. 8 of 2012.

72 Article XVI, Section 16.04 Section A(5)(g) amended by Resolution No. 2013232, Local Law No. 8 of 2013.

74 Article XVI, Section 16.04A (1) through (5) and Section 16.04B (1) through (4) deleted in its entirety by Resolution No. 2014171, Local Law No. 2 of 2014.

75 Article XVI, Section 16.03(1)(e), (f) and (g) and Section 16.04A(1) through (5) and 16.04B(1) through (4) amended by Resolution No. 2014171, Local Law No. 2 of 2014.

77 Article XVI, Section 16.04A (6), (7) and (8) deleted by Resolution No. 2014309, Local Law No. 2 of 2015.

ARTICLE XVII <sup>73</sup>

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73 Article XVII, Department of Solid Waste Management, deleted by Resolution No. 2013089, Local Law No. 5 of 2013.

## ARTICLE XVIII

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### DEPARTMENT OF EMERGENCY RESPONSE<sup>40,54, 76</sup>

40 Article XXV, Department of Emergency Response, added in its entirety by Resolution No. 328 of 1993. Local Law No. 8 of 1993.

54 Article XXV, Department of Emergency Response renumbered XVIII by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

76 Article XVIII, Department of Emergency Response, deleted in its entirety and not replaced by Resolution No. 2014308. Local Law No. 1 of 2015.

ARTICLE XIX

ARTICLE XX

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COMPTROLLER

Section

- 20.01. Additional Powers and Duties.
- 20.02. Procedure for Audit of Claims.
- 20.03. Bond of Comptroller.
- 20.04. Comptroller; Expert Accounting Assistance.
- 20.05. Seal of the Comptroller.

Section 20.01. Additional Powers and Duties.

Among the powers and duties prescribed in Section 20.02 of the Charter, the Comptroller shall:

(a) Audit all claims or payrolls for services rendered the County, or for salaries of any County employee or County officer, and furnish one certified transcript of such payrolls as approved to the Commissioner of Finance. Before such payrolls or claims are presented to the Comptroller, they shall be certified in writing by the head of the appropriate executive unit or a person authorized by him to so certify. Such certification shall state that each person named therein was regularly appointed to the position held by him, that the services specified were actually performed, and that the compensation stated in such claim or payroll is correct and true. The Comptroller shall not approve any payroll or item thereof until the Commissioner of Personnel shall have certified that the persons named therein are employed in their respective positions in accordance with law and rules made pursuant to law;

(b) Prescribe, with the approval of the County Attorney, the manner and form for the submission of claims or charges against the County or against funds for which the County is responsible;

(c) Within the appropriations therefor, develop a cost accounting system for such executive units of the County as the County Executive may designate;

(d) Make available to the County Executive, the County Legislature and the head of any unit of the County any information from the records and accounts of the department which they may require to assist them in the performance of their duties;

(e) Prepare and submit to the County Executive, annually and on such date and on such forms as the County Executive shall prescribe, the information required by the County Executive in the preparation of the tentative county budget;

(f) Approve for payment the payroll and all other lawful claims or charges against the County or against such funds for which the County is responsible and deliver the same to the Commissioner of Finance. No check shall be prepared for the payment of any claim against or obligation of the County unless it states with particularity against which of such funds it is drawn and the appropriation account chargeable therewith. No fund or appropriation account shall be overdrawn nor shall any check be drawn against one fund or appropriation to pay a claim chargeable to another. All County officers and employees shall be paid periodically, as the County Executive shall direct, by the Commissioner of Finance;

(g) Conduct such audits as are required by Section 20.02 of the Charter, and, as soon as practicable, after having made such audits, report to the County Executive and the County Legislature whether or not the financial records and accounts so audited by him are accurately kept, whether or not all County funds and County properties and funds for which the County is responsible are accounted for and whether or not the business of the County is being transacted pursuant to the Charter, this Code, or local law, ordinance or resolution of the County Legislature, or any applicable provision of any act of the Legislature;

(h) Cause to be kept under his control such books or records as are necessary to record all accounts, claims and demands against the County presented to him for audit and the action taken by him on each. He shall keep a separate account with every administrative unit and with each fund and appropriation for which moneys are provided. He shall also keep and/or

audit such books and records as may be necessary to comply with and carry out the system of accounting prescribed by or pursuant to law; and

(i) Procure, on an annual basis, a certified copy of the inventory maintained pursuant to 3.01 of this Code and determine and certify whether or not the property of the County and the property purchased by the County is on hand or has been properly accounted for. The certified copy of such inventory and the record of action taken by the Comptroller to determine and certify the same as prescribed herein shall be maintained as a permanent record of his department.

Section 20.02. Procedure for Audit of Claims.<sup>12</sup>

Any claim or charge against the County or against funds for which the County is responsible, except for a fixed salary or for the regular or stated compensation of County officers and employees or for witnesses or juror fees, shall be paid provided that the claim is just and correct, that the services or goods provided were of quantity and quality claimed, that the services were actually performed, that the prices charged are reasonable and do not exceed the prevailing rate of wage or the market price, that the charges are in accordance with the contract or agreement existing, if there be one, and that no part thereof has been paid and that there are no offsets or counterclaims thereto, in the following manner:

(a) Any such claim shall be approved by the head of the executive unit or officer whose action gave rise or origin to the claim.

(b) Any such claim shall be presented to the Comptroller and shall be audited and allowed by him. The Comptroller shall cause each such claim presented to him for audit to be numbered and the number, date of claim, name of claimant and brief statement of character of each claim shall be entered in a book kept for such purpose which shall at all times during office

hours be so placed as to be convenient for public inspection and examination. This Section shall not apply, however, to the use of any petty cash fund established pursuant to the Charter or this Code.

(c) When a claim has been finally audited by the Comptroller, he shall endorse thereon or attach thereto his certificate as to such audit. If he shall reject such claim in whole or in part or modify the same, such certificate shall include a statement of the items disallowed, rejected or reduced, and the reason or reasons for the Comptroller's action. If the Comptroller audits and allows a claim at less than the amount claimed by the claimant, he shall serve notice thereof upon the claimant within three days, either personally or by mail to such claimant's last known address, and the said claim and certificate shall thereupon be filed and remain a public record in the Comptroller's office and shall be open to public inspection. If such claim shall be allowed in whole or in part, the Comptroller shall certify the amount allowed and the fund properly charged therewith, and he shall specify the appropriation account to which it is charged.

Section 20.03. Bond of Comptroller.

The Comptroller, and each of his deputies, officers and employees as the County Legislature or the County Executive shall require, shall give a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his duties. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge on the County.

Section 20.04. Comptroller; Expert Accounting Assistance.

The Comptroller, within the appropriations provided therefor, shall have the power to employ such expert accountants as may be necessary to install and maintain a financial system for the County, and the auditing thereof, pursuant to the Charter or this Code.

Section 20.05. Seal of the Comptroller.

The seal of the County of Dutchess shall also be the seal of the Comptroller and he shall affix or imprint such seal upon any and all instruments requiring the same.

12 Section 20.02. Procedure for Audit of Claims. amended in its entirety by Resolution No. 45 of 1983. Local Law No. 4 of 1983.

ARTICLE XXI

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COUNTY CLERK

Section

- 21.01. Accounting for Fees.
- 21.02. Bond of County Clerk.
- 21.03. County Clerk, Records Management Responsibility.
- 21.04. Seal of County Clerk.

Section 21.01. Accounting for Fees.

Except as may otherwise be required by law, all monies to which the County Clerk may be entitled under and by virtue of the laws of the State of New York, or which the County Clerk may receive for services rendered by him or his office shall apply to or be for the benefit of the County and shall be collected and accounted for by him and paid over to the Commissioner of Finance without deduction at such times and on such conditions as the latter may prescribe. Within five days after the expiration of each month, the County Clerk shall make, certify and deliver to the Commissioner of Finance a full and true statement for each calendar month of all such monies received each day by him, or his employees, in their official capacity and shall transmit and deliver such certified statement to the Commissioner of Finance within five days after the expiration of each month in the form he shall prescribe. At the time of rendering any such statement, such County Clerk shall pay to the Commissioner of Finance for the benefit of the County the whole amount or the balance of all such moneys received by him since making his last preceding monthly report. Other funds or fees collected by the County Clerk shall be collected, paid over, deposited and reported in accordance with the law applicable thereto.

Section 21.02. Bond of County Clerk.

The County Clerk and such of his deputies, officers and employees as the County Legislature shall require, shall give a surety bond to the County in a sum fixed by the County Legislature conditioned for the faithful performance of his duties. Such bond shall be approved as to form by the County Attorney and filed in the office of the County Clerk. It shall be a charge on the County.

Section 21.03. County Clerk; Records Management Responsibility.

It shall be the responsibility of the County Clerk to advise and assist the County Executive in all matters concerning the preservation, storage, reduction, reproduction, administration and disposal of County records.

Section 21.04. Seal of County Clerk.

The seal of the County of Dutchess shall also be the seal of the County Clerk, and the County Clerk shall affix or imprint such seal upon any and all instruments requiring the same.

