

COUNTY OF ERIE

LOCAL LAW No. 1 - 1960

A local law in relation to the adoption of an administrative code for the county of Erie, in accordance with the provisions of article six of the County Law of the State of New York.

Became a law November 1, 1960 no petition protesting. Passed by the local legislative body of the county of Erie. Filed in the office of the secretary of state December 5, 1960.

Be it enacted by the board of supervisors of the county of Erie as follows:

ERIE COUNTY ADMINISTRATIVE CODE

- Section 1. Erie county administrative code
- Article 1 Short title; effect; definitions
 - 2 Legislative branch
 - 3 Executive branch
 - 4 Department of finance
 - 5 Department of health
 - 6 Department of law
 - 7 Department of parks and recreation
 - 8 Department of personnel
 - 9 Department of planning
 - 10 Department of public works
 - 11 Department of social welfare
 - 12 Comptroller
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 - 15 Sheriff
 - 16 Other county boards, offices, institutions and functions
 - 17 Service relationships with local municipalities
 - 18 Financial procedures
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ARTICLE 1

SHORT TITLE; EFFECT; DEFINITIONS

- Section 1.01—Title and purpose
 - 1.02—Effect on state laws
 - 1.03—Effect on local laws and resolutions
 - 1.04—Definitions
 - 1.05—County seal
 - 1.06—County flag

Section 1.01—Title and purpose. This code and all amendments hereto shall be known and cited as the "Erie county administrative code." The purpose of this code is to set forth the details of administration of the Erie county government in harmony with the provisions of the Erie county charter.

§ 1.02—Effect on state laws. Within the limits prescribed by article six-a of the County Law, wherever and whenever any state law, general, special or local in effect, is inconsistent with this code, such law shall be deemed to the extent of such inconsistency to be superseded by this code. The county of Erie shall continue to have all the powers, duties, rights, privileges and obligations conferred or imposed upon such county by any provision of any state law, general, special or local in effect, not inconsistent with the county charter or this code.

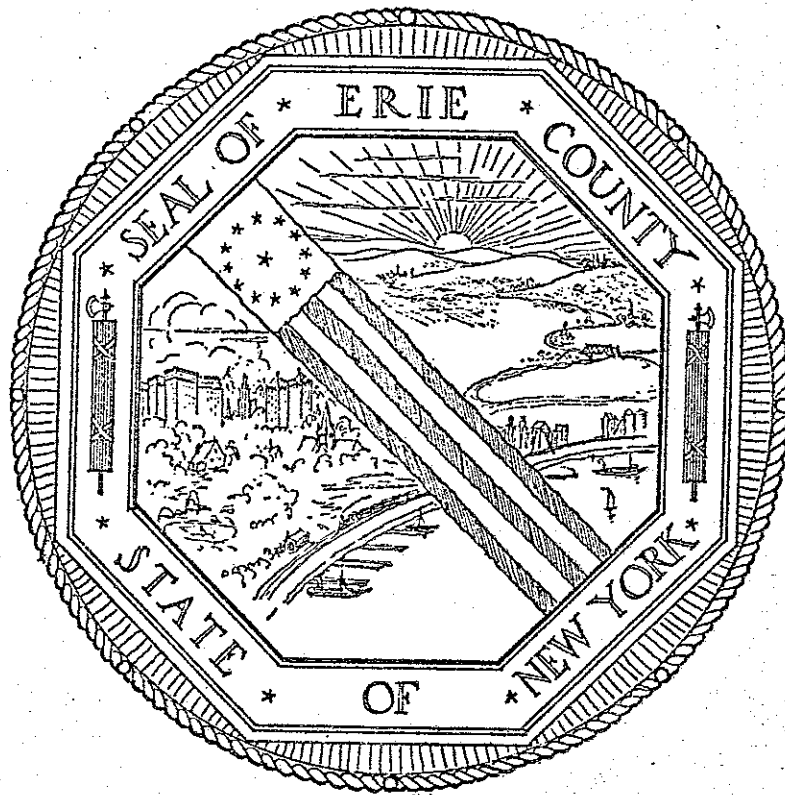
§ 1.03—Effect on local laws and resolutions. Except to the extent that they are inconsistent with the county charter or this code or are specifically superseded, amended or repealed thereby, all local laws and resolutions heretofore adopted by the board of supervisors shall continue in full force and effect until amended, superseded or repealed.

§ 1.04—Definitions. Wherever used in this code, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

- a. "County" shall mean the county of Erie.
- b. "Charter" and "county charter" shall mean the Erie county charter and all amendments thereto.
- c. "Code" shall mean the Erie county administrative code and all amendments thereto.
- d. "Board of supervisors" shall mean the elective legislative body of the county of Erie.
- e. "Administrative unit" shall mean any department, executive division, institution, office or other agency of county government except a bureau, division, section or other subordinate part of any of the foregoing.
- f. "Administrative head" shall mean the head of any administrative unit.
- g. "Authorized agency" shall mean any agency authorized by law, including but not limited to those authorized by section two hundred twenty-four of the County Law, to receive and expend county funds for a county purpose.
- h. "Executive division" shall mean the division of the budget and the division of purchase and central services.
- i. "Capital project" shall mean (1) any physical betterment, improvement or replacement or any appraisals, reports, studies, surveys, plans and specifications relative thereto, or (2) land or rights in land, or (3) any machinery, apparatus or equipment for any physical betterment or improvement, or (4) furnishings in connection with any physical betterment or improvement when such betterment or improvement is first constructed or acquired, or (5) any combination of (1), (2), (3) and (4).
- j. "Majority" shall mean a majority of the whole number of the members of a board or body. For the purpose of this definition the words "whole number" shall be constructed to mean the total number which the board or body would have were there no vacancies and were none of the members disqualified from acting.

§ 1.05—County seal. a. The seal of the county of Erie shall be as follows: Within a circle with cord border, an octagonal band shall contain the words "Seal of Erie County" above, the words "State of New York" below, and fasces on the left and right. The octagonal band shall frame a picture with curving shoreline, docks, boats, railway, elevators and industry. Diagonally across the picture there shall be a pennant with thirteen stars in upper left and five stripes extending to lower right. To the left of the pennant shall be depicted urban buildings and trees; to the right, a highway winding past rural settlements and farms to distant hills with the sun at the horizon.

b. The following design is hereby adopted as the official and standard design of county seal:



c. Such seal shall be used for all authorized and requisite purposes.

§ 1.06—County flag. The flag of the county of Erie shall be rectangular in shape, fifty-two units wide by sixty-six units long. On a dark blue field fringed with gold, the county seal with a diameter of twenty units shall appear in shades of blue, green, gold, orange, red, gray and white. Above the seal, in gold letters six units high, the words "County of Erie" shall appear in a curved line. Below the seal, in gold letters four units high, the words "State of New York" shall appear in a straight line. The distance between the seal and either line of lettering, and between such lettering and the top or bottom edge of the flag respectively shall be five and one-half units measured vertically through the center of the seal and flag.

ARTICLE 2

LEGISLATIVE BRANCH

- Section 2.01—The board of supervisors
- 2.02—Powers and duties
- 2.03—Local laws; form and procedure
- 2.04—Adoption of local laws
- 2.05—Conference expenses
- 2.06—Petty cash funds
- 2.07—Seal

Section 2.01—The board of supervisors. The board of supervisors and all officers and employers thereof shall comprise the legislative branch of the county government.

§ 2.02—Powers and duties. (a) The board of supervisors shall have and exercise all the powers and duties now or hereafter conferred or imposed upon it by the county charter, by this code, by local law, by the County Law, or by any other applicable law, or by any applicable act of the legislature not inconsistent with the county charter or this code.

(b) The rules and regulations for the conduct and procedure of the board of supervisors in effect at the time of the adoption of this code shall, to the extent that they are not inconsistent with the county charter or this code, remain in full force and effect until rescinded, altered or amended.

(c) Notwithstanding the provisions of any state law, or of any local law, act, resolution or salary plan heretofore adopted or enacted by the board of supervisors, such board shall have the power to fix or change the compensation of all officers and employees paid from county funds except members of the judiciary.

§ 2.03—Local laws; form and procedure. Except as otherwise provided in the county charter or this code, the form and procedure for the adoption of a local law, including referendum, mandatory or permissive, shall be as provided in article six of the County Law.

§ 2.04—Adoption of local laws. When the board of supervisors shall have passed a local law or ordinance specifying functions affected thereby of any administrative unit in which an advisory board has been appointed, the clerk of the board of supervisors shall transmit a duplicate certified copy of such local law or ordinance within five days after its passage, to the chairman of such advisory board and to any other person authorized to call a meeting of such advisory board. Such transmittal shall be deemed to be a referral of such local law or ordinance by the county executive to such advisory board for its consideration and recommendation pursuant to the provisions of section nineteen hundred one of article XIX of the county charter.

§ 2.05—Conference expenses. The chairman of the board of supervisors shall have the power to designate and authorize any member, officer or employee of the legislative branch to attend an official or unofficial convention, conference or school for the betterment of county government. Within the appropriation therefor and when so authorized all necessary and actual expenses including but not limited to a registration fee and mileage as fixed by said board, shall be paid from county funds.

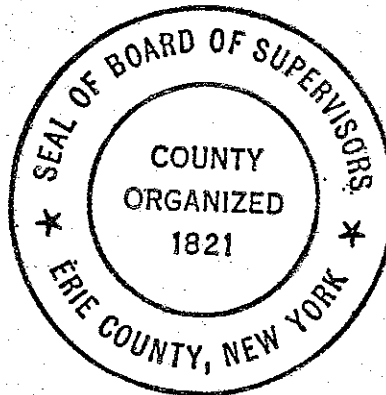
§ 2.06—Petty cash funds. (a) The board of supervisors, upon the recommendation of the county executive, may establish a revolving petty cash fund for any administrative unit or subdivision thereof or officer in such amount as is deemed necessary. Any petty cash or imprest fund heretofore established by the board of supervisors shall be continued in existence as a petty cash fund for the administrative unit or subdivision thereof or officer for which it was established or the successor of such unit or officer created pursuant to the provisions of the county charter or this code. The county executive shall determine which administrative unit, subdivision or officer shall be considered to be the successor administrative unit, subdivision or officer for the purposes of this section. The board of supervisors, upon the recommendation of the county executive, may increase, decrease or abolish any petty cash fund established or continued pursuant to the provisions of this section. Any such petty cash fund shall otherwise continue in existence from year to year until abolished.

(b) Expenditures from a petty cash fund may be made only for payment in advance of audit of properly itemized and verified or certified bills for materials, supplies or services other than employment, furnished to the county for the conduct of its affairs and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services, provided that moneys in any such fund also may be used for the purpose of making change when such is required in

the performance of official duties, and further provided that moneys in any such fund established for the office of the sheriff, district attorney, or any county peace officer may also be used to advance travel funds to personnel of the sheriff's or district attorney's office or any county peace officer when required to travel outside of the state of New York on official business. Upon audit of bills such petty cash fund shall be reimbursed from the appropriate budgetary item or items in an amount equal to the amount audited and allowed. The county comptroller immediately shall notify the commissioner of finance in writing of the disallowance of any of such bills or any portion of any such bills, stating the amount in each case disallowed. Any of such bills or any portion of any such bills as shall be disallowed upon audit shall be the personal liability of the official responsible for the use of the petty cash fund from which payment on account thereof was made, and such official shall forthwith reimburse such petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to such official after the disallowance of any such bills or any portion of any such bills, the amount of such disallowances shall be withheld by the commissioner of finance from such salary payment and, if necessary, subsequent salary payments, and paid into such petty cash fund until an amount equal to the amount of such disallowances has been repaid to such petty cash fund.