ARTICLE XXII

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DISTRICT ATTORNEY

Section

- 22.01. Deputy District Attorneys.
- 22.02. Confidential Secretary to District Attorney.

Section 22.01. Deputy District Attorneys.

Every appointment of a Deputy District Attorney by the District Attorney shall be in a writing filed and recorded in the office of the County Clerk. The person or persons so appointed shall take the prescribed oath of office and furnish any required official undertaking. Any such appointment may be revoked by the District Attorney at any time by filing a written revocation in the office of the County Clerk.

Section 22.02. Secretary to District Attorney.

The County Legislature may create the position of Secretary to the District Attorney, who shall serve at his pleasure and shall be in the exempt class of civil service.

ARTICLE XXIII

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SHERIFF

Section

- 23.01. Powers and Duties of Sheriff
- 23.02. Staff of Sheriff
- 23.03. Expenses of Sheriff in Transporting Prisoners.
- 23.04. Salary of Sheriff; Fees; Disposition of Fees Collected.
- 23.05. Board and Lodging for Jurors.

Section 23.01. Powers and Duties of Sheriff.

The Sheriff shall be the chief peace officer of the County and the keeper of the County Jail and shall perform all acts required by law or regulations of competent authority. The Sheriff shall keep, or cause to be kept, such books and records for his office and for the County Jail and shall make such reports and returns, as are or may be hereafter required by law or by direction of competent authority.

Section 23.02. Staff of Sheriff.

(a) During the absence or inability of the Sheriff to act, or when a vacancy shall occur in the office of the Sheriff, the Acting Sheriff shall, in all things, execute the duties of the Office of Sheriff until a new Sheriff is elected or appointed, under the provisions of the Charter, and has qualified.

(b) Within the limits of the appropriations therefore, the Sheriff may appoint as many regular deputy sheriffs as he may deem proper. The Sheriff may also appoint keepers, guards and employees as may be authorized by the County Legislature. Such appointments shall be made, and such appointees shall serve, in accordance with such provisions, conditions, and requirements as may lawfully be prescribed by the County Legislature by Local Law. Any person may also be deputized by the Sheriff by written instrument to do particular acts.<sup>13</sup>

(c) Each appointment by the Sheriff of persons to his staff shall be in a writing filed and recorded in the office of the County Clerk and reported to the Commissioner of Personnel. Before the appointment by the Sheriff of any person, however, other than a person deputized to do particular acts, the Sheriff shall require such person to, and such person shall, submit to the Sheriff fingerprints of the two hands of such person and it shall thereupon be the duty of the Sheriff to compare, or cause to be compared, such fingerprints with fingerprints filed

with the Division of Criminal Identification of the State Department of Correction, or other appropriate State agency.

(d) Within the limits of the appropriation, the Sheriff may employ such number of part-time deputies as he may deem necessary, who shall be paid a salary or on a per diem basis as the County Legislature may determine. Such appointments shall be made and such appointees shall serve, in accordance with such provisions, conditions, and requirements as may lawfully be prescribed by the County Legislature by Local Law. Each appointment by the Sheriff of a part-time deputy shall be in a writing filed and recorded in the Office of the County Clerk and reported to the Commissioner of Personnel. A duly appointed part-time Deputy Sheriff shall perform only those duties and powers authorized by the Sheriff. Whenever deemed necessary the Sheriff may deputize persons to serve civil process and execute civil mandates.<sup>14</sup>

(e) The Sheriff shall also appoint and employ, in a manner consistent with such provisions, conditions, and requirements as the County Legislature may lawfully prescribe, by Local Law, a matron of the jail, who shall have sole charge of the female prisoners of that portion of the jail in which female prisoners are detained, subject to the direction of the Sheriff or the keeper of the jail. Such matron shall have the custody of the keys of the section, department or room of the jail in which any female is detained. The keeper or other male employee or employees shall not have access to this section, department, or room in which any female is detained, except in the company of such matron. A matron shall at all times be in attendance when females are confined in the jail.

(f) The Sheriff may in his discretion deputize the peace officers of the cities, the towns, villages and special districts, for the purpose of authorizing an arrest without a warrant outside the territorial limits of such city, town, village or special district, when such crime or

infraction was committed within such territorial limits in the presence of such peace officer. Such peace officer shall not, however, be deemed an officer, agent, servant or employee of the County.<sup>15</sup>

(g) For the protection of human life and property during an emergency, the Sheriff may deputize orally or in writing such number of additional special deputies as he deems necessary. If he is unable to continue the services of such special deputies without compensation, he may pay the compensation of any such special deputies in such amount as the County Legislature may determine for each day any such special deputy is actually engaged in assisting him in the performance of his duties, or in assisting any other Sheriff in New York State who deputized him. If the County Legislature shall fail to fix the compensation of such special deputies, the Sheriff may, subject to the approval of the County Executive, fix such compensation. The compensation of any special deputy so appointed shall be a County charge.

Section 23.03. Expenses of Sheriff in Transporting Prisoners.

The County Legislature shall have power to provide a fund for the payment in advance of audit of properly itemized and verified bills for the expenses of the Sheriff lawfully and necessarily incurred in the transportation of prisoners, and the County Executive may authorize the Commissioner of Finance to apply said fund in payment of such bills on the approval of the Sheriff and endorsed thereon. The Sheriff and any claimant receiving payment as aforesaid shall be jointly and severally liable for any item or items contained in a bill so paid in advance of audit which shall be disallowed upon final audit, to be recovered in an action brought by the County Attorney in the name of the County.

Section 23.04. Salary of Sheriff; Fees; Disposition of Fees Collected.

The salary of the Sheriff shall be fixed by the County Legislature and shall be in lieu of all fees or other compensation. All fees which he shall charge and collect by virtue of law from any person in civil matters or otherwise shall belong to the County and such Sheriff shall keep an exact account of the same in such form as the Comptroller shall prescribe, and shall pay over to the Commissioner of Finance, without deduction or delay at such times and under such conditions as he may prescribe, all fees collected, the same to be accompanied by a verified statement to the effect that such fees are all the fees collected by him or his subordinates within five days after the expiration of said month, in such form as he may prescribe.

Section 23.05. Board and Lodging for Jurors.

Whenever it shall be necessary to keep together the members of a jury during their deliberations, the court may direct the Sheriff to furnish specified meals and/or lodging to such jury. The claim for the expenses thereof shall be presented to the Commissioner of Finance, which claim must bear the approval of the Sheriff and of the judge, court or clerk of the court for which the said jury was chosen and shall be paid as other Court expenses are paid.

13 Section 23.02. Staff of Sheriff. (b) amended by Resolution No. 72 of 1976. Local Law No. 6 of 1976.

14 Ibid., (d).

15 Ibid., (e).

ARTICLE XXIV<sup>64, 65, 67</sup>

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64 Article XXIV. Department of Services for Aging, Veterans and Youth, added by Resolution No. 2010349. Local Law No. 4 of 2011.

65 Article XXIV. Department of Services for Aging, Veterans and Youth, Article number designation, Resolution No. 2011108. Local Law No. 6 of 2011.

67 Article XXIV. Department of Services for Aging, Veterans and Youth, deleted in its entirety by Resolution No. 2012323. Local Law #7 of 2012.

ARTICLE XXV<sup>66</sup>

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PUBLICATION OF LOCAL LAWS

Section

25.01. Publication of Local Laws.<sup>16</sup>

Section 25.01. Publication of Local Laws.

Within 10 days after approval of a local law by the County Executive, the Clerk of the County Legislature shall cause to be published in the official newspapers of the Dutchess County Legislature a notice of adoption of a local law. The notice of adoption of a local law shall be published once and shall contain a synopsis of the law, and a notice that the full text of the law may be examined at the Office of the Clerk of the County Legislature during normal business hours.<sup>17</sup>

16 Article XXIV Publication of Local Laws added by Resolution No. 261 of 1983. Local Law No. 7 of 1983.

17 Section 24.01. Publication of Local Laws. added by Resolution No. 261 of 1983. Local Law No. 7 of 1983.

66 Article XXV. Publication of Local Laws. Article number designation, Resolution No. 2011108. Local Law No. 6 of 2011.

ARTICLE XXVI

ARTICLE XXVII

## ARTICLE XXVIII

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### PROCUREMENT PROCEDURES<sup>52</sup>

#### Section

- 28.01. Procurement Procedure; Units Included.
- 28.02. Procurement Where Advertisement for Bids Waived.
- 28.03. Advertisement for Bids; Competitive Bidding.
- 28.04. Standardization of Purchases.
- 28.05. Procurement from State; Blind-Made Products.
- 28.06. Surplus and Second-Hand Supplies, Materials, Equipment.
- 28.07. Procurement Requisition Required.
- 28.08. Audit by Comptroller.

Section 28.01. Procurement Procedure; Units Included.

The County Executive, or his designee as provided in Section 3.01 of the Code, shall make all purchases of and contracts for supplies, materials, equipment and services for the County or any unit thereof or the County Legislature, for the payment of which the County shall be liable.

Section 28.02. Procurement Where Advertisement for Bids Waived.