§ 2.07—Seal. (a) The seal of the board of supervisors shall consist of two circles, one within the other, with the words "Seal of Board of Supervisors—Erie County, New York", around the outer circumference of the inner circle and in the inner circle the words "County Organized 1821".

(b) The following design is hereby adopted as the official and standard design of such seal.



(c) Such seal shall be used for all authorized and requisite purposes.

ARTICLE 3

EXECUTIVE BRANCH

Section 3.01—The county executive; compensation

3.02—Powers, duties and obligations of county executive

3.03—Removal of the county executive

3.04—Acting county executive

3.05—Division of budget

3.06—Division of purchase and central services

3.07—Bureau of purchase; purchasing procedure

3.08—Bureau of central services

3.09—Administrative appointments and removal

3.10—Seal of county executive

Section 3.01—The county executive; compensation. The compensation of the county executive shall be fixed by the board of supervisors.

§ 3.02—Powers, duties and obligations of county executive.

a. The county executive shall have all the powers and duties, and shall be subject to all the obligations and liabilities, heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county board, or by any applicable provisions of any act of the legislature not inconsistent with the county charter or this code.

b. The county executive shall have the power and authority to subpoena and compel the attendance and the production of books, records and papers of any administrative unit, officer or employee under his jurisdiction, for the purpose of ascertaining facts in connection with any study or investigation of the affairs, functions, accounts, methods, personnel, or agency of any such administrative unit, officer or employee, and in case any person fails or refuses to obey any subpoena, or fails to appear, produce books, records or other evidence required by the subpoena to testify he shall be subject to the order of a court of record in contempt proceedings. The county executive may, within the appropriations provided therefor, employ all personnel necessary to conduct such hearing.

c. The county executive shall have power and authority to designate in writing, in connection with any study or investigation, any county officer who may administer oaths or affirmations, examine witnesses in any such hearing, receive evidence and preside at or conduct any such study or investigation and report the findings of such study or investigation to the county executive, together with any recommendations or suggestions which the designated county officer may consider to be required or advisable by the results of such study or investigation.

d. The county executive shall have power, within the appropriations provided therefor, to appoint without confirmation by the board of supervisors the heads of executive divisions and all officers and employees of his own office as provided in paragraph b of section three hundred two of article III of the county charter.

e. The county executive, to the extent to which organization of his office, or of any administrative unit, the head of which he has power to appoint, is not prescribed by law, may organize or supervise and direct the organization of any such administrative unit into such divisions, bureaus, sections or other subordinate part and make such assignments of powers and duties among them, and from time to time change or supervise and direct the changes in such organizations or assignments, as he may consider advisable.

f. On or before the first day of November in each year, after reviewing the proposed county tax equalization rates submitted to him by the commissioner of finance, and after obtaining such additional information or holding such hearings thereon as he may deem necessary or advisable, the county executive shall fix and determine the real property tax equalization rates among the various tax districts of the county for county purposes and file the same, together with an abstract of evidence upon which the rates are based, with the clerk of the board of supervisors and the same shall be binding and conclusive on the board of supervisors. The documentary evidence used in determining the county equalization rates shall be preserved by the county executive and an abstract of the same published with the county equalization rates in the proceedings of the board of supervisors.

g. The county executive shall not be an officer, director or stockholder of any depository or depositories designated by him pursuant to paragraph g of section three hundred two of article III of the county charter.

h. In addition to or as part of the annual report to the board of supervisors required by paragraph i of section three hundred two of article III of the county charter the county executive shall, at least once a year, communicate to the board of supervisors a general statement of finances, government and affairs of the county. He shall present to the board of supervisors, from time to time, such information concerning the affairs of the county as he may deem necessary, or the board by resolution may request, and shall recommend such measures in connection therewith as he shall deem expedient.

i. The county executive shall have the power to designate and authorize any officer or employee paid from county funds, except members, officers and employees of the legislative branch, to attend an official or unofficial convention, conference or school for the betterment of county government. Within the appropriation therefor and when so authorized, all necessary and actual expenses, including but not limited to a registration fee and mileage as fixed by the board of supervisors shall be paid from county funds.

§ 3.03—Removal of the county executive. The county executive may be removed in the manner provided by section three hundred three of article III of the county charter.

§ 3.04—Acting county executive. The acts performed by the acting county executive pursuant to section three hundred four of article III of the county charter shall have the same effect as if performed by the county executive, and the acting county executive shall have and exercise all the powers of the county executive, except the power of removal as provided in paragraph a of section 3.09 of this code.

§ 3.05—Division of budget. a. The budget director shall be the head of the division of budget and shall perform all the duties in relation to the preparation and submission of the proposed tentative budget and capital program set forth in article eighteen of this code. He shall, in addition to his powers and duties set forth in the charter or this code, perform such other duties as the county executive may require. The budget director shall have the power to compel the attendance of witnesses and the production of books, papers and records, to administer oaths and affirmations, and to hear proofs and take testimony necessary in the performance of such duties.

§ 3.06—Division of purchase and central services. a. The purchasing director shall be the head of the division of purchase and central services. Such division shall have a bureau of purchase and a bureau of central services, each headed by a deputy director.

b. The purchasing director and the deputy purchasing directors shall each give a surety bond to the county in a sum fixed by the board of supervisors conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to the sufficiency of surety by the county executive and filed in the office of the county clerk.

c. The purchasing director shall (1) establish and maintain a bureau of purchase and a central purchasing system; (2) establish and enforce standard specifications with respect to supplies, materials, equipment and services; (3) inspect or supervise the inspection of all deliveries of supplies, materials and equipment and determine their quality, quantity and conformance to specifications; (4) maintain and have charge of such storerooms and warehouses of the county as may be provided by the board of supervisors; (5) disburse and transfer the supplies, materials and equipment in his custody among the administrative units upon requisitions signed by the respective administrative head or by such employees as the administrative head shall designate; (6) make transfers of supplies, materials and equipment between administrative units; (7) sell or lease any surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by act of the board of supervisors; (8) prepare annually an inventory of all property, real or personal,

in his custody, and submit the same to the comptroller, finance commissioner and budget director; (9) upon the request of any city, town, village, school district or other unit of local government in the county, act as purchasing agent for the same, either for all or for any part of its purchases, upon such conditions as may be prescribed by the board of supervisors; (10) establish and maintain a bureau of central services; (11) perform such other duties as may be required by the county executive; (12) perform under the direction of the county executive all other duties of county purchasing agent under the laws of this state, not inconsistent with the provisions of this code.

§ 3.07—Bureau of purchase; purchasing procedure. a. The bureau of purchase shall make all purchases of and contracts for supplies, materials, equipment and services for the county, the board of supervisors or any administrative unit, other than primary or election supplies or services for the board of elections, for the payment of which the county shall be liable. The board of supervisors shall fix a sum as the limit above which any such purchase or contract cannot be made without publishing an advertisement in a daily newspaper printed in the English language and published in the county of Erie and having a circulation of not less than fifty thousand (50,000) which advertisement shall invite sealed bids for the same, provided, however, that public advertisement shall not be required for purchases of perishable foodstuffs, drugs and medical supplies or purchases of primary or election supplies or services. By a resolution adopted by a two-thirds ($\frac{2}{3}$) vote of all its members, the board of supervisors may exclude the purchase of other materials, supplies, equipment or services from the requirements of public advertisement. Such advertisement shall contain a statement of the time when and the place where all bids received pursuant to such notice 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. The purchasing director or the person designated by him to open the bids at the time and place specified shall make a record of such bids in such form and detail as the purchasing director 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 purchasing director may award the contract to any of such bidders. The purchasing director may in his discretion reject all bids and re-advertise for new bids in the manner provided by this section.

b. The purchasing director may purchase supplies, materials, equipment or services to be rendered by contract without the advertisement required by paragraph a of this section in the following cases: (1) 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 Erie require immediate action which cannot await competitive bidding; (2) when, by resolution adopted by a two-thirds ($\frac{2}{3}$) vote of all its members, the board of supervisors has determined it to be impracticable to advertise for such bids, or (3) when the board of supervisors is not in session, and through some accident or other unforeseen circumstances the machinery, apparatus or equipment of any of the public buildings of the county shall become disabled or any of such buildings or parts thereof shall be rendered untenable by reason of the sudden action of the elements, and the administrative head in charge of such building shall certify in writing to the purchasing director such emergency and the necessity of immediate repair of the defect. Such certificate shall be approved by the county executive.

c. Upon the adoption of a resolution by a vote of at least two-thirds ($\frac{2}{3}$) of all the members of the board of supervisors stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material, services or supplies in excess of the amount specified by the board of supervisors in accordance with paragraph a may be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids therefor in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption.

d. 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.

e. No supplies shall be delivered except as specifically ordered by the bureau of purchase. No supplies shall be delivered by the bureau to any administrative unit, office or employee except on a requisition in writing signed by an authorized person.

f. The county 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 purchasing director and the purchasing director has certified the prices at which he made the purchases. All requisitions received by the purchasing director shall be filed in his office and open to public inspection under reasonable regulations for their safety and preservation. The purchasing director shall make no purchases until he has first secured the certification of the county comptroller that there are unencumbered balances available for the purpose.

g. No bid for materials, supplies or equipment 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.

§ 3.08—Bureau of central services. a. The bureau of central services shall operate and maintain a county garage, a central service for microfilming and such other central service facilities as may be established by direction of the county executive, within the appropriations provided therefor.

b. The bureau shall photograph or microphotograph or otherwise reproduce such records, maps, documents or other papers of all administrative units of the county government as may from time to time be requested by the officials, departments, boards, agencies and commissions of the county of Erie and perform such related duties as the county executive and purchasing director may from time to time direct.

c. The "Department of microfilming act," being local law number three of the laws of nineteen hundred fifty-five, is hereby repealed as of January first, nineteen hundred sixty-one.