(a) When Purchases Do Not Exceed Fixed Sum. The County Legislature shall fix a sum not to exceed ONE THOUSAND (\$1,000) DOLLARS as the limit below which any purchase or contract can be made without advertisement for bids as provided in Section 28.03 of the Code.

(b) Where Perishables Are Purchased. Public advertisement shall not be required of perishable food-stuffs or for drugs and medical supplies unless so required by resolution of the County Legislature.

(c) Where Emergency Declared. Supplies, materials, equipment or services to be rendered by contract may be purchased without advertisement as required by Section 28.03 of the Code when the County Executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health or safety of inhabitants of the County of Dutchess require immediate action which cannot await competitive bidding.

(d) Damage to Public Facilities. Advertisement for bids may be waived when through some accident or other unforeseen circumstances the heating, air conditioning, ventilating, lighting, plumbing, machinery, equipment or other apparatus of any of the public buildings of the County of Dutchess shall become disabled or when any of such buildings or

parts thereof shall be rendered untenable by reason of the sudden action of the elements or for some cause due to explosion or from generally unforeseeable events creating an emergency and the administrative head in charge of such building shall certify in writing to the County Executive such emergency and the necessity of immediate repair of the defect or defects, and such certificate of necessity is approved by the County Executive.

(e) Replacement Parts for Machinery. Advertisement for bids may be waived when the machinery, equipment or other apparatus of the Department of Public Works becomes disabled or worn and requires immediate repair or replacement, making necessary the immediate purchase of parts for repairs to the same, and the Commissioner of Public Works shall certify in writing to the County Executive the necessity of such immediate repair, replacement or replacements, and such certificate of necessity is approved by the County Executive.

Section 28.03. Advertisement for Bids; Competitive Bidding.

(a) Advertisement for Bids; When Required. Except where otherwise provided by the Charter, Code or applicable law, all purchases of and contracts for supplies, materials, equipment and services for the County, shall be made by publishing an advertisement in the official newspapers published in the County of Dutchess, which advertisement shall invite sealed bids for the same.

(b) Information in Advertisement. Such advertisement shall contain a statement of the time when and the place where all bids received pursuant to subsection (a) of this section will be publicly opened and read. At least five (5) days shall elapse between the first publication of such advertisement and the date specified therein for the opening and reading of bids.

(c) Opening of Bids; Award; Rejection. The County Executive, or his designee, shall open such bids at the time and place specified, and shall make a record of such bids in such

form as the County Executive shall prescribe. The contract shall be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the contract may be awarded to any of such bidders. The County Executive or his designee, after due consideration of such bids, may in his discretion reject said bids and readvertise for new bids in the manner provided by this Section.

(d) Where Bidder in Default. No bid for materials, supplies, equipment or services may be accepted from or contract therefor awarded to any person who is in arrears to the County, upon debt or contract, or who has defaulted as surety or otherwise upon a contract or obligation to the County.

Section 28.04. Standardization of Purchases. The County Legislature may resolve by a vote of at least two-thirds (2/3) of all the members thereof that there is a need, for reasons of efficiency and economy, to standardize purchase specifications for particular types or kinds of equipment, material, services or supplies. Such contracts, in excess of the amount fixed pursuant to Section 28.02 (a) of the Code, may be awarded in the manner provided by Section 28.03 of the Code. Such resolution shall contain a full explanation of the reason for its adoption.

Section 28.05. Procurement from State; Blind-Made Products. All required supplies which can be furnished by the State Department of Correction, and all required blind-made products which can be furnished by any appropriate charitable agency for the blind, incorporated under the laws of the State of New York, shall, after such purchases have been authorized, be purchased from them without competitive bidding at prices established pursuant to law.

Section 28.06. Surplus and Second-Hand Supplies, Materials, Equipment.

Surplus and second-hand supplies, materials or equipment may be purchased without competitive bidding from the Federal Government, the State of New York, or any other political subdivision or district.

Section 28.07. Procurement Requisition Required.

All purchases pursuant to this Article shall be initiated by a requisition in writing to the County Executive or his designee signed by an authorized person. No supplies, materials or equipment shall be delivered unless authorized by the County Executive or his designee as an official County purchase.

Section 28.08. Audit by Comptroller.

The Comptroller shall not audit any bill for supplies, materials, equipment or services unless it shall fully appear that such items or services were ordered by the County Executive or his designee and the County Executive or his designee has certified the prices at which the purchases were made. All requisitions received shall be filed in the office of the County Executive or his designee and shall be open to public inspection under reasonable regulations for their safety and preservation. No purchases shall be made until the Comptroller has certified that there are unencumbered balances available for the purpose.

52 Article XVII, Procurement Procedures renumbered XXVIII by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

ARTICLE XXIX

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FINANCIAL PROCEDURES<sup>53</sup>

Section

- 29.01. Fiscal Year.
- 29.02. Preparation of Tentative Budget.
- 29.03. Capital Program; Capital Projects; Procedure.
- 29.04. Tentative Operating Budget; Procedure.
- 29.05. Tentative County Budget; Submission to County Legislature.
- 29.06. Public Hearing.
- 29.07. Adoption of Budget.
- 29.08. Levy of Taxes.
- 29.09. Appropriations; Supplemental and Emergency.
- 29.10. Appropriations; Reduction.
- 29.11. Transfer Within Administrative Unit.
- 29.12. Budget Controls.
- 29.13. Contingent Fund.

Section 29.01. Fiscal Year.

The fiscal year of the County shall begin with the first day of January and end with the last day of December of each year.

Section 29.02. Preparation of Tentative Budget.

The County Executive may designate a person from the Executive Branch, who shall assist him in preparing the tentative County budget.

Section 29.03. Capital Program; Capital Projects; Procedure.

(a) Submission of Capital Project Requests. On or before the first day of August in each year or such earlier date as the County Executive may prescribe, the head of each unit of county government shall furnish to the County Executive, a description, justification and estimate for each physical public improvement or works, hereinafter called capital project, which he proposes for development during one or more of the ensuing five (5) fiscal years. Each capital project request shall show: recommended priority; development time schedule; estimated useful life in years; estimated costs for planning, site or right-of-way, construction, equipment and other features; status of plans and land acquisition; anticipated effect of project on annual operating budget; proposed method of paying for project; possible sources of financial aid; recommended expenditures by years; including total expenditures remaining beyond the five-year period of the capital program, if any; and such other information as the County Executive may deem advisable.

(b) Capital Program Committee. To assist in the consideration of capital projects and the capital program, there shall be a capital program committee consisting of the County Executive, as Chairman, the Commissioner of Finance, the Commissioner of Planning and Development, the Commissioner of Public Works, and such other administrative heads as the

County Executive may designate, and the following members of the County Legislature: The chairman and the Chairman of the committee designated by such board to consider capital improvements.

(c) Tentative Capital Program. The County Executive shall, each year, with the advice of the Capital Program Committee, prepare a tentative capital program for the next five (5) fiscal years, showing the purpose and amount of recommended capital expenditures by years and including total expenditures remaining beyond the five-year period for capital projects included in the five-year capital program, if any, the suggested methods of paying for the capital projects included in such program, and the estimated effect of such program on future budgets, with respect to operating, maintenance, debt service and other costs; and such other information as they may deem advisable.

(d) Tentative Capital Budget. The County Executive shall prepare a tentative capital budget which shall be arranged so as to give in parallel columns not less than the following comparative information for the appropriations and methods of financing capital projects: (1) appropriations for the last completed fiscal year; (2) appropriations for the present fiscal year; (3) recommendations of the County Executive for the ensuing fiscal year. The tentative capital budget shall also contain a statement as to each pending and proposed capital project incorporating in columnar form the following data: (1) estimated ultimate total cost; (2) amount appropriated to date; (3) amount expended to date; (4) amount of additional or new appropriations included in the tentative capital budget for each project; and (5) method of financing each pending and proposed capital project.

Section 29.04. Tentative Operating Budget; Procedure.

(a) Submission of Estimates and Appropriation Requests. On or before the first day of September in each year, or such earlier date as the County Executive may prescribe, the head of each unit of county government or authorized agency shall furnish to the County Executive, an estimate of revenues and expenditures of his respective unit or authorized agency for the ensuing fiscal year, exclusive of capital projects. Each estimate shall show the sources of revenues and the character and object of expenditures, which may be subclassified by functions and activities. The estimate of each unit shall be subdivided according to the internal organization of such unit. Estimates shall be submitted in such form and shall contain such additional information as the County Executive shall prescribe; provided that the estimate of expenditures shall constitute or be accompanied by a request for an appropriation. Such estimates of expenditures shall be based on and shall be accompanied by a tentative work program prepared by each unit or authorized agency.

(b) Notification of Dates and Data. The County Executive annually, not less than thirty (30) days prior to the date fixed pursuant to paragraph (a) of this section, shall notify in writing, the head of each unit and of each authorized agency receiving county funds pursuant to contract or otherwise during the current fiscal year, of (1) the date fixed pursuant to said paragraph (a), and (2) the form and information to be contained in such estimate and request.

(c) Failure to Submit. In the event that the head of any unit fails to submit an estimate by the date specified, the County Executive shall forthwith prepare such estimate.