§ 3.09—Administrative appointments and removal. a. Each appointment by the county executive which is made in conformity with all requirements of the charter, this code and other applicable law, and which is subject to confirmation by the board of supervisors, shall be valid until such confirmation has been voted upon by such board, or until thirty (30) days have expired after the filing of notice of such appointment. If a majority of such board shall vote in favor of confirmation, the appointment shall be deemed confirmed immediately. If a majority of such board shall vote against confirmation, such vote shall constitute a rejection, the term of the interim appointee shall be terminated and the office or position shall be deemed vacant as of the end of the day of such vote. A person who has been thus rejected may not be appointed to the same position within the same calendar year, except after a reconsideration and reversal by the board of supervisors of its vote to reject. If within thirty (30) calendar days after the filing of written notice of appointment with the clerk of the board no vote shall have been taken, or if the voting shall not have resulted in a majority either for or against confirmation or rejection, the appointment shall be deemed to have been confirmed as of the thirtieth day after such filing.

b. The county executive may: (1) nominate for confirmation the same person whom he has appointed or is appointing to an office or position, or (2) appoint one qualified person to serve not longer than thirty (30) days in any calendar year and nominate a different person for confirmation. Under the second alternative, the appointment shall be considered a temporary appointment not subject to confirmation.

c. If the county charter or this code prescribes specific or special qualifications for any appointment made by the county executive pursuant to section three hundred seven of article III of the county charter, the written notice of such appointment required by said section three hundred seven shall also contain a statement of such

qualifications and a certification by the county executive that the appointee has the required qualifications.

d. Each administrative head shall have power, within the appropriations provided therefor, to appoint all deputies, other officers and employees in his respective administrative unit; to designate in writing the relative rank of such deputies, including the order of temporary succession to the duties of the administrative head during his absence or disability or in the event of a vacancy, and delegate among them such of his powers and duties as he may determine. A copy of all such designations and delegations shall be filed in the office of the county clerk.

e. Except in the legislative or judicial branch, no appointive county office or position which hereafter becomes vacant shall be filled until the county executive has certified in writing to the board of supervisors the necessity of filling the same.

f. If the county executive appoints one head for two or more administrative units, such person shall receive the salary for only one such position as the county executive shall designate. The county executive shall notify the comptroller and the board of supervisors of such salary designation.

g. The county executive, except as herein otherwise provided, may remove or suspend any officer or employee appointed by him under the authority of the county charter or this code by written notice of such suspension or removal and the effective date thereof served on such officer or employee personally or by mail sent to his last known address. Whenever a person shall be suspended, such suspension shall be without pay unless otherwise determined by the board of review. In the case of those administrative heads or members of boards and commissions appointed for the term or balance thereof of the county executive or for any other definite term, the effective date of removal shall not be earlier than ten calendar days after service of said notice, which notice shall contain a statement of the charges or reasons therefor, and no removal shall be made prior to the end of such term until a hearing, if requested, has been held by the board of review as provided in section nineteen hundred three of article XIX of the county charter and an order of removal has been signed by a majority of the board of review. In the event a hearing shall have been requested, the county executive shall give at least three days written notice, served in the manner set forth in this paragraph of the time and place of such hearing. Unless a request for a hearing before such board shall have been made to the county executive in writing within seven (7) calendar days after delivery of the notice of removal, the right to such hearing shall be deemed to have been waived.

§ 3.10—Seal of county executive. a. The seal of the county executive shall consist of two (2) circles, one within the other, with the words "COUNTY EXECUTIVE—ERIE COUNTY, NEW YORK," around the outer circumference of the inner circle and in the center of the inner circle the word "SEAL."

b. The following design is hereby adopted as the official and standard design of such seal:



c. The county executive shall affix or imprint such seal upon any and all instruments requiring the same.

ARTICLE 4

DEPARTMENT OF FINANCE

Section 4.01—Organization

4.02—Powers and duties of commissioner of finance

4.03—Statement of financial conditions

4.04—Rules and regulations

4.05—Depositary undertaking

4.06—Submittal of proposed equalization rates

4.07—Division of treasury

4.08—Division of real property tax

4.09—Division of sales tax

4.10—Seal of commissioner of finance

Section 4.01—Organization. The department of finance shall be headed by a commissioner, who shall organize it under the supervision and direction of the county executive into: (1) a division of treasury, (2) a division of real property tax, and (3) a division of sales tax.

§ 4.02—Powers and duties of commissioner of finance. (a) The commissioner of finance shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the board of supervisors, by order or direction of the county executive, or by

any applicable provision of any act of the legislature not inconsistent with the county charter or this code. Such powers, duties, obligations and liabilities shall include, but shall not be limited to, any power, duty, obligation or liability now or hereafter required by any law to be performed by or imposed upon a county treasurer, the chief fiscal officer of a county or a director of sales tax.

(b) The commissioner of finance shall maintain an inventory of all county property and shall have custody of all insurance policies, surety bonds, deeds to county property and such other instruments as the county executive may direct.

§ 4.03—Statement of financial condition. In addition to the annual report required by paragraph c of section four hundred two of article IV of the county charter, the commissioner of finance shall, on or before the fifteenth day of each of the months of January, April, July and October, and at such other times as the board of supervisors may by resolution direct, submit to the county executive, the comptroller and the board of supervisors a statement of the financial condition of the county as of the last day of the preceding calendar quarter-year. Such statement shall show the aggregate revenues received for general county purposes and revenues received for each appropriation account or fund where required by law to be expended for the purpose of such account or fund. Such statement shall also show for each appropriation account the amount appropriated, the amount unencumbered but remaining unexpended, the aggregate expenditures and the unencumbered balance. The statement shall also include such other information as the county executive or the comptroller may request or the board of supervisors by resolution may direct.

§ 4.04—Rules and regulations. The commissioner of finance may, except where otherwise provided by law, make rules and regulations relative to the conduct of his department, including but not limited to the custody and investment of agency and trust funds in his charge and keeping. Such rules and regulations shall not be effective until they have been approved by the county executive and filed in the county clerk's office.

§ 4.05—Depositary undertakings. (a) Each depositary designated by the county executive pursuant to paragraph g of section 3.02 of article three of this code 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 sufficiency of surety by the county executive and as to form by the county attorney. The undertaking shall specify the amount which such commissioner of finance shall be authorized to have on deposit at any one time with such depositary and shall provide (1) that such depositary shall faithfully keep and pay over, on the order or warrant of such 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 such commissioner of finance with such depositary. The county executive may increase the amount which any such depositary is authorized to have on deposit at any one time and require additional undertaking therefor. Each such undertaking shall be filed by the commissioner of finance in the office of the county clerk.

(b) In lieu of such undertaking a depositary 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 depositary 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 depositary 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 depositary 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 depositary 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 depositary 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, such commissioner of finance may lease or rent a safety deposit box and the cost thereof shall be audited and paid as a county charge. The depositary with the consent of the commissioner of finance may deposit such securities in a safety deposit box maintained by the depositary under the joint control of the depositary and the commissioner of finance, or if such depositary has and maintains a separate trust department, may with like consent deliver such securities to said trust department, or may with like consent deposit said securities in escrow in the trust department of any other bank within the state to be held by it subject to the joint order of the depositary and the commissioner of finance, and all expenses in connection therewith shall be borne by the depositary.

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.

§ 4.06—**Submittal of proposed equalization rates.** The commissioner of finance shall, not later than October fifteenth in each year, submit to the county executive proposed county tax equalization rates, together with the documentary evidence used in determining the proposed rates and any other information which the county executive shall request in connection therewith.

§ 4.07—**Division of treasury.** The division of treasury shall be headed by a deputy commissioner who shall have charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, taxes, revenues and other funds of the county or for which the county is responsible and shall have charge of the performance of all other duties required by any law to be performed by a county treasurer or the chief fiscal officer of a county not inconsistent with the county charter or this code. The division of treasury shall not have charge of the collection of the sales and compensating use taxes.

§ 4.08—**Division of real property tax.** (a) The division of real property tax shall be headed by a deputy commissioner who shall organize it into a bureau of tax equalization and a bureau of tax preparation.

(b) The bureau of tax equalization shall be headed by an assistant deputy commissioner who shall (1) keep a record of the transfer of title to real property and immediately notify the town clerk and the town board of assessors or the city board of assessors of all such transfers in each town or city, as the case may be; (2) provide a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices; (3) make such investigations and hold such hearings and assemble and compile such data and information as may be necessary for the preparation of proposed county tax equalization rates and submit the same, together with his recommendations thereon, to the commissioner of finance.

(c) The bureau of tax preparation shall be headed by an assistant deputy commissioner who shall (1) perform all the duties heretofore permitted or performed or required to be performed by the clerk of the board of supervisors pursuant to the provisions of the Erie county tax act, being chapter eight hundred twelve of the laws of nineteen hundred forty-two as amended, in relation

to ascertaining, spreading, entering and extending taxes levied by the board of supervisors for all state, county, town and special district purposes and shall prepare and issue bills for the same; (2) when authorized by the commissioner of finance, prepare the annual school district tax bills for any school district in the county which has made a written request for the preparation thereof. The actual cost of procuring and preparing such tax bills shall be a charge upon and the county shall be reimbursed by such school district for such cost as provided in section 4-3.1 of the said Erie county tax act; and (3) assist in the preparation of or prepare village, town, city and county assessment rolls in the manner and under the conditions set forth in section 3-2.1 and 3-2.2 of the said Erie county tax act.

§ 4.09—Division of sales tax. The division of sales tax shall be headed by a deputy commissioner whose title shall be director of sales tax and who shall have, to the extent that the commissioner of finance shall delegate the same in writing, the powers and duties of the director of sales tax for the collection and disposition of the retail sales tax and the compensating use tax as set forth in the resolutions imposing such taxes adopted by the board of supervisors on May twenty-seventh, nineteen hundred forty-seven.

§ 4.10—Seal of commissioner of finance. (a) The seal of the department of finance shall consist of two circles, one within the other, with the words "COMMISSIONER OF FINANCE—ERIE COUNTY, NEW YORK," around the outer circumference of the inner circle and in the center of the inner circle the word "SEAL."

(b) The following design is hereby adopted as the official and standard design of such seal:



(c) The commissioner of finance is hereby authorized and empowered to affix such seal upon all instruments requiring the same, including but not limited to any instrument requiring the seal of a county treasurer.

ARTICLE 5

DEPARTMENT OF HEALTH

Section 5.01—Department of health; commissioner

5.02—Powers and duties

5.03—Deputies

5.04—Board of health

5.05—Sanitary code

5.06—Seal of department of health

Section 5.01—Department of health; commissioner. The county health department shall be headed by a commissioner who shall possess the qualifications required by section five hundred one of article V of the county charter.

§ 5.02—Powers and duties. The commissioner of health shall have and exercise all the powers and duties conferred or imposed upon him by the county charter, by this code by any applicable act of the legislature not inconsistent with the county charter or this code and by order or direction of the county executive.

§ 5.03—Deputies. a. The county health commissioner may, within the appropriations provided therefor, appoint to serve at his pleasure, such deputies, assistant deputies and other employees as he may deem necessary for the performance of his duties and to fulfill the purposes of article three of the Public Health Law in the county health district. Such deputies and assistant deputies and other employees shall have the qualifications prescribed in the state sanitary code.

b. The county health commissioner shall designate a deputy qualified in accordance with the provisions of the state sanitary code to whom shall be delegated all the powers and duties of the county health commissioner when such commissioner is unable to act by reason of absence or disability. Such designation shall be in writing filed and recorded in the office of the Erie county clerk and in such other places as may be required by the Public Health Law or any other applicable law.

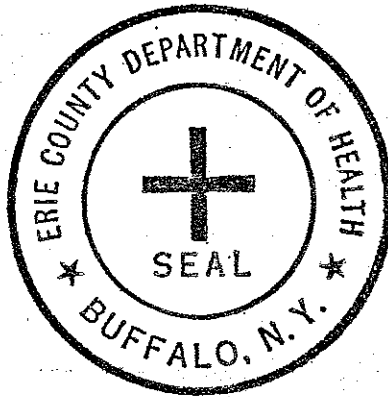
§ 5.04—Board of health. The county executive shall appoint the members of the board of health in accordance with the provisions of section five hundred three of article V of the county charter. Such members shall be residents of the county health district. The county medical society of the county may submit to the county executive a list of physicians from which the county executive may choose the medical members of the board of health. The terms of the members of the board of health first appointed by the county executive shall be made for the respective terms of six, five, four, three, two and one years. Vacancies shall be filled by appointment for the unexpired terms. The board of health shall elect annually a chairman, vice-chairman and a secretary from among its members. Meetings of the board of health shall be held at the call of the commissioner of health or the chairman of such board on five days' written notice mailed to the last known address of such board members. The board of health shall have and exercise the powers and duties conferred or imposed upon such board by the county charter or this code. The board of health shall at the request of the commissioner of health and may on its own initiative make recommendations and suggestions to the commissioner of health relative to the qualifications and duties of the deputies, officers, or employees of the department of health.

§ 5.05—Sanitary code. a. The provisions of the Erie county sanitary code in effect at the time of the effective date of this code shall remain in full force and effect until amended or repealed by the board of health, provided, however, that the powers and duties for the enforcement of the county sanitary code shall on and after January first, nineteen hundred sixty-one, be vested in the commissioner of health.

b. Any sanitary code now in force or hereafter adopted by the board of health pursuant to the provisions of section five hundred four of article V of the county charter and any amendment to such sanitary code shall be published and filed in the manner and places required by the Public Health Law and any other applicable law. Before adopting any amendment to the county sanitary code the board of health shall cause notice of a public hearing thereon to be published in the official newspapers once a week for two publications and at least twenty days shall elapse from the first publication to the date of the hearing. The notice shall contain an abstract statement of the proposed amendment and give the time and place of such hearing. On or before the date of the first publication of the proposed amendment, copies thereof shall be filed with the clerk of the board of supervisors, the county executive and in the office of the commissioner of health and be open to inspection by the public. Such county sanitary code and any amendments thereto shall also be filed in the Erie county clerk's office.

§ 5.06—Seal of department of health. a. The seal of the department of health shall be two circles, one within the other, and around the outer circumference of the inner circle the words "ERIE COUNTY DEPARTMENT OF HEALTH—BUFFALO, N. Y." and within the inner circle a cross above the word "SEAL."

b. The following design shall hereby be adopted as the official and standard design of such seal:



c. The commissioner of health shall affix or imprint such seal upon any and all instruments requiring the same.

ARTICLE 6

DEPARTMENT OF LAW

Section 6.01—Department of law; county attorney

6.02—Powers and duties

6.03—Assistant county attorneys

6.04—Bond of county attorney

Section 6.01—Department of law, county attorney. The department of law shall be headed by the county attorney who shall be a member in good standing of the bar of the state of New York.

§ 6.02—Powers and duties. a. The county attorney shall have all the powers and duties, and shall be subject to all the obligations and liabilities, heretofore or hereafter lawfully granted or imposed by the county charter or acts amendatory thereto, by this code, by the county executive, by local law, by resolution of the board of supervisors or by any applicable provisions of any act of the legislature.

b. The county attorney shall make an annual report at the close of each fiscal year, to the county executive and the board of supervisors, covering generally the work of his office.

c. The county attorney may, within the limits of the 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.

d. 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.

§ 6.03—Assistant county attorneys. The county attorney shall, within the appropriations provided therefor, have the power to appoint assistant county attorneys who shall perform such duties pertaining to the office as may be directed by the county attorney. Every appointment of an assistant county attorney shall be in writing and filed and recorded in the office of the county clerk. 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. If more than one assistant county attorney shall be appointed, the county attorney shall designate in writing and file in the office of the county clerk, the county executive and the clerk of the board of supervisors the order in which such assistants shall exercise the powers and duties of the office in the event of a vacancy or the absence or inability of such county attorney to perform the duties of his office.

§ 6.04—Bond of county attorney. The county attorney and such of his assistants as the board of supervisors shall require shall each give a surety bond to the county in a sum fixed by the board of supervisors conditioned for the faithful performance of his duties, which bond shall be approved as to form by the district attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

ARTICLE 7

DEPARTMENT OF PARKS AND RECREATION

Section 7.01—Organization

7.02—Division of parks

7.03—Division of recreation

7.04—Bureau of forestry

7.05—Rules and regulations

Section 7.01—Organization. The department of parks and recreation shall be headed by a commissioner, who shall organize it, under the supervision and direction of the county executive, into (1) a division of parks, (2) a division of recreation, and (3) a bureau of forestry.

§ 7.02—Division of parks. The division of parks shall be headed by a deputy commissioner. He shall have supervision and control over the management, design, construction, operation, maintenance

and repair of all county owned and operated properties and recreation facilities for all the purposes set forth in article seven hundred two of the county charter, except as provided by section 7.03 and 7.04 of this article and article ten of this code.

§ 7.03—Division of recreation. The division of recreation shall be headed by a deputy commissioner. He shall (1) supervise and direct such county recreational facilities as the commissioner of parks and recreation shall designate; (2) plan, organize and direct county recreation programs; (3) with the consent of the commissioner of parks and recreation, advise and assist any city, town or village in the county in the planning of recreation programs; and (4) file a detailed report of the activities of the division with the commissioner of parks and recreation and the board of supervisors.

§ 7.04—Bureau of forestry. The bureau of forestry shall be headed by the county forester, who shall (1) plan, develop, operate, maintain and manage county forest lands; (2) consult with and advise the division of parks, the department of public works and any other county department or agency requesting his services in the selection, planting, care and maintenance of trees on any property owned or operated by the county; and (3) have such other powers and duties as may be conferred or imposed upon him by the commissioner of parks and recreation.

§ 7.05—Rules and regulations. The board of supervisors shall have power by ordinance or local law to regulate the use of forests, parks, playgrounds, athletic fields and recreation centers owned or operated by the county and to provide for the enforcement thereof.

ARTICLE 8

DEPARTMENT OF PERSONNEL

Section 8.01—Department of personnel; commissioner

8.02—Powers and duties

8.03—Examinations; eligibility lists

8.04—Administrative unit; information and aid

8.05—Personnel roster

8.06—Certification of payrolls

Section 8.01—Department of personnel; commissioner. The department of personnel shall be headed by a commissioner who shall be the personnel officer of the county.

§ 8.02—Powers and duties. The commissioner of personnel shall, subject to the limitations thereon in section eight hundred two of article VIII of the county charter, have the powers and duties of a county civil service commission as provided in the Civil Service Law. He shall have such other powers and duties as may be conferred or imposed upon him by the county executive.

§ 8.03—Examinations; eligibility lists. The commissioner of personnel shall request the state civil service department to render its services in the preparation and rating of examinations and the establishment of eligibility lists for all positions under his jurisdiction.

§ 8.04—Administrative unit; information and aid. It shall be the duty of the head of each administrative unit of the county to furnish the commissioner of personnel with such information and aid as such commissioner may deem necessary in the performance of his duties.

§ 8.05—Personnel roster. The commissioner of personnel shall 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, 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 of personnel considers necessary for a proper personnel record.

§ 8.06—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 county comptroller unless it bears the certificate of the commissioner of personnel that the persons named therein have been, during the period specified, employed in their respective positions in accordance with law and rules made pursuant to law.

ARTICLE 9

DEPARTMENT OF PLANNING

Section 9.01—Department of planning; commissioner

9.02—Powers and duties

9.03—Planning advisory board

Section 9.01—Department of planning; commissioner. The county planning department shall be headed by a commissioner who shall either (1) be a graduate of a recognized college or university with a degree in planning or a related professional field and have not less than five years administrative or consultant experience in the field of regional, county or municipal planning, or (2) have a satisfactory equivalent combination of training and experience.

§ 9.02—Powers and duties. The planning commissioner shall have and exercise all the powers and duties of a county planning board heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the board of supervisors, by the county executive, or by any applicable provisions of any act of the legislature not inconsistent with the county charter or this code.

§ 9.03—Planning advisory board. (a) The county executive shall appoint a planning advisory board of fifteen (15) members and shall designate one of such members to serve as chairman of such board during the pleasure of the county executive. Meetings of such board shall be held at the call of the chairman or the commissioner of planning on three days' written notice mailed to the last known address of such board members. A majority of such members shall be board or staff members of city, town, or village planning agencies in Erie county. The planning advisory board membership shall contain at least one resident of each city in the county, at least one resident of each of any three incorporated villages in the county, and at least five residents of the area outside any city or incorporated village. Members of the planning advisory board shall be appointed for a term of five (5) years, except that of those first appointed, three (3) shall be appointed for a term expiring December thirty-first, nineteen hundred sixty-one, three (3) for a term expiring December thirty-first, nineteen hundred sixty-two, three (3) for a term expiring December thirty-first, nineteen hundred sixty-three, three (3) for a term expiring December thirty-first, nineteen hundred sixty-four, and three (3) for a term expiring December thirty-first, nineteen hundred sixty-five. Such board shall be advisory to the planning commissioner in matters related to comprehensive regional, county and municipal planning.

(b) The commissioner of public works and the commissioner of finance shall be members ex-officio of such board but shall have no vote.

(c) The members of such board shall receive no salary or compensation for their services as members of such board, but shall, within the appropriations provided therefor, be entitled to actual disbursements and expenses in performing the duties of their office.

ARTICLE 10

DEPARTMENT OF PUBLIC WORKS

Section 10.01—Organization

10.02—Powers and duties of commissioner of public works

10.03—Division of highways

10.04—Division of buildings and grounds

10.05—Division of drainage and sanitation

10.06—Bureau of weights and measures

Section 10.01—Organization. The department of public works shall be headed by a commissioner, who shall possess the qualifications required by article X of the county charter. He shall organize the department under the supervision and direction of the county

executive into: (1) a division of highways, (2) a division of buildings and grounds, (3) a division of drainage and sanitation, and (4) a bureau of weights and measures.

§ 10.02—Powers and duties of commissioner of public works.

a. The commissioner of public works shall have all the powers and duties and shall be subject to all the liabilities and obligations heretofore or hereafter lawfully granted or imposed* by the county charter, by this code, by local law, ordinance or resolution of the board of supervisors, by order or direction of the county executive, or by any applicable provisions of any act of the legislature not inconsistent with the county charter or this code. Such powers, duties, obligations and liabilities shall include, but shall not be limited to, any power, duty, obligation or liability now or hereafter required to be performed by or imposed upon a county engineer or a county superintendent of highways.

b. The commissioner of public works may delegate to one or more of his deputies specific powers and duties of the commissioner of public works, including those which he has as county engineer or as a county superintendent of highways, and may revoke such delegations. Such delegations and revocations shall be in writing and shall set forth the specific power or powers, duty or duties so delegated or revoked. Such written delegations or revocations shall

be filed with the county executive and with the county clerk, and if the powers or duties so delegated or revoked are those which the commissioner of public works has as county engineer or county superintendent of highways, a duplicate of such written delegation or revocation shall be filed with the state superintendent of public works. The acts performed by such deputies pursuant to such delegations shall have the same effect in law as if performed by the commissioner of public works.

c. Within the appropriations provided therefor, and when authorized by the county executive, the commissioner of public works may 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 X of the county charter or in this code. Professional fees or other compensation shall not exceed rates approved by the board of supervisors.

d. The commissioner of public works and any consultant, deputy, assistant or employee of the department when authorized by him may enter upon any public or private property within the county for the purpose of making any surveys, examinations or investigations necessary or desirable for the exercise of the powers or the performance of the duties of the department.

e. The commissioner of public works may arrange, subject to the approval of the county executive and the board of supervisors, with any city, town, village, public authority, district or commissioners within the county for public works services. The charge for such services shall be in each case the costs and expenses of rendering the service as provided by section seventeen hundred two of the county charter and as certified by the commissioner of public works and the comptroller.