(d) County Executive's Review of Requests. The County Executive, upon receipt of the estimates and requests for appropriations, shall proceed to make such review and investigation thereon as he may deem necessary. He may require the head of each unit or any

officer or employee thereof and any authorized agency requesting county funds, to furnish data and information and answer inquiries pertinent to such review or investigation.

(e) Tentative County Budget; Information Required. Upon the completion of the review and investigation of the estimates and requests from the various units and authorized agencies, the County Executive shall prepare the tentative County budget for the ensuing fiscal year for both current operating and capital purposes. The tentative operating budget shall be in such form as the County Executive may deem advisable and shall show in parallel columns, the following comparative information: (1) the actual expenditures and revenues for the last completed fiscal year; (2) the budget as modified for the current fiscal year; (3) the estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of the various departments, other administrative units and authorized agencies; and (4) the County Executive's recommendations and estimates as to expenditures and revenues for the ensuing fiscal year.

(f) Additional Data Concerning Debt. In addition to items of operation and maintenance, the tentative County budget shall include or be supplemented by a statement showing the bonded indebtedness of the County government and its agencies, the debt redemption and interest requirements, the indebtedness authorized and unissued, the condition of the capital reserve and sinking funds, and the borrowing capacity of the County, and any other matter which the County Executive may deem advisable or the County Legislature may require.

(g) Detailing of Recommendations. The recommendations for expenditures in the tentative County budget shall be classified by units and their sub-units according to the internal organization of such units, or by special funds. Such recommendations shall show the character and object of expenditure, and shall contain (1) an estimate of the several amounts which the County Executive deems necessary in the ensuing fiscal year for conducting the

business of the County and each unit thereof, separately stated, and for other County purposes and charges, classified to show separately, (i) the ordinary recurring expense of the operation and maintenance of County government, and (ii) any extraordinary or non-recurring expenses to be financed from current revenue; (2) an estimate of the general contingent fund which the County Executive recommends to be provided for unanticipated or emergency County purposes or charges; (3) a statement of the several amounts recommended by the County Executive for appropriations to the reserve funds and sinking funds, if any; (4) a statement of the amount required to pay the interest on and amortization of or redemption of indebtedness becoming due in the ensuing fiscal year; (5) an estimate of the amount to be paid to school districts on account of unpaid school taxes to be returned to the County during such year; and (6) the amount of any judgment recovered against the County and payable during the fiscal year and for which no bonds have been or will be issued.

(h) Estimated Revenues. The estimates of revenue in the tentative County budget shall be classified by accounts and units of county government, shall show the sources of income and shall contain (1) a statement of all revenues which it is estimated will be received by the County during the ensuing fiscal year, except from County taxes to be levied; (2) a statement of all unexpended balances, if any, at the end of the last completed fiscal year, which are available to meet the expenditure requirements of the fiscal year for which the tentative budget is being prepared; (3) an estimate of the anticipated receipts from delinquent taxes, which shall not exceed the amount received in cash from delinquent taxes during the last five (5) months of the most recently completed fiscal year and the first seven (7) months of the current fiscal year, provided that delinquent taxes shall include the proceeds of: (i) the collection of all taxes levied or relieved by the County Legislature for any year preceding the current fiscal year, together with

interest and penalties thereon, (ii) the sale of property sold for such taxes, and (iii) the redemption of property sold for such taxes and bid in by the County, but shall not include the proceeds of any such collection, sale or redemption occurring during the fiscal year for which such taxes were originally levied; (4) a statement as to the amounts, if any, from the capital reserve fund and/or sinking funds available for payments, other current capital payments or debt service during the ensuing fiscal year; and (5) a statement of the estimated net County tax requirements, determined by subtracting the total estimated revenues, other than taxes to be levied, and such contributions from any other available surplus funds, from the total recommended expenditures for the ensuing fiscal year.

(i) Moneys Received Not Included. Moneys received by the County but required by law to be paid to the State of New York or to the units of government within the County shall not be included in the expenditures and revenues anticipated in the budget, provided, however, that this shall not apply to moneys paid to local governmental units within the County on accounts of delinquent taxes.

Section 29.05. Tentative County Budget; Submission to County Legislature.

(a) Preparation of Resolutions. The County Executive shall cause to be prepared proposed appropriation and tax levying resolutions referring to the tentative budget and making provision for the conduct of the County government for the ensuing fiscal year. The appropriations set forth in such resolutions shall be classified by funds and units of County government, which shall be subdivided according to units of organization, but need not be further classified than by personal services and other than personal services. Such resolutions shall be filed with the Clerk of the County Legislature as prescribed in paragraph (b) of this section.

(b) Submission to County Legislature. On or before the first day of November of each year, the County Executive shall submit to the Clerk of the County Legislature the tentative budget, including both the operating budget and the capital budget for the ensuing fiscal year, the proposed appropriation and tax levying resolutions as prescribed by paragraph (a) of this Section, the capital program for the ensuing five fiscal years, together with an accompanying budget message as prescribed by paragraph (c) of this Section. The tentative operating budget, the tentative capital budget, the budget message and the appropriation and tax levying resolutions shall be combined as one document, which shall constitute the tentative County budget for the ensuing fiscal year. The Tentative County budget shall be submitted in a form consistent with the Uniform System of Accounts for Counties prescribed by the New York State Department of Audit and Control.<sup>4</sup>

(c) Budget Message. The County Executive's budget message shall include an outline of fiscal policy for the County government, describing the important features of the current budget with reference both to proposed expenditures and anticipated income, and a general summary showing the current and capital requirements for the budget year, with supporting schedules, which shall exhibit the aggregate figures of the current budget in such manner as to show a balanced relation between the proposed expenditures and the total anticipated income for the fiscal year covered by it, and which shall compare these figures with the corresponding figures of the last completed fiscal year, and the year in progress. The message shall contain such comments with respect to the capital program and budget as the County Executive may deem advisable, including the probable effect thereof for each of the years involved.

(d) Available as Public Record. Upon submission, the tentative County budget shall become a public record in the office of the Clerk of the County Legislature. Copies of the same shall be made available by the County Executive for distribution.

(e) Review by County Legislature or Designated Committee and by Planning and Capital Projects Committee.<sup>41</sup> The County Legislature, or a committee designated by such body, shall review the tentative County Operating Budget as submitted by the County Executive, and shall, not later than the thirtieth day of November, file with the Clerk of the County Legislature its report, including any recommendations proposed therein. The Planning and Capital Projects Committee of the County Legislature shall separately review the tentative County Capital Budget as submitted by the County Executive and shall, not later than the thirtieth day of November, file with the Clerk of the County Legislature, its report, including any recommendations proposed therein. Such reports shall become a public record in the office of the Clerk of the County Legislature. Copies of the same shall be made available by the Clerk of the County Legislature for distribution.<sup>5</sup>

Section 29.06. Public Hearing.

Not later than the thirtieth day of November, the Clerk of the County Legislature shall cause to be published in the official newspapers, a notice of the place and time, not less than five days after such publication, nor later than the fifth day of December, at which the County Legislature or a committee designated by such body, will hold a public hearing on the tentative County budget, submitted by the County Executive and the reports submitted by the County Legislature or a committee designated by such body and by the Planning and Capital Projects Committee. At such hearing, any person may be heard for or against the tentative County budget submitted by the County Executive or any item thereof and the reports or any

item thereof submitted by the County Legislature or a committee designated by such body and by the Planning and Capital Projects Committee.<sup>6, 42</sup>

Section 29.07. Adoption of Budget.

(a) Board Action After Hearing. After the conclusion of the public hearing, the County Legislature may strike items of appropriation or anticipated revenues from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The Board may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly.

(b) Return to County Executive. If the budget as passed by the County Legislature contains any such additions, increases and/or decreases, the same shall be presented by the Clerk of the County Legislature to the County Executive not later than the tenth of December, for his consideration of such additions, increases, and/or decreases. If the County Executive approves all the additions, increases and/or decreases, he shall affix his signature to a statement thereof and return the budget and such statement to the Clerk of the County Legislature. The budget, including the additions, increases, and/or decreases, as part thereof, shall then be deemed adopted.<sup>7</sup>

(c) County Executive Veto. The County Executive may object to any one or more of such additions, increases, and/or decreases, and in such case shall append to the budget, a statement of the additions, increases, and/or decreases to which he objects with the reasons for his objection, and shall return the budget with his objections to the Clerk of the County Legislature, who shall present the same to the County Legislature at a meeting to be held no later than the twentieth day of December. The County Legislature shall thereupon enter the objections upon its journal and proceed to consider the additions, increases and/or decreases so

objected to. If upon such consideration, two-thirds (2/3) of all members of the County Legislature vote to approve such additions, increases, and/or decreases, or any of them, the budget with the additions, increases, and/or decreases so approved, together with any additions, increases, and/or decreases not so objected to by the County Executive, shall by resolution be deemed adopted.<sup>8</sup>

(d) County Executive's Failure to Act. If a budget with additions, increases, and/or decreases is not returned by the County Executive to the Clerk of the County Legislature with his objections on or before the fifteenth day of December, it shall be deemed adopted, as so modified.<sup>9</sup>

(e) County Legislature's Failure to Act. If a budget has not been adopted, as herein provided, on or before the twenty-first day of December, then the tentative budget as submitted by the County Executive, plus all additions, increases, and/or decreases to which he has failed to object, shall be the budget for the ensuing fiscal year.<sup>10</sup>

(f) Certification of Budget. Four copies of the budget as adopted shall be certified by the County Executive and by the Clerk of the County Legislature. One such copy shall be filed in the office of the County Executive and one each in the offices of the Comptroller, the Commissioner of Finance and the Clerk of the County Legislature. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

Section 29.08. Levy of Taxes; Inclusion of Reserve for Uncollected Taxes.

The net County tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget, shall be levied in advance of the start of the fiscal year by the County Legislature on the taxable real property of the several tax districts of the County. The taxes so levied shall include an amount to be known

as "reserve for uncollected taxes" which shall be a County charge. The County Legislature shall fix the amount of such reserve at such a sum as they may deem sufficient to produce in cash from the collection of taxes and other revenues during the year, monies required to meet the estimated expenditures of such year, provided, however, that such reserve shall be not less than the face amount of unpaid taxes for the proceeding completed fiscal year.

Section 29.09. Appropriations; Supplemental and Emergency.

If, during any fiscal year there are available for appropriation (1) Revenues received from sources not anticipated in the budget for that year, and (2) revenues received from anticipated sources but in excess of the budget estimates therefor, the County Legislature may make supplemental appropriations for the year not in excess, however, of such additional revenues. To meet a public emergency affecting life, health or property, the County Legislature may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the County Legislature may authorize the issuance of obligations pursuant to applicable law.

Section 29.10. Appropriation: Reduction.

If at any time during the fiscal year, it appears that the revenues available will be insufficient to meet the amounts appropriated, the County Executive shall report to the County Legislature without delay the estimated amount of the deficit, remedial action taken by him, and his recommendations as to further action. The County Legislature shall take such action as it deems necessary to prevent any deficit. For that purpose it may, by resolution, reduce one or more appropriations; but no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be so appropriated; the Board may also, if it so desires authorize borrowing

temporarily pursuant to applicable law in an amount not greater than such deficit for such purposes.

Section 29.11. Transfer Within Executive Unit.

The County Executive may, at any time during the fiscal year, transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same unit of County government. If the County Executive requests in writing, the County Legislature by resolution may transfer part or all of any unencumbered appropriation balance from one County unit to another. But no transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

Section 29.12. Budget Controls.

(a) No County officer, employee, executive unit or other spending agency shall, during a fiscal year, expend, or contract to expend, any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts appropriated or having been authorized to be borrowed pursuant to the local finance law, by the County Legislature. The unexpended balance of each current appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year and shall be deemed as revenue for the purpose of preparing, during the following fiscal year, the tentative County budget for the ensuing fiscal year pursuant to (2) of paragraph (h) of Section 29.04 of this Article, and in this respect no assignment of a requisition number or a request by letter or other means to the Comptroller or any other County Officer from any unit of County government for the purpose of holding over after the close of such fiscal year any unencumbered balance, or part thereof, of any appropriation shall be construed to be a

commitment or the encumbering of any such appropriation; provided that nothing herein contained shall be construed to require the lapsing of appropriations which may or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provisions of law; and provided further that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefore, or for leases or the establishment of bond or capital accounts, sinking funds or reserve funds and each such appropriation, account or fund shall continue in force until the purposes for which it was made shall have been accomplished or shall have been abandoned. Any contract, verbal or written made in violation of this section shall be null and void.

(b) The County Executive shall maintain control at all times over the expenditures of every unit of County government. For such purposes, the County Executive may, among other things, (1) require prior to the beginning of any fiscal year, the submission by the head of each unit or authorized agency of revised work programs based on appropriations in the adopted budget for such fiscal year and originally submitted as tentative work programs for such year by the head of each such unit or authorized agency pursuant to paragraph (a) of Section 29.04 of this article; and (2) prescribe quotas and allotments, and no unit, officer, employee or financial activity of the county shall encumber its appropriation in an amount in excess of that allowed by any quota or allotment so prescribed.

Section 29.13. Contingent Funds.

The County Legislature by resolution, may at any time appropriate all or any part of the moneys in the general contingent fund for general County purposes.

4 Section 19.05\*. Tentative County Budget; Submission to County Legislature. (b) amended by Resolution No. 176 of 1989. Local Law No. 2 of 1989. \*Section 19.05 is now Section 29.05.

5 Section 19.05\*. Tentative County Budget; Submission to County Legislature. (e) amended by Resolution No. 359 of 1989. Local Law No. 7 of 1989. \*Section 19.05 is now Section 29.05.

6 Section 19.06\*. Public Hearing. amended by Resolution 359 of 1989. Local Law No. 7 of 1989. \*Section 19.06 is now Section 29.06.

7 Section 19.07\*. Adoption of Budget. (b) amended by Resolution No. 176 of 1989. Local Law No. 2 of 1989. \*Section 19.07 is now Section 29.07.

8 Ibid., (c).

9 Ibid., (d).

10 Ibid., (e).

41 Section 19.05. Tentative County Budget; Submission to County Legislature(e), amended by Resolution No. 288 of 1995, to include review by the Planning & Capital Projects Committee. Local Law No. 3 of 1995.

42 Section 19.06. Public Hearing. amended by Resolution No. 288 of 1995, to include reference to Planning and Capital Projects. Local Law No. 3 of 1995.

53 Article XIX, Financial Procedures renumbered XXIX by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

ARTICLE XXX

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OTHER COUNTY UNITS

Section

- 30.01. Medical Examiner; Appointment; Revocation;  
Operation of Office.
- 30.02. Fire Advisory Board; Members; Appointment;  
Powers and Duties.
- 30.03. Other County Units.
- 30.04.<sup>63, 69</sup> Office for the Aging.
- 30.05. Architect, Engineer and Construction  
Management Consultant Selection Committee.<sup>20, 56, 58, 60</sup>

Section 30.01. Medical Examiner; Appointment; Revocation; Operation of Office.

(a) Medical Examiner; Appointment; Revocation. Upon appointment of a Medical Examiner and his deputies as provided in Article XXX of the Charter, a certificate of such appointment shall be filed and recorded in the Office of the County Clerk. The Medical Examiner, before entering upon the duties of his office, shall take and file the prescribed oath of office and furnish and file the required undertaking. The appointment of the Medical Examiner and any of his deputies may be revoked at any time by the County Executive by the filing of a certificate of such revocation in the Office of the County Clerk.

(b) Medical Examiner; Jurisdiction to Investigate Deaths. The Medical Examiner shall have jurisdiction and authority to investigate the death of every person dying within the County of Dutchess or whose body is found within the County which is or appears to be:

- (1) a violent death, whether by criminal violence, suicide or casualty;
- (2) a death caused by unlawful act or criminal neglect;
- (3) a death occurring in a suspicious, unusual or unexplained manner;
- (4) a death caused by suspected criminal abortion;
- (5) a death while unattended by a physician, so far as can be discovered, or where no physician, able to certify the cause of death as provided in the public health law and in a form as prescribed by the Commissioner of Health, can be found;
- (6) a death of a person confined in a public institution other than a hospital, infirmary or nursing home.

(c) Manner of Investigation.

1. When the Medical Examiner is informed of the occurrence of a death within his jurisdiction as defined in the previous section, he shall go at once to the place where the body is and take charge of it. The Medical Examiner shall have authority to the extent

required for the investigation, to remove and transport the body upon taking charge of it, notwithstanding any general, special or local law.

2. The Medical Examiner shall fully investigate the essential facts concerning the death, taking the names and addresses of as many witnesses thereto as it may be practicable to obtain, and before leaving the premises shall reduce all such facts to writing. He shall take possession of any portable objects which, in his opinion, may be useful in establishing the cause or means of death.

3. In the course of the investigation, the Medical Examiner shall make or cause to be made such examinations, including an autopsy, as in his opinion are necessary to establish the cause of death, or to determine the means or manner of death, or to discover facts, the ascertainment of which is requested in writing by a District Attorney, or a Sheriff, or the Chief of a police department of a City or the County, or the Superintendent of State Police, or the Commissioner of Correction. The authority to make any examination as provided in this Section includes the authority to remove, retain and transport or send, for the purpose of the examination, any tissue or organs and any portable object. The Medical Examiner shall have power to subpoena and examine witnesses under oath in the same manner as a magistrate in holding a court of special sessions.

(d) Advice, Consultation and Assistance. The Medical Examiner shall have authority, when necessary in his opinion, to consult with and to request advice, consultation or other assistance from any officer of a department of the State government, from any Medical Examiner of any city or county, from any coroner or coroner's physician of any county, or from the head of any public health laboratory, police laboratory or state or municipal laboratory or from any member of the staff of such laboratory designated for such purposes by the head

thereof, or from any physician qualified to make postmortem examinations and to testify there on; and to request from any such person such tests, examinations or analysis and reports with respect thereto as are necessary in his opinion, with respect to the body of the deceased or any part thereof or with respect to any other matter related to his investigation.