§ 10.03—Division of highways. a. The division of highways shall be headed by a deputy commissioner who shall be a professional engineer with not less than five years of highway engineering experience licensed and registered by the state of New York and who shall, to the extent that the commissioner of public works shall designate the same in writing, have all of the powers and duties vested in and imposed upon a county superintendent of highways or a county engineer by the Highway Law. He shall have such other duties as may be prescribed by local law, ordinance or resolution of the board of supervisors or by direction of the commissioner of public works.

b. Except as the provisions of the Highway Law conflict with or are changed by the county charter or this code, such provisions shall apply to and define the powers, duties and obligations of the commissioner of public works, or of his designated deputy, when exercising any of the powers or performing any of the duties of a county superintendent of highways or a county engineer.

c. The statements and reports required to be filed with the board of supervisors and public works department by paragraphs three and seven of section one hundred two of article XX of the Highway Law shall also be filed with the county executive.

d. The inventories required by paragraph thirteen of section one hundred two of article XX of the Highway Law shall be filed with the board of supervisors, the county executive, the comptroller, the budget director and the director of purchase and central services.

e. The commissioner of public works may permit the rental, with or without operator, of the county highway machinery, tools, equipment and implements by any county or by any city, town, village, school or other district in Erie county, 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 state superintendent of public works for the rental or hiring of such machinery tools or equipment by the county. All sums obtained pursuant to any terms agreed upon shall be deposited in the county road machinery fund.

§ 10.04—Division of buildings and grounds. The division of buildings and grounds shall be headed by a deputy commissioner who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall:

a. have charge of the preservation and maintenance of all buildings and grounds owned or leased by the county which are held, used and/or operated by the county for county purposes, except (1) lands and buildings under the jurisdiction of the division of highways or the department of parks and recreation, and (2) custodial care of the technical institute, library, jail, penitentiary, home and infirmary, hospital or laboratory;

b. have charge and control of all janitors, caretakers, engineers and any other employees connected with the care and maintenance of county buildings and grounds except as provided in paragraph a of this section. He may make such rules and regulations governing such employees as he shall deem proper, subject to the approval of the commissioner of public works; and

c. perform such other duties and make such reports as are required by the commissioner of public works.

§ 10.05—Division of drainage and sanitation. a. The division of drainage and sanitation shall be headed by a deputy commissioner who shall be a professional engineer licensed to practice in the state of New York and shall either (1) be a graduate of a recognized college or university with a degree in civil or sanitary engineering and five years of sanitary engineering experience, or (2) have a satisfactory equivalent combination of training and experience.

b. The deputy commissioner for drainage and sanitation shall (1) assemble data relating to the sewage collection, conveyance, treatment and disposal problems of the county and of its political subdivisions and the elimination or alleviation of such problems; (2) furnish technical advice, information and recommendations to assist the Erie county sewer agency in the performance of its duties; (3) act as director of the Erie county sewer agency; (4) analyze and evaluate information for the establishment, development, coordination and utilization of existing sewer facilities to service other municipalities in the county; (5) prepare maps, plans and cost estimates on sewer facilities, compile economic data in support thereof, and co-ordinate survey results in connection with a master sewer plan; (6) prepare reports on studies and works with local municipalities in the formation of county sewer districts and in connection therewith cooperate with local, state and federal agencies on program hearings and surveys; (7) prepare or supervise the preparation of plans and specifications for construction work undertaken by any county sewer district and supervise and inspect the work; (8) make studies, conduct investigations and assemble data for the purpose of drainage and to protect property and public health within the county from floods and high waters and submit the results of such studies and investigations with his recommendations to the commissioner of public works or to any village, town or city in the county requesting the same.

§ 10.06—Bureau of weights and measures. a. The bureau of weights and measures shall be headed by the county sealer of weights and measures. He shall possess all of the qualifications required for and shall have all the powers and duties of a county sealer of weights and measures now or hereafter granted or imposed by article sixteen of the Agriculture and Market Law of the state of New York, by local law, by ordinance or resolution of the board of supervisors, by order or direction of the commissioner of public works, and by any applicable provision of any act of the legislature not inconsistent with the county charter.

b. Wherever and whenever the county sealer of weights and measures is required by any state law to make a report to the board of supervisors, he shall, at the same time, file a copy thereof with the commissioner of public works.

c. Notwithstanding the provisions of section 182 of article sixteen of the Agriculture and Market Law, the appointment of a county sealer of weights and measures shall be made by the commissioner of public works.

ARTICLE 11

DEPARTMENT OF SOCIAL WELFARE

Section 11.01—Department of social welfare; commissioner

11.02—Powers and duties

11.03—Reports

11.04—Deputy commissioners

11.05—Bond of commissioner

11.06—Disposition of unclaimed personal property

11.07—Welfare rates and charges

11.08—Welfare advisory board

Section 11.01—Department of social welfare; commissioner. The department of social welfare shall be headed by a commissioner. He shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office.

§ 11.02—Powers and duties. a. The commissioner of social welfare shall have all the powers and duties heretofore or hereafter lawfully conferred or imposed upon him by the county charter, by local law, by order or direction of the county executive, or by any applicable provision of any act of the legislature not inconsistent with the county charter or this code. Such powers and duties shall include but shall not be limited to any power or duty conferred or imposed upon a county commissioner of public welfare under the Social Welfare Law or any other applicable law.

b. The commissioner of social welfare shall manage and supervise the Erie county home and infirmary and any other public welfare institutions of the county and shall in person or by deputy have and perform all the powers and duties in connection therewith.

§ 11.03—Reports. The commissioner of social welfare shall:

a. make such reports and furnish such information to the state department of social welfare with respect to the work of the county public welfare district as are required by the Social Welfare Law and by the state department of social welfare;

b. make an annual report to the county executive and the board of supervisors concerning the work of the county public welfare district and additional reports at such times and covering such matters as the county executive or the board of supervisors may require.

c. file copies of any report made by the commissioner pursuant to the provisions of this section with the county executive, the clerk of the board of supervisors and the welfare advisory board.

§ 11.04—Deputy commissioners. The commissioner of social welfare shall, within the limits of the appropriations provided therefor, have the power to appoint such deputies, officers, assistants and employees as he may deem necessary for the performance of his duties. The deputy commissioners shall perform such duties as the commissioner may prescribe. The commissioner shall designate in writing filed in the Erie county clerk's office the order in which such deputies shall exercise the powers and duties of the office in the event of a vacancy or in the absence of the commissioner from the county or his inability to perform the duties of his office.

§ 11.05—Bond of commissioner. The commissioner of social welfare and such of his deputies, assistants or employees as the board of supervisors or the county executive shall require shall each give a surety bond to the county in a sum to be fixed by the board of supervisors conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

§ 11.06—Disposition of unclaimed personal property. All monies and articles of personal property belonging to a discharged or deceased person in any institution now or hereafter under the jurisdiction of the commissioner of social welfare shall, if unclaimed

by such discharged person, or the legal representative of such deceased person, for a period of one year after the discharge or decease of such person, be deemed abandoned, and shall be inventoried and turned over to the commissioner of finance. The commissioner shall forthwith pay any monies so unclaimed to the county commissioner of finance who shall place the same to the credit of the county. Any personal property, other than money, remaining so unclaimed shall be sold at public sale by the commissioner of finance and the money derived therefrom shall be credited to the county.

§ 11.07—Welfare rates and charges. The commissioner of social welfare shall when submitting the estimate of revenues and expenditures for the department of social welfare to the budget director include therein recommendations for rates to be paid by the county to hospitals, institutions for the aged, institutions for children, nursing homes, correctional institutions and foster homes and such other rates as may be necessary or required to be paid by the county for services rendered to and the care and maintenance of persons for whom the department of social welfare is responsible under the requirements of the Social Welfare Law or

any other applicable law. The recommendations of the county executive as to such rates shall be included in the tentative budget submitted by him to the board of supervisors pursuant to the provisions of article eighteen of this code. The board of supervisors shall by resolution and as part of the budget procedure determine, fix and establish the rates to be paid by the county for such services.

§ 11.08—Welfare advisory board. The county executive shall appoint a welfare advisory board of seven (7) members, at least one of whom shall be a physician licensed to practice in the state of New York. Such board shall have and exercise the powers and duties conferred or imposed on such board by the county charter or this code. The welfare advisor* board shall, at the request of the commissioner of social welfare and may on its own initiative, make recommendations and suggestions relative to the qualifications and duties of any of the deputies, officers or employees of the department. The welfare advisory board shall elect annually a chairman, vice-chairman and a secretary from among its members. Meetings of the welfare advisory board shall be held at the call of the commissioner of social welfare or the chairman of such board on three days' written notice mailed to the last known address of such board members. Members of the welfare advisory board shall be appointed for a term of five (5) years, except that of those first appointed, two shall be appointed for a term expiring December thirty-first, nineteen hundred sixty-one, two for a term expiring December thirty-first, nineteen hundred sixty-two, one for a term expiring December thirty-first, nineteen hundred sixty-three, one for a term expiring December thirty-first, nineteen hundred sixty-four, and one for a term expiring December thirty-first, nineteen hundred sixty-five. Vacancies in the membership of the board occurring otherwise than by expiration of term shall be filled by appointment for the unexpired terms.

ARTICLE 12

COMPTROLLER

- Section 12.01—Election
- 12.02—Powers and duties
- 12.03—Deputies
- 12.04—Bond of comptroller
- 12.05—Seal

Section 12.01—Election.

§ 12.02—Powers and duties. The comptroller shall have all the powers and duties conferred or imposed upon him by the county charter or by this code and shall:

* So in original. [Evidently should read "advisory."]

a. examine and 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. All original payrolls shall be filed in the office of the comptroller. Before presentation to the comptroller of such payrolls, they shall be certified by the head of the appropriate administrative unit or his deputy in the manner and form prescribed by the comptroller. 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 procedure and form for the submission of claims or charges against the county or against funds for which the county is responsible. Such forms shall be in accordance with the requirements of any law, rule or regulation applicable to the form, certification or payment of such claim or charge.

c. make available to the board of supervisors, the county executive and the head of any administrative unit of the county any information from the records and accounts of the comptroller's office which they may require to assist them in the performance of their duties.

d. prepare and submit to the budget director annually on such date as he shall designate and on forms prescribed by him, the information required by the budget director to assist him in the preparation of the proposed tentative operating and capital budget.