(e) Employment of Stenographer. When the services of a stenographer shall not have been provided by the County Legislature, or if a stenographer so provided is not available, the Medical Examiner shall have the power to employ a stenographer for the purpose of taking statements and reducing to writing the testimony of witnesses or of transcribing or reproducing any report or document required by his investigation. If the County Legislature has not fixed any rate of compensation, such stenographer shall be paid for taking and transcribing minutes at the rate charged by official court stenographers in the County of Dutchess.

(f) Reports and Records.

1. The writing made by the Medical Examiner at the place where he takes charge of the body shall be filed promptly in the Office of the Medical Examiner. The testimony of witnesses examined before him and the report of any examination made or directed by him shall be made in writing or reduced to writing and thereupon filed in such office.

2. The report of any autopsy or other examination shall state every fact and circumstance tending to show the condition of the body and the cause and means or manner of death. The person performing any autopsy for the purpose of determining the cause of death or means or manner of death, shall enter upon the record the pathological appearance and findings, embodying such information as may be prescribed by the State Commissioner of Health, and append thereto the diagnosis of the cause of death and of the means or manner of death. Methods and forms prescribed by the State Commissioner of Health for obtaining and

preserving records and statistics of autopsies conducted within the State shall be employed. A detailed description of the findings, written during the progress of the autopsy, and the conclusions drawn therefrom shall, when completed, be filed in the Office of the Medical Examiner.

3. The Medical Examiner shall keep full and complete records, properly indexed, stating the name, if known, of every person whose death is investigated, the place where the body was found, the date of death, if known, and if not known, the date or approximate date as determined by the investigation, to which there shall be attached the original report of the Medical Examiner and the detailed findings of the autopsy, if any. Such records shall be kept in the Office of the Medical Examiner.

4. Such records as required in this Section shall be open to inspection by the District Attorney. Upon application of the personal representative, spouse or next of kin of the deceased or any person who is or may be affected in a civil or a criminal action by the contents of the record or any investigation, or upon application of any person having a substantial interest therein, an order may be made by court of record, or by a Justice of the Supreme Court, that the record of that investigation be made available for his inspection, or that a transcript thereof be furnished to him, or both.

5. The Medical Examiner shall promptly deliver to the District Attorney copies of all records pertaining to any death whenever, in his opinion or in the judgment of the person performing the autopsy, there is any indication that a crime was committed.

(g) Disposition of Money or Property Found on Deceased.

1. Money and other property found upon the body of the deceased, not required for the purpose of the investigation, shall be delivered to the Commissioner of Finance

of the County of Dutchess. Unless claimed in the meantime by the legal representatives of the deceased, articles held for the purpose of the investigation, except such writings of the deceased as may be relevant to the diagnosis of means or manner of death, shall be delivered to the Commissioner of Finance of the County of Dutchess at the conclusion of the investigation.

2. Upon the delivery of the money to the Commissioner of Finance, he must place it to the credit of the County. If other property is delivered to him he must, within one year, sell it at public auction upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the County.

3. If the money be demanded within six (6) years by the legal representatives of the deceased, the Commissioner of Finance must pay it to them, after deducting the amount of expenses incurred in connection therewith, or it may be so paid at any time thereafter, upon the order of the County Legislature; provided, however, that such money may be so paid at any time upon written order of the Surrogate of the County of Dutchess.

4. Before auditing and allowing the account of the Medical Examiner, the County Legislature must require from him a statement in writing of any money or other property found upon persons whose deaths he has investigated, verified by his oath to the effect that the statement is true and that the money or property mentioned in it has been delivered to the legal representatives of the deceased, or to the Commissioner of Finance.

Section 30.02. Fire Advisory Board; Members; Appointment; Powers and Duties.

There shall be a Fire Advisory Board whose members shall be appointed by the County Legislature in the manner and for the term provided by law. Each member of the Fire Advisory Board holding office on the effective date of this Code shall continue in office for the balance of his term, at the conclusion of which the applicable appointive provisions of this Code

shall become operative. The Fire Advisory Board shall have the powers and duties conferred upon it by the Charter, this Code or other applicable law.

Section 30.03. Other County Units.

There shall be a County Historian, appointed by the County Executive, subject to confirmation by the County Legislature. He shall serve at the pleasure of the County Executive. He shall have all the powers and perform all the duties now or hereafter conferred or imposed upon him by law and perform such other and related duties required by the County Executive or the County Legislature.<sup>18,39</sup>

Section 30.04.<sup>19, 63, 69</sup> Office for the Aging. The Director of the Office for the

Aging shall:

(1) be responsible for providing the following general services in connection with the County's aging population which shall include but not be limited to:

a. Plan environmental and personal services to meet the needs of the elderly through the evaluation of services and the identification of major problems affecting the elderly;

b. Stimulate and review needed programs and services for the elderly;

c. Conduct research on the needs of the elderly in this community and develop alternative means of meeting these needs;

d. Cooperate with elderly citizens and organizations servicing or representing the elderly to meet the needs of the elderly population of the community;

e. Provide information relative to programs and services for the elderly in the community and sources of support for programs and services;

f. Encourage the cooperation of agencies servicing the elderly; and

g. Recommend to and cooperate with federal, state and local agencies in the development of policy toward the elderly.

(2) The Director of the Office for the Aging may from time to time add or delete such programs as allowed by statute, rule or regulation.

(3) Advisory Board, Officers, Powers and Duties. The existing Aging Advisory Board shall continue without interruption or change.

Advisory Committee, Officers, Powers and Duties.

It shall consist of not less than 9 nor more than 18 members appointed by the County Executive whose function and duty it will be to advise the Director on matters related to

the operation of said division. The term for which the members shall be appointed to serve shall be as follows:

1. One-third of the membership to serve for a one year term;
2. One-third of the membership to serve for a two year term;
3. One-third of the membership to serve for a three year term;
4. Upon the termination of the term of each member, succeeding members

shall be appointed for a three year term.

At least half of the membership of the committee shall include actual or potential consumers of services provided by the County for older persons, with the remainder of the group to be broadly representative of major public and private agencies and organizations in the County concerned with the interests of older persons and other persons who are interested in or have demonstrated special interests in the special needs of the elderly. In the event of the death or resignation of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member has been appointed. The County Executive may appoint county officials to serve ex officio on this committee.

The Chairperson shall be elected from the membership of the Committee by the Committee members to serve for a term of one year. The Chairperson shall preside at all Committee meetings and represent the Committee.

The Vice-Chair shall be elected from the membership of the Committee by the Committee members to serve for a term of one year. The Vice-Chair shall, in the absence of the Chairperson act in his place.

Section 30.05. Architect, Engineer and Construction Management Consultant

Selection Committee.<sup>20, 60</sup>

The County Executive shall convene an Architect, Engineer and Construction Management Consultant Selection Committee for the County of Dutchess.

1. Membership of the Architect, Engineer and Construction Management

Consultant Selection Committee:

- a. There will be an Architect, Engineer and Construction Management

Consultant Selection Committee consisting of ten (10) members as follows:

- Commissioner of Finance
- Commissioner of Planning and Development
- Commissioner of Public Works
- Majority Leader of the County Legislature or his/her designee from the County Legislature

Minority Leader of the County Legislature or  
his/her designee from the County Legislature  
Chairman of the Public Works and Capital Projects Committee or  
his/her designee from the Public Works and Capital Projects Committee  
County Attorney or his/her designee from the  
County Attorney's Office  
Chairman of the Budget, Finance, and Personnel Committee or  
his/her designee from the Budget, Finance, and Personnel Committee  
Chairman of the County Legislature or his/her  
designee from the County Legislature  
Appointee to be appointed by the Chairman of the  
Legislature

b. The Chairman of the Public Works and Capital Projects Committee of the Dutchess County Legislature shall serve as Chairman of this Committee.

c. The Comptroller, County Clerk, Sheriff and District Attorney or their respective designee shall be members of the Committee with full rights and voting privileges when such proposed capital construction projects directly involve their department.

2. Powers and Duties of the Architect, Engineer and Construction Management Consultant Selection Committee:

a. The Architect, Engineer and Construction Management Consultant Selection Committee will assess the qualifications of all architects, engineers and construction management consultants whose services may be used in the construction of capital projects, for which an amount of TWO MILLION (\$2,000,000) DOLLARS or more will be spent; <sup>56, 58</sup>

b. The Architect, Engineer and Construction Management Consultant Selection Committee will recommend the best qualified architect, engineer and construction management consultant based upon an evaluation of the candidate's credentials, experience and fee offer and report the results of its findings and recommendations to the County Executive; and

c. The Architect, Engineer and Construction Management Consultant Selection Committee shall have the power to establish the necessary rules and regulation for the conduct of its business.

18 Section 30.03. Other County Units. amended by Resolution No. 46 of 1983. Local Law No. 2 of 1983.

19 Section 30.04. Office for the Aging; Director; Powers and Duties; Annual Report. (a), (b) and (c) added by Resolution No. 117 of 1973. Local Law No. 4 of 1973.

20 Section 30.05. Architect, Engineer & Construction Management Consultant Selection Committee. amended in its entirety by Resolution No. 266 of 1991. Local Law No. 3 of 1991.

39 Section 30.03. Other County Units. amended by Resolution No. 328 of 1993, by deleting therefrom the terms “ Director of Civil Defense” and “a Fire Coordinator”. Local Law No. 8 of 1993.

56 Section 30.05. Architect, Engineer and Construction Management Consultant Selection Committee 2(a) amended by Resolution No. 200 of 1997. Local Law No. 7 of 1997.

58 Section 30.05. Architect, Engineer and Construction Management Consultant Selection Committee 2(a) amended by Resolution No. 201235. Local Law No. 6 of 2001.

60 Section 30.05. Architect, Engineer and Construction Management Consultant Selection Committee 1(a) and 1(b) amended by Resolution No. 204094. Local Law No. 2 of 2004.

63 Section 30.04. Office for the Aging; Director; Powers and Duties; Annual Report. deleted by Resolution No. 2010349. Local Law No. 4 of 2011.

69 Section 30.04. Office for the Aging. Added by Resolution No. 2012323. Local Law #7 of 2012.

ARTICLE XXXI

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DUTCHESS COMMUNITY COLLEGE

Section

- 31.01. Dutchess Community College; Financial Administration.
- 31.02. Board of Trustees; Powers and Duties.
- 31.03. Petty Cash Fund.
- 31.04. Periodic Audits of Accounts.

Section 31.01. Dutchess Community College; Financial Administration.

The appropriations by the County Legislature for maintenance of the Dutchess Community College shall be made in whole to the Board of Trustees of the College for expenditures by the Board of Trustees subject to the terms and conditions of such appropriations and to such regulations concerning the custody, deposit and payment and audit thereof as the County Legislature may deem proper.

Section 31.02. Board of Trustees; Powers and Duties.

The Board of Trustees may elect a Treasurer, establish a bank account or accounts in the name of the College, and deposit therein monies received or collected by the College, including monies appropriated by the County Legislature, monies received from tuition, fees, charges, sales of products and services, and from all other sources. The Board of Trustees of the College may, subject to the requirements specified by the County Legislature pursuant to Section 31.01 of the Code, authorize the Treasurer to pay all proper bills and accounts of the College, including salaries and wages, from funds in its custody. The Board of Trustees shall promulgate appropriate policy and procedures for procuring and managing the property of the College notwithstanding any provisions of Sections 3.01 and 18.01 to the contrary. The Treasurer shall execute a bond or official undertaking to the Board of Trustees of the College in such sum and with such sureties as the Board of Trustees shall require, the expenses of which shall be a College charge.

Section 31.03. Petty Cash Fund.

The Board of Trustees of the College may authorize the Treasurer to establish and maintain petty cash funds, not in excess of Two Hundred Dollars, each for specified College

purposes or undertakings, from which may be paid, in advance of audit, properly itemized and verified or certified bills for materials, supplies or services furnished to the College for the conduct of its affairs and upon terms calling for the payment of cash to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. Lists of all expenditures made from such petty cash funds shall be presented to the Board of Trustees at each regular meeting thereof, together with the bills supporting such expenditures, for audit, and the Board of Trustees shall direct reimbursement of such petty cash funds from the appropriate budgetary item or items in an amount equal to the total of such bills which it shall so audit and allow. And any of such bills or any portion of any of such bills as shall be disallowed upon audit shall be the personal responsibility of the Treasurer and such official shall forthwith reimburse such petty cash fund in the amount of such disallowance.

Section 31.04. Periodic Audits of Accounts.

The Board of Trustees of the College shall provide for periodic audits of all accounts maintained at its direction and render such reports respecting any and all receipts and expenditures of the College as the County Legislature, the County Executive or the County Comptroller may direct.

ARTICLE XXXII<sup>55, 59</sup>

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GENERAL PROVISIONS

Section

- Section 32.01. Approval Of Contracts By County Legislature.
- Section 32.02. Approval Of Contracts By County Attorney.
- Section 32.03. Compensation Of Officers.
- Section 32.04. Compensation Where More Than One Position Held.
- Section 32.05. Power To Administer Oaths And Issue Subpoenas.
- Section 32.06. Acting Heads Of Executive Units.

Section 32.01. Approval Of Contracts By County Legislature.

Except as otherwise provided in the Charter or this Code, any contract to which the County is a party shall require approval by the County Legislature, if said contract is for:

- (a) The sale, lease, or purchase of real property.
- (b) The alteration or demolition of a building or other structure.
- (c) The erection or construction of a building or other structure, whether constructed on site or off site, and whether leased or purchased.
- (d) The provision of facilities or the rendering of services by, for or with any municipality, public authority, or combination thereof.

As used herein, the term building shall include a trailer, modular unit, or other type structure either attached to an existing county building or free standing.

The County Executive shall execute all contracts on behalf of the County except as otherwise provided in the Charter or this Code.

Section 32.02. Approval Of Contracts By County Attorney.

All contracts to be executed by any person authorized by the Charter or this Code on behalf of the County shall first be approved as to form by the County Attorney. A copy of such contract, when executed, shall be filed with the Commissioner of Finance, the Comptroller, and the County Legislature when approval of said board is required for such contract.

Section 32.03. Compensation Of Officers.

Any salary fixed by the County Legislature of an officer paid from County funds shall be in lieu of all fees, percentages, emoluments, or other form of compensation payable for services rendered in the performance of the powers and duties of the office, provided, however, that any officer required by law to reside at a County institution, or authorized and directed by the County Executive, may be furnished maintenance or any part thereof at a County institution. Such maintenance shall be defined and the value thereof determined by resolution of the Board, and the amount so determined shall constitute a part of the salary fixed for any such officer.

Section 32.04. Compensation Where More Than One Position Held.

Whenever the Charter or this Code provides that the head of a unit of county government may act as the head of a sub-unit of such unit, the head of such unit shall not receive any additional compensation for acting as the head of such sub-unit. Whenever the County Legislature authorizes any person paid from County funds to perform the duties of more than one position, such person shall be paid the salary for only one position as the County Executive shall designate.

Section 32.05. Power To Administer Oaths And Issue Subpoenas.

The County Executive, the Comptroller, the Chairman of the County Legislature, the Chairman of any standing committee of the County Legislature, and such other County officers as may be authorized by law shall have the power to subpoena and compel the attendance of witnesses and the production of books, records, and papers, as the same may be pertinent to their respective offices. Any County officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths or affirmations in connection therewith.

Section 32.06. Acting Heads Of Executive Units.

Except as otherwise provided in the Charter or this Code, each head of a department or other unit of the Executive Branch, subject to the approval of the County Executive, shall designate in writing, in order of succession the member or members of the department or other unit who shall act in his place in the event of his absence from the County or inability to perform or exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the filing of a new written designation and order of succession. The designee so acting shall have all the powers and perform all the duties of the head of the department or other unit making such designation.

55 Article XXXII, General Provisions, deleted in its entirety by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

59 Article XXXII, General Provisions, added by Resolution No. 202025. Local Law No. 2 of 2002.

ARTICLE XXXIII

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SERVICE RELATIONSHIPS

Section

33.01. Municipal Cooperation.

Section 33.01. Municipal Cooperation.

The provisions of Article XXXIII of the Charter shall be implemented according to Article 5-g of the General Municipal Law of the State of New York, unless and until the County

Legislature shall, by local law, provide for another method.

## ARTICLE XXXIV

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### CODE APPLICATIONS AND TRANSITIONAL PROVISIONS

#### Section

- 34.01. Amendment.
- 34.02. Legislative Intent.
- 34.03. Application of General Laws.
- 34.04. Pending Actions and Proceedings.
- 34.05. Judicial Notice.
- 34.06. Separability.
- 34.07. Construction.
- 34.08. Effective Date.

Section 34.01. Amendment.

This Code may be amended by local law in the manner provided in the Municipal Home Rule Law of New York State.

Section 34.02. Legislative Intent.

It is the intent of the County Legislature by this local law to provide an Administrative Code for the governing of the County of Dutchess supplemental to the provisions of the County Charter, and to provide herein an enumeration of specific powers, but such enumeration shall not operate to exclude or restrict other powers comprehended by a general grant of power.

Section 34.03. Application of General Laws.

Every provision of the general laws of the State of New York, applicable to the County of Dutchess, shall prevail where no similar or comparable provision is made or can fairly be inferred from this Code or the County Charter; but where inconsistent or conflicting with any provisions of this Code or the County Charter, shall be deemed superseded to the extent of such inconsistency or conflict.

Section 34.04. Pending Actions and Proceedings.

No action, suit or proceeding commenced before the effective date of this Code shall be effected by the adoption hereof or by any of the provisions herein contained, but shall be continued as if this Code had not taken effect.

Section 34.05. Judicial Notice.

All courts shall take judicial notice of all laws contained in this Code and of all local laws, acts, resolutions, rules, regulations and ordinances adopted pursuant to the County Charter or this Code.

Section 34.06. Separability.