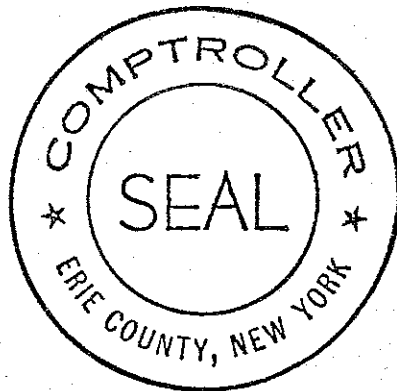
e. prepare and sign all checks for the payment of the payroll and all other lawful claims or charges against the county or against funds for which the county is responsible and deliver the same to the commissioner of finance.

§ 12.03—Deputies. The comptroller shall, within the appropriations provided therefor, have the power to appoint deputies who shall, to the extent that the comptroller shall delegate the same, have his powers and duties. Such appointment and delegation of duties shall be in writing and filed in the office of the county clerk.

§ 12.04—Bond of comptroller. The comptroller and his deputies shall each give a surety bond to the county in a sum fixed by the board of supervisors conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

§ 12.05—Seal. a. The seal of the comptroller shall consist of two circles, one within the other, with the words "COMPTROLLER—ERIE COUNTY, NEW YORK," around the outer circumference of the inner circle and in the center of the inner circle the word "SEAL."

b. The following design is hereby adopted as the official and standard design of such seal:



c. The comptroller shall affix or imprint such seal upon any and all instruments requiring the same.

ARTICLE 13

COUNTY CLERK

Section 13.01—Election

13.02—Powers and duties

13.03—Deputy county clerks

13.04—Accounting for fees

13.05—Bond of county clerk

Section 13.01—Election.

§ 13.02—Powers and duties. The county clerk shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such additional and related duties as may be prescribed by law not inconsistent with the county charter or this code, and directed by the county executive.

§ 13.03—Deputy county clerks. The county clerk may, within the appropriations provided therefor, appoint to serve at his pleasure such deputy county clerks as he deems necessary for the conduct of his office. All such appointments or revocations thereof shall be in writing and filed and recorded in his office. The county clerk shall designate in writing filed and recorded in his office the order in which such deputy county clerks shall have and exercise the powers and duties of the county clerk during the temporary absence or inability of the county clerk to act. The deputy first named on such writing shall in case of a vacancy in the office of the county clerk perform the duties of the county clerk until a successor is elected or appointed and has qualified.

§ 13.04—Accounting for fees. All moneys to which the county may be entitled under and by virtue of the laws of the state of New York, or which the county clerk may receive for all and any official services by him, or by any of his assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the county and shall be collected by such clerk, accounted for and paid over within five days after the first day of each and every month to the commissioner of finance. Said county clerk shall make a full and true statement for each calendar month of all moneys received each day by him, his deputies, officers or employees in his or their official capacity and shall transmit and deliver such statements to the commissioner of finance and the comptroller within five days after the expiration of such month. Each statement shall have attached thereto a certification by said county clerk to the effect that the same is in all respects a full and true statement of all moneys received by him as herein required. At the time of rendering any such statement, such clerk shall pay to the commissioner of finance for the benefit of said county the whole amount or the balance of the moneys received by him since making the 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.

§ 13.05—Bond of county clerk. The county clerk and such of his deputies, officers and employees as the board of supervisors shall require shall each give a surety bond to the county in a sum to be fixed by the board of supervisors conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

§ 13.06—Seal. (a) The seal of the county of Erie shall be the seal of the county clerk and register.

(b) The county clerk shall affix or imprint such seal upon any and all instruments requiring the same.

ARTICLE 14

DISTRICT ATTORNEY

- Section 14.01—Election
- 14.02—Powers and duties
- 14.03—Assistant district attorneys
- 14.04—Bond of district attorney

Section 14.01—Election.

§ 14.02—Powers and duties. The district attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such additional and related duties as may be prescribed by law, not

inconsistent with the county charter or this code, and directed by the county executive.

§ 14.03—Assistant district attorneys. The district attorney may appoint such number of assistants as shall be fixed and determined by resolution of the board of supervisors. Every such appointment shall be in writing filed and recorded in the office of the county clerk. Any such appointment may be revoked by the district attorney at any time by filing and recording a written revocation in the office of the county clerk. All of the persons so appointed shall be called assistant district attorneys and shall receive such salary as shall be fixed and determined by the board of supervisors. The district attorney shall designate in the writing appointment such assistants the salary which each of such assistants shall receive, subject, however, to the limitations provided by the resolution of the board of supervisors. Said assistants shall severally take the constitutional oath of office before entering upon their duties. The district attorney may designate, in writing, filed and recorded in the office of the county clerk, the order in which such assistants shall exercise the powers and duties of the office in the event of the absence or inability of such district attorney to perform the duties of his office. Such designation may be revoked or changed by the district attorney in writing filed and recorded in the office of the county clerk.

§ 14.04—Bond of district attorney. The district attorney and such of his assistants as the board of supervisors shall require shall each give a surety bond to the county in a sum to be fixed by the board of supervisors conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

ARTICLE 15

SHERIFF

- Section 15.01—Election
- 15.02—Powers and duties
- 15.03—Appointment of undersheriff and staff
- 15.04—Emergency provisions
- 15.05—Disbursements
- 15.06—Board and lodging for jurors
- 15.07—Bond of sheriff

Section 15.01—Election.

§ 15.02—Powers and duties. The sheriff shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such additional and related duties as may be prescribed by law, not inconsistent with the county charter or this code, and directed by the county executive.

§ 15.03—Appointment of undersheriff and staff. a. The sheriff shall appoint an undersheriff and may appoint such deputies, other clerks and employees within the limits of the appropriations therefor, as he deems necessary for the conduct of his office. Such deputies shall attend upon the terms and sittings of the supreme court and of the county courts in the county and perform such other duties as the sheriff may direct.

b. The undersheriff shall execute the power and duties of the office in the absence or inability of the sheriff to act and in the event a vacancy occurs in the office of the sheriff, the undersheriff shall execute the said powers and duties until a new sheriff has been elected or appointed and has qualified.

c. The sheriff may appoint, within the appropriations provided therefor, a jailer, matron, chaplains, physicians, guards, keepers, clerks and other employees of the county jail. The matron shall have sole charge of the female prisoners and of that portion of the jail in which female prisoners are detained, subject to the direction of the sheriff or jailer. A matron shall be in attendance at all times when females are confined in the jail.

d. The sheriff or undersheriff may deputize any person to do particular acts.

e. Each appointment or revocation thereof made pursuant to this article shall be in writing and filed in the office of the county clerk. All the persons appointed pursuant to this article shall serve during the pleasure of the sheriff.

f. Before the appointment by the sheriff of any person as an undersheriff or a deputy, other than a person deputized to do particular acts, such person shall be fingerprinted by the sheriff and the sheriff shall cause such fingerprints to be compared with fingerprints filed with the division of criminal identification of the state department of correction and the federal bureau of investigation.

g. The sheriff may, within the limits of the appropriations provided therefor, employ such number of part time deputies, who shall be paid such compensation as the board of supervisors may determine. Such deputies shall be appointed in the same manner as regular deputies and shall have only those duties and powers authorized by the sheriff.

h. The sheriff may in his discretion deputize the peace officers of cities, towns and villages within the county and agents of societies incorporated for the purpose of prevention of cruelty to animals, for the purpose of authorizing arrest without a warrant outside the territorial limits of such city, town or village when such crime or infraction was committed within such territorial limits in the presence of such peace officer or agent. Such peace officer or agent shall not be deemed an officer, agent, servant or employee of the county.

§ 15.04—Emergency provisions. a. 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 board of supervisors may determine for each day any such special deputy is actually engaged in assisting him in the performance of his duties. If the board of supervisors shall fail to fix the compensation of such special deputies, the sheriff may fix such compensation at not exceeding ten dollars per day for each such special deputy. The compensation of any special deputy so appointed shall be audited and paid as a county charge.

b. If, in the protection of human life and property, the sheriff shall deem it necessary to hire any equipment or apparatus together with the operator thereof, he may hire the same during the period of an emergency or catastrophe at a reasonable charge therefor. The same shall be audited and paid as a county charge.

c. The board of supervisors shall have power to appropriate and set aside a fund for the purpose of paying in advance of audit expenditures of a sheriff in an emergency or catastrophe for services and expenses of special deputies and for the hiring of equipment and apparatus and the operator thereof. The county executive may authorize the sheriff to issue orders on the commissioner

of finance for the payment thereof. The county executive may further direct the rendering by the sheriff to the comptroller and commissioner of finance, of an accounting of such expenditures with verified or certified vouchers attached. The claimant and the sheriff shall be jointly and severally liable for any items of expenditure for other than a lawful county purpose and disallowed upon a final audit. Such expenditure so disallowed shall be recovered in an action brought in the name of the county.

§ 15.05—Disbursements. Whenever the sheriff is required by law to transport a prisoner or any other person and the cost of such travel and transportation is made a county charge by law, the sheriff or person deputized by him shall, within the appropriations provided therefor, be entitled to his actual disbursements incurred for travel, lodging and food.

§ 15.06—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 expenses thereof shall be presented to the commissioner of finance, which claims must bear the approval of the sheriff, undersheriff or other person designated by the sheriff to approve the same and of the judge, court or clerk of the court for which the said jury was chosen and shall be paid as other county expenses are paid.

§ 15.07—Bond of sheriff. The sheriff, undersheriff and such of his deputies and employees as the county executive shall require shall each give a surety bond to the county in a sum to be fixed by the board of supervisors conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

ARTICLE 16

OTHER COUNTY BOARDS, OFFICES, INSTITUTIONS AND FUNCTIONS

Section 16.01—Board of elections

16.02—County hospital; superintendent; advisory board

16.03—County laboratory; director; advisory board

16.04—Community mental health office; director; advisory board

16.05—Traffic safety office; director; advisory board

16.06—Probation office; director

16.07—Other boards

16.08—Additional appointments by county executive

16.09—Miscellaneous administrative functions

Section 16.01—Board of elections. The board of elections shall have and exercise all the powers and duties conferred or imposed upon it by the Election Law or any other applicable law. The appointment of the members of such board shall be as provided by the Election Law. The board of elections shall have the power, without public advertisement for bids, to make all purchases of and contracts for all primary or election supplies and services necessary for the operation of its office and the performance of its duties.

§ 16.02—County hospital; superintendent; advisory board.
a. The county executive shall appoint a county hospital superintendent who shall possess the qualifications required by section sixteen hundred two of article XVI of the county charter. The county executive may, prior to the making of the appointment of the county hospital superintendent, request the hospital advisory board to make, and such board on its own initiative may make, recommendations relative to the qualifications and appointment of the county hospital superintendent. Without being limited in his appointive power, the county executive shall give particular consideration to the applicants' experience in medicine and medical education and in the field of administration of a medical teaching

center. The superintendent shall have and exercise all the powers and duties heretofore or hereafter conferred or imposed upon him by the county charter, by this code, by local law, by order or direction of the county executive, and by any applicable act of the legislature not inconsistent with the county charter or this code.