If any word, phrase, clause, sentence, paragraph, section or part of this Code shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other part or portion of this Code, but shall be confined in its operation to such portion, section, sections or parts thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 34.07. Construction.

This Code shall be construed liberally to effect the objects and purpose hereof.

Section 34.08. Effective Date.

This Code shall take effect January First, Nineteen Hundred Sixty-Eight.

## NOTES

- 1 VOID
- 2 VOID
- 3 VOID
- 4 Section 19.05\*. Tentative County Budget; Submission to County Legislature. (b) amended by Resolution No. 176 of 1989. Local Law No. 2 of 1989. \*Section 19.05 is now Section 29.05.
- 5 Section 19.05\*. Tentative County Budget; Submission to County Legislature. (e) amended by Resolution No. 359 of 1989. Local Law No. 7 of 1989. \*Section 19.05 is now Section 29.05.
- 6 Section 19.06\*. Public Hearing. amended by Resolution No. 359 of 1989. Local Law No. 7 of 1989. \*Section 19.06 is now Section 29.06.
- 7 Section 19.07\*. Adoption of Budget. (b) amended by Resolution No. 176 of 1989. Local Law No. 2 of 1989. \*Section 19.07 is now Section 29.07.
- 8 Ibid., (c).
- 9 Ibid., (d).
- 10 Ibid., (e).
- 11 VOID
- 12 Section 20.02. Procedure for Audit of Claims. amended in its entirety by Resolution No. 45 of 1983. Local Law No. 4 of 1983.
- 13 Section 23.02. Staff of Sheriff. (b) amended by Resolution No. 72 of 1976. Local Law No. 6 of 1976.
- 14 Ibid., (d).
- 15 Ibid., (e).
- 16 Article XXIV Publication of Local Laws added by Resolution No. 261 of 1983. Local Law No. 7 of 1983.

17 Section 24.01. Publication of Local Laws. added by Resolution No. 261 of 1983. Local Law No. 7 of 1983.

18 Section 30.03. Other County Units. amended by Resolution No. 46 of 1983. Local Law No. 2 of 1983.

19 Section 30.04. Office for the Aging; Director; Powers and Duties; Annual Report. (a), (b) and (c) added by Resolution No. 117 of 1973. Local Law No. 4 of 1973.

20 Section 30.05. Architect, Engineer & Construction Management Consultant Selection Committee. amended in its entirety by Resolution No. 266 of 1991. Local Law No. 3 of 1991.

21 Article XIII Section 13.01. Commissioner of Aviation, Powers and Duties. repealed in its entirety by Resolution No. 318 of 1992. Local Law No. 8 of 1992.

22 Section 9.01. Commissioner of Public Works; Powers and Duties. (m) amended by Resolution No. 318 of 1992. Local Law No. 8 of 1992.

23 Section 9.01. Commissioner of Public Works; Powers and Duties. (n) added by Resolution No. 318 of 1992. Local Law No. 8 of 1992.

24 Ibid., (o).

25 Ibid., (p).

26 Ibid., (q).

27 Ibid., (r).

28 Ibid., (s).

29 VOID (Referred to Section 23.01)

30 VOID (Referred to Section 23.02)

31 VOID (Referred to Section 23.02)

32 VOID (Referred to Section 23.02)

33 VOID (Referred to Section 23.02)

34 VOID (Referred to Section 23.03)

35 VOID (Referred to Section 23.04)

36 VOID (Referred to Section 23.05)

37 Article VIII, Department of Planning and Development, amended by Resolution No. 135 of 1993, that all references to the "Department of Planning" or "Commissioner of Planning" shall read "Department of Planning and Development" or "Commissioner of Planning and Development". Local Law No. 4 of 1993.

38 Article XVI, deleted in its entirety by Resolution No. 327 of 1993. Local Law No. 7 of 1993.(New Article XVI added by Resolution No. 195 of 1997). Local Law No. 6 of 1997.

39 Section 30.03. Other County Units, amended by Resolution No. 328 of 1993, by deleting therefrom the terms "a Director of Civil Defense" and "a Fire Coordinator". Local Law No. 8 of 1993.

40 Article XXV, Department of Emergency Response, added in its entirety by Resolution No. 328 of 1993. Local Law No. 8 of 1993.

41 Section 19.05. Tentative County Budget; Submission to County Legislature(e), amended by Resolution No. 288 of 1995, to include review by the Planning & Capital Projects Committee. Local Law No. 3 of 1995.

42 Section 19.06. Public Hearing, amended by Resolution No. 288 of 1995, to include reference to Planning and Capital Projects. Local Law No. 3 of 1995.

43 Article IV, Finance, Department of renumbered VI by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

44 Article V, Law, Department of renumbered VIII by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

45 Article VI, Health, Department of renumbered VII by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

46 Article VII, Personnel, Department of renumbered XI by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

47 Article VIII, Planning & Development, Department of renumbered XII by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

48 Article IX, Public Works, Department of renumbered XIV by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

49 Article X, Public Defense, Department of renumbered and XIII and renamed Public Defender, Department of by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

50. Article XI, Social Welfare, Department of renumbered XVI and renamed Social Services, Department of by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

51 Article XII, Mental Hygiene, Department of renumbered IX by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

52 Article XVII, Procurement Procedures renumbered XXVIII by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

53 Article XIX, Financial Procedures renumbered XXIX by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

54 Article XXV, Department of Emergency Response renumbered XVIII by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

55 Article XXXII, General Provisions deleted in its entirety by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

56 Section 30.05, Architect, Engineer and Construction Management Consultant Selection Committee 2 (a) amended by Resolution No. 200 of 1997. Local Law No. 7 of 1997.

57 Section 6.05\*, Statement of Financial Condition (a) amended by Resolution No. 201 of 1997. Local Law No. 8 of 1997. \*Section 4.05 is now Section 6.05.

58 Section 30.05. Architect, Engineer and Construction Management Consultant Selection Committee 2(a) amended by Resolution No. 201235. Local Law No. 6 of 2001.

59 Article XXXII, General Provisions, added by Resolution No. 202025. Local Law No. 2 of 2002.

60 Section 30.05. Architect, Engineer and Construction Management Consultant Selection Committee 1(a) and 1(b) amended by Resolution No. 204094. Local Law No. 2 of 2004.

61 Article XI, Amended by Resolution No. 2010346. Local Law No. 1 of 2011.

62 Section 6.11. Division of Real Property Tax Services, Director, Appointment, Term, Powers and Duties. Added by Resolution No. 2010348, Local Law No. 3 of 2011.

63 Section 30.04. Office for the Aging; Director; Powers and Duties; Annual Report. Deleted by Resolution No. 2010349. Local Law No. 4 of 2011.

64 Article XXIV. Department of Services for Aging, Veterans and Youth, added by Resolution No. 2010349. Local Law No. 4 of 2011.

65 Article XXIV. Department of Services for Aging, Veterans and Youth. Article number designation, Resolution No. 2011108. Local Law No. 6 of 2011.

66 Article XXV. Publication of Local Laws. Article number designation, Resolution No. 2011108. Local Law No. 6 of 2011.

67 Article XXIV. Department of Services for Aging, Veterans and Youth, deleted in its entirety by Resolution No. 2012323. Local Law #7 of 2012.

68 Article XVI, amended to add Sections 16.03, 16.04, 16.05 by Resolution No. 2012323. Local Law #7 of 2012.

69 Section 30.04. Office for the Aging. Added by Resolution No. 2012323. Local Law #7 of 2012.

70 Article XVI, amended to rename the Department of Social Services the Department of Community and Family Services. Resolution No. 2012324. Local Law No. 8 of 2012.

71 Article XII, Department of Planning and Development, amended by Resolution No. 2013088, Local Law No. 4 of 2013.

72 Article XVI, Section 16.04 Section A(5)(g) amended by Resolution No. 2013232, Local Law No. 8 of 2013.

73 Article XVII, Department of Solid Waste Management, deleted by Resolution No. 2013089, Local Law No. 5 of 2013.

74 Article XVI, Section 16.04A (1) through (5) and Section 16.04B (1) through (4) deleted in its entirety by Resolution No. 2014171, Local Law No. 2 of 2014.

75 Article XVI, Section 16.03(1)(e), (f) and (g) and Section 16.04A(1) through (5) and 16.04B(1) through (4) amended by Resolution No. 2014171, Local Law No. 2 of 2014.

76 Article XVIII, Department of Emergency Response, deleted in its entirety and not replaced, by Resolution No. 2014308. Local Law No. 1 of 2015.

77 Article XVI, Section 16.04A (6), (7) and (8) deleted by Resolution No. 2014309, Local Law No. 2 of 2015.

78 Article VII, amended to rename the Department of Health to the Department of Behavioral & Community Health, update title of Commissioner in Section 7.01, subparagraph (e), and add new Sections 7.05 and 7.06, by Resolution No. 2015250 and Local Law No. 7 of 2015.

79 Article IX, Mental Hygiene, Department of deleted by Resolution No. 2015250, and Local Law No. 7 of 2015. The Department of Mental Hygiene merged with the Department of Behavior & Community Health. See Article VII.