Such powers and duties shall include but shall not be limited to any power or duty conferred or imposed upon a hospital board of managers and a hospital superintendent by the General Municipal Law or other applicable law. He shall also have the power and authority, subject to approval by the county executive and by the board of supervisors, to adopt and continue insofar as practicable the present working agreement between the Edward J. Meyer Memorial Hospital and the University of Buffalo, and to enter into such other and further agreements with the University of Buffalo and other institutions or bodies as may be necessary to continue the designation of Edward J. Meyer Memorial Hospital and any other county hospital under his supervision as a medical teaching center.

b. The county executive shall appoint a hospital advisory board of seven (7) members at least two of whom shall be physicians licensed to practice in the state of New York. Such board shall have and exercise the powers and duties conferred or imposed on it by the county charter or this code. The hospital advisory board shall annually elect a chairman, vice-chairman and a secretary from among its members. Meetings of the hospital advisory board shall be held at the call of the county hospital superintendent or the chairman of such board on three (3) days' written notice mailed to the last known address of such board members. Members of the hospital advisory board shall be appointed for a term of five years, except that of those first appointed two shall be appointed for a term expiring December thirty-first, nineteen hundred sixty-one, two for a term expiring December thirty-first, nineteen hundred sixty-two, one for a term expiring December thirty-first, nineteen hundred sixty-three, one for a term expiring December thirty-first, nineteen hundred sixty-four and one for a term expiring December thirty-first, nineteen hundred sixty-five. Vacancies in the membership of the board occurring otherwise than by expiration of term shall be filled by appointment for the unexpired terms.

§ 16.03—County laboratory; director; advisory board. a. The county executive shall appoint a laboratory director who shall possess the qualifications required by section sixteen hundred three of article XVI of the county charter. The director shall have and exercise all the powers and duties heretofore or hereafter conferred or imposed upon him by the county charter, by this code, by local law, by order or direction of the county executive and by any applicable act of the legislature not inconsistent with the county charter or this code. Such powers and duties shall include but shall not be limited to any power and duty conferred or imposed upon a county laboratory board and the director of a county laboratory district by the Public Health Law or other applicable law.

b. The county executive shall appoint five members of the laboratory advisory board at least two of whom shall be physicians licensed to practice in the state of New York. Such members shall be appointed for a term of five years except that of those first appointed one shall be appointed for a term ending December thirty-first, nineteen hundred sixty-one, one for a term ending December thirty-first, nineteen hundred sixty-two, one for a term ending December thirty-first, nineteen hundred sixty-three, one for a term ending December thirty-first, nineteen hundred sixty-four, and one for a term ending December thirty-first, nineteen hundred sixty-five. The chairman of the board of health, the chairman of the hospital advisory board, the commissioner of health and the hospital superintendent shall be ex-officio members of the laboratory advisory board. The said board shall annually elect, from among the five members so appointed by the county executive, a chairman, vice-chairman and a secretary. Meetings of the laboratory advisory board shall be held at the call of the laboratory director or the chairman of such board on three (3) days' written notice mailed

to the last known address of such board members. Such board shall have and exercise the powers and duties conferred or imposed on it by the county charter or this code. Such board shall at the request of the county executive, and may on its own initiative, make recommendations to the county executive relative to the qualifications and appointment of the county laboratory director. Vacancies in the membership of the board occurring otherwise than by expiration of term shall be filled by appointment for the unexpired terms.

§ 16.04—Community mental health office; director; advisory board. a. The community mental health office shall be headed by a director who shall possess the qualifications required by section sixteen hundred four of article XVI of the county charter.

b. The director of community mental health may, within the appropriations provided therefor, employ and remove such officers, employees and consultants as may be necessary for the work of the office and to fulfill the purpose of article eight-a of the Mental Hygiene Law.

c. The director of community mental health shall designate an assistant director to whom shall be delegated all the powers and duties of the director when such director is unable to act by reason of absence or disability. Such designation shall be in writing, filed and recorded in the office of the Erie county clerk and in such other places as may be required by the Mental Hygiene Law or any other applicable law.

d. The county executive shall appoint the members of the mental health advisory board in accordance with the provisions of section one hundred ninety-b of Article eight-a of the Mental Hygiene Law. Such members shall be residents of the county of Erie. The mental health advisory board shall elect annually a chairman, vice-chairman and a secretary from among its members. The mental health advisory board shall have and exercise the powers and duties conferred or imposed upon such board by the county charter or this code. Meetings of the mental health advisory board shall be held at the call of the director of community mental health or the chairman of such board on three (3) days' written notice mailed to the last known address of such board members. The mental health advisory board shall at the request of the county executive, and may on its own initiative, make recommendations and suggestions to the county executive relative to the qualifications and appointment of the director of community mental health and relative to the qualifications and duties of the assistant directors, officers or employees of the office of community mental health. Vacancies in the membership of the board occurring otherwise than by expiration of term shall be filled by appointment for the unexpired terms.

§ 16.05—Traffic safety office; director; advisory board. a. The office of traffic safety shall be headed by a director who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall have and exercise all the powers and duties now or hereafter imposed upon him by the county charter, by this code, by local law, by order or direction of the county executive and by applicable act of the legislature not inconsistent with the county charter or this code. Such powers and duties shall include but shall not be limited to any power or duty conferred or imposed upon a county traffic safety board and/or the executive secretary of a county traffic safety board by the Vehicle and Traffic Law or other applicable law.

b. The county executive shall appoint a traffic safety advisory board of fifteen members interested in traffic safety and traffic problems. Each member shall be a resident of Erie county and shall be a qualified elector thereof. At least one of such members shall be a resident of each of the cities contained in the county and at least six of such members shall be residents of the area of the county, outside such cities. The said board shall annually elect a chairman, vice-chairman and secretary from among its members. Meetings of the traffic safety advisory board shall be held at the call of the traffic safety director or the chairman of such board on three (3) days' written notice mailed to the last known address of such board members. Such board shall have and exercise the powers and duties conferred or imposed upon it by the county charter or this code. The term

of office of such members shall be five (5) years except that of those first appointed three shall be appointed for a term expiring December thirty-first, nineteen hundred sixty-one, three for a term expiring December thirty-first, nineteen hundred sixty-two, three for a term expiring December thirty-first, nineteen hundred sixty-three, three for a term expiring December thirty-first, nineteen hundred sixty-four and three for a term expiring December thirty-first, nineteen hundred sixty-five. Vacancies in the membership of the board occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term.

§ 16.06—Probation office; director. The probation office shall be headed by a director of probation who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. The director of probation shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive, by section nine hundred thirty-eight-e of the code of criminal procedure as head of a county probation department, and by any other applicable section thereof or by any other applicable law, not inconsistent with the county charter or this code.

§ 16.07—Other boards. (a) the terms of office of the incumbent members of the alcoholic beverage control board, the board of trustees of the Buffalo and Erie county public library, the board of trustees of the Erie county technical institute, the fire advisory board and the vocational education and extension board shall continue for the periods for which such members shall have been appointed.

b. The terms of office of the members of the board of health, and of the members of any other board, which board pursuant to the county charter is succeeded by an advisory board, shall end December thirty-first, nineteen hundred sixty.

§ 16.08—Additional appointments by county executive. a. The consolidated county office of civil defense shall be headed by a director who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall have and exercise all the powers and duties conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive, by local law, by the New York State Defense Emergency Act, being chapter seven hundred eighty-four of the laws of nineteen hundred fifty-one, as amended, and by any other applicable law not inconsistent with the county charter or this code.

b. The office of fire coordinator shall be headed by a county fire coordinator who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall have and exercise all the powers and duties conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive, by local law, by section two hundred twenty-five-a of the County Law, and by any other applicable section thereof or by any other applicable law not inconsistent with the county charter or this code.

c. The county executive shall appoint, as county historian, a resident of Erie county who shall have demonstrated an interest in and an ability to record historical records and events.

d. The county veterans' service office shall be headed by a veterans' service officer who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall have the duties imposed upon him by the county charter, by this code, by order or direction of the county executive, by local law, by section eight hundred of the County Law, and any other applicable section thereof, or any other applicable law not inconsistent with the county charter or this code.

e. The superintendent of the penitentiary shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall have and exercise all the powers and duties conferred or imposed upon him by the county charter,

by this code, by order or direction of the county executive, by local law, by chapter seven hundred thirteen of the laws of nineteen hundred forty-six or by any other applicable law not inconsistent with the county charter or this code.

f. The office of medical director shall be headed by a physician duly licensed to practice in the state of New York, who shall have had at least five years actual experience in the practice of medicine and surgery. He shall have and exercise the powers and duties conferred or imposed upon him by order or direction of the county executive, by the county charter, by this code, by local law, or by any applicable act of the legislature not inconsistent with the county charter or this code. The medical director shall (1) appoint and have charge of the county medical examiners and their staff, which county medical examiners shall be physicians duly licensed to practice in the state of New York; (2) be keeper of the morgue; (3) maintain a first aid medical center for county employees and provide for the physical examination of prospective county employees, civil defense volunteers and welfare participants in the "work for relief" program; (4) render such advisory or coordinating service and make such surveys in the medical field as the county executive may direct.

§ 16.09—Miscellaneous administrative functions.

ARTICLE 17

SERVICE RELATIONSHIPS WITH LOCAL MUNICIPALITIES

ARTICLE 18

FINANCIAL PROCEDURES

Section 18.01—Fiscal Year

18.02—Preparation of proposed tentative operation and maintenance budget

18.03—Preparation of proposed tentative capital budget and program

18.04—Tentative budget and capital program

18.05—Budget controls

18.06—Contingent fund

Section 18.01—Fiscal year. The fiscal year of the county shall be as provided in the charter.

§ 18.02—Preparation of proposed tentative operation and maintenance budget. a. Submission of estimates and appropriation requests. On or before the fifteenth day of September in each year, or such earlier date as the budget director may prescribe, the head of each administrative unit or authorized agency shall furnish to the budget director an estimate of revenues and expenditures of his respective administrative unit or authorized agency for the next 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 sub-classified by functions and activities. Estimates shall be submitted in such form and shall contain such additional information as the budget director shall prescribe; provided that the estimate of expenditures shall constitute or be accompanied by a request for an appropriation.

b. The budget director annually, not less than twenty (20) days prior to the date fixed pursuant to paragraph a of this section, shall notify in writing the head of each administrative 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. In the event that the head of any administrative unit fails to submit an estimate by the date specified, the budget director shall forthwith prepare such estimate.

d. The budget director, upon receipt of the estimates and requests for appropriations, shall proceed to make such review and investigation and conduct such hearings thereon as he may deem necessary. He may require the head of each administrative 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. Upon the completion of the review and investigation of the estimates and requests from the various administrative units and authorized agencies, the budget director shall prepare and submit to the county executive a proposed tentative operation and maintenance budget setting forth the budget director's estimate of expenditures and revenues of the county for the next ensuing fiscal year showing a comparison with (1) the corresponding actual expenditures and revenues in the last completed fiscal year, (2) the corresponding budget items of expenditure and revenue for the current fiscal year adjusted for transfers and changes in appropriations, if any, and (3) the estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of administrative units and authorized agencies.

§ 18.03—Preparation of proposed tentative capital budget and program. a. Submission of capital project requests. On or before the fifteenth day of July, or such earlier date as the budget director may prescribe, the head of each administrative unit shall furnish to the budget director and to the planning commissioner 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 six fiscal years. Each capital project request shall show: recommended priority; development; time schedule; 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; possible sources of financial aid; recommended expenditures by years; and such other information as the budget director may deem advisable.

b. Capital projects committee. To assist in the consideration of capital projects and the capital program, there shall be a capital projects committee consisting of the county executive, the comptroller, the budget director, the finance commissioner, the planning commissioner, the county attorney and such other administrative heads as the county executive may designate, and the following members of the board of supervisors: the chairman, the chairman of the capital improvements committee, and the majority and minority leaders. The county executive shall be solely responsible for the capital program and budget as submitted to the board of supervisors, and no member of the latter body shall be obliged to support any project by reason of membership on the capital projects committee. The county executive shall be the chairman and the budget director shall be the vice chairman of this committee.

c. Upon receiving a capital project request, the planning commissioner shall study the same with special reference to comprehensive plans for the county and for any affected municipality therein. He shall promptly forward his comments and recommendations regarding the proposed project to the budget director, who shall submit the same, together with his own comments and recommendations, to the capital projects committee. Such committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between July fifteen and September fifteen at least twice, and as more often as may be required at the call of the chairman or vice chairman.

d. Citizens advisory board on capital program. The county executive may appoint a citizens advisory board on capital program to advise him in regard to the scope of the capital program the relative priorities of proposed projects and suggested means of financing. The county executive may serve as or shall designate the chairman of such board. Appointments to such board shall be for a period not to exceed one year, but the same person may be appointed in succeeding years. Membership on such advisory board shall not exceed fifteen (15). The chairman of the county planning

advisory board shall be an ex officio member of any such advisory board on capital program.

e. Any projects referred to the capital projects committee may likewise be referred to the citizens advisory board on capital program, if there be such board. The latter shall meet at the call of its chairman and shall make such recommendations to the county executive as its membership may determine. At the request of the county executive, joint meetings of the capital projects committee and citizens advisory board on capital program shall be held.

f. The budget director and planning commissioner shall assist such citizens advisory board, if such be appointed, by presenting and explaining all capital project requests so referred and shall furnish all relevant exhibits and information.

g. Proposed capital program. On or before the fifteenth day of September the budget director, after receiving the advice of the capital projects committee, shall prepare and submit to the county executive a proposed capital program for the next six (6) fiscal years, showing the purpose and amount of recommended capital expenditures by years, the suggested methods of financing, and the estimated effect of such program on future budgets with respect to operating, maintenance, debt service and other costs.

h. Proposed tentative capital budget. The first year of the proposed capital program, covering the next ensuing fiscal year, shall be incorporated by the budget director in a proposed tentative capital budget for such year. Such capital budget shall indicate debt service charges for previous projects, proposed down payments and other expenditures for new projects, and the recommended sources of all proposed capital financing including, but not limited to, capital reserve fund, sinking funds, current revenues, temporary borrowing, bond sales, federal and state grants, loans or advances.

§ 18.04—Tentative budget and capital program. a. Budget preparation and general scope. The county executive shall review the tentative proposed operation and maintenance budget and the proposed tentative capital budget as submitted by the budget director, together with any other anticipated items of county expenditure or revenue, and shall prepare the tentative budget of the county for the ensuing fiscal year for both current operating and capital purposes. Such budget shall be in such form as the county executive may deem advisable and shall show in parallel columns the following comparative information: (1) actual expenditures and revenues for the last completed fiscal year; (2) the budgeted expenditures and revenues for the current fiscal year, reflecting transfers and supplemental appropriations to a date not more than forty-five (45) days prior to the public hearing held pursuant to paragraph f of this section; (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. In addition to items of operation and maintenance, the tentative budget shall include or be supplemented by: all items of capital project expense for which the county is already liable or which the county executive recommends be undertaken in the ensuing fiscal year; other items as set forth in paragraphs b and c of this section; and a statement showing the bonded and other 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.

b. Recommended expenditures. The recommendations for expenditure in the tentative budget shall be classified by administrative units or special funds, 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 for each administrative 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 the 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 be provided for unanticipated or emergency county purposes or charges; (3) a statement of the several amounts recommended by the county executive for appropriation 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 of the county 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.

c. Estimated revenues. The estimates of revenue in the tentative budget shall be classified by accounts and administrative units, 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 preceding completed fiscal year which are available to meet the expenditure requirements of the ensuing fiscal year; (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 four (4) months of the last preceding fiscal year and the first eight (8) 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 board of supervisors 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 down 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, from the total recommended expenditures for the ensuing fiscal year in accordance with the provisions of section eighteen hundred four of article XVIII of the charter.

d. Moneys received by the county but required by law to be paid to the state 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 advanced to local governmental units within the county on account of delinquent taxes.

e. Capital program. The county executive shall review the proposed capital program as prepared by the budget director. He shall, after making such changes as he may deem advisable, arrange it so as to set forth clearly: (1) as to each pending capital project: the amount of all liabilities outstanding, the unencumbered balances of authorizations and the estimated additional appropriations required for its completion; (2) as to each new capital project recommended: the year in which it is recommended to be undertaken and the estimated cost; (3) as to each pending or recommended project; a brief description, the estimated date of completion, the amount of liabilities estimated to be incurred in each fiscal year to completion, the estimated useful life in years, the amounts, nature and terms of obligations recommended to be authorized, and the estimated annual operating and maintenance charges such project will entail; (4) any recommendations that a pending project be modified or abandoned or further authorization therefor postponed; and (5) any other information that the county executive may deem advisable.

f. Public hearing. The county executive shall cause to be published once in the official newspapers of the county, and such other newspapers as shall be authorized by the board of supervisors, a notice of the time and place, not less than five (5) days after the date of the publication, at which the county executive will hold a public hearing on the tentative budget for the ensuing fiscal year and capital program for the ensuing six (6) fiscal years prepared in the manner and containing the facts, figures, information

and proposals required in this code and by section eighteen hundred two of article XVIII of the county charter. The county executive may adjourn such public hearing from day to day, but not later than the eighth day of November. At such hearing any person may be heard for or against the recommendations and estimates prepared by the county executive or any item thereof.

g. The tentative budget and capital improvement program shall be filed in the office of the county executive and as many copies thereof as shall be required by the rules of the board of supervisors shall be filed in the office of the clerk of the board of supervisors on or before the date of the publication of the notice of public hearing thereon and shall be open to inspection by any person during office hours.

h. Submission to board of supervisors; county executive's message. On or before the tenth day of November the county executive, after holding one or more public hearings and making such changes as he may deem advisable, shall submit the tentative budget (including both the operation and maintenance budget and the capital budget) for the ensuing fiscal year and the capital program for the ensuing six fiscal years, together with an accompanying message to the board of supervisors. Such board shall proceed to consider the same and to adopt the budget in the manner provided by section eighteen hundred three of article XVIII of the county charter. The county executive's message shall outline a fiscal policy for the county government, describing the important features of his tentative budget and capital program, containing a general summary of current and capital requirements for the ensuing fiscal year, and showing a balanced relation between total proposed expenditures and total anticipated revenues for the budget year as well as corresponding figures for the last completed fiscal year and the current year. The message shall contain such comments and recommendations as the county executive may deem advisable.

§ 18.05—Budget controls. a. No county officer, employee, department or other administrative unit or subdivision thereof, 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 for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise provided in this code or the local finance law. The unexpended balance of each 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; provided that nothing herein contained shall be construed to require the lapsing of appropriations which may be 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 therefor, 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 purpose for which it was made shall have been accomplished or shall have been abandoned by a two-thirds ($\frac{2}{3}$) vote of the board of supervisors. 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 department or other administrative unit, officer, employee and financial activity of the county. For such purpose, the county executive may, among other things, prescribe quotas and allotments, and no department or other administrative 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.

§ 18.06—Contingent fund. The board of supervisors by resolution, subject to veto by the county executive, may at any time appropriate all or any part of the moneys in the general contingent fund for general county purposes.

ARTICLE 19

GENERAL PROVISIONS

Section 19.01—Advisory boards

19.02—Compensation of boards

19.03—Compensation of officers

19.04—Expenses

19.05—Validity of prior obligations

19.06—Pending actions and proceedings

19.07—Execution of contracts

Section 19.01—Advisory boards. a. Except as otherwise provided in the charter or this code: (1) members of advisory boards shall be appointed for terms ending the thirty-first day of December; and (2) the county executive may designate the chairman of each such board at the time of the original appointments, and the chairman so designated shall hold office for the current calendar year; provided that if the county executive fails to designate a member to serve as the first chairman, the advisory board shall proceed to elect a chairman from among its members. Except as provided above, each advisory board shall annually, on or before the first day of February, select a chairman and such officers as it may desire, for one-year terms or until their successors are elected and qualified.

b. Each advisory board shall determine its own rules of procedure. A majority of the whole number of members of such board shall constitute a quorum. Unless otherwise provided in the rules of procedure, each such advisory board shall meet at the call of the chairman or of a quorum or of the county executive.

c. The county executive may designate quarters wherein advisory boards may meet at reasonable intervals.

d. The county executive may designate any officer or employee paid from county funds to attend the meeting of any such advisory board.

§ 19.02—Compensation of boards. No member of any board, by whatever name known, appointed pursuant to the charter or this code shall receive compensation for services performed in connection therewith.

§ 19.03—Compensation of officers. Any salary fixed by the board of supervisors 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 such officer (1) required by law to reside at a county institution or (2) 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 fair value thereof determined by resolution of the board and the amount so determined shall constitute part of the salary fixed for any such officer.

§ 19.04—Expenses. The actual and necessary expenses of all supervisors, officers and employees paid from county funds incurred in the performance of powers and duties of the county shall be a county charge.

The board of supervisors may by resolution authorize the payment of a mileage allowance as fixed by said board for the expense of using an automobile privately-owned by the user thereof and operated by any such supervisor, officer or employee.

Whenever under the charter or this code, the appointment of a board or commission by whatever title known, is authorized, the actual and necessary expenses including mileage incurred in the performance of their duties shall be a county charge.

§ 19.05—Validity of prior obligations. The validity or legality of any bonds, notes, certificates of indebtedness or the method of payment thereof, heretofore authorized, issued or sold by the county shall not be affected or impaired by any of the provisions of the county charter or this code.

§ 19.06—Pending actions or proceedings. No action, suit or proceeding commenced before the effective date of the charter or this code shall be affected by the adoption thereof or by any of the provisions herein contained, but shall be continued as if the charter or this code had not taken effect.

§ 19.07—Execution of contracts. No contract shall be executed by the county executive on behalf of the county until the same has been approved as to form by the county attorney. A copy of each such contract when executed shall be filed with the commissioner of finance, comptroller and board of supervisors.

ARTICLE 20

CODE APPLICATION, AMENDMENT AND CONSTRUCTION

Section 20.01—Amendment

20.02—Continuity of authority and responsibility

20.03—Separability

20.04—Code to be liberally construed

20.05—Judicial notice

20.06—Effective date

Section 20.01—Amendment. This code may be amended by local law adopted in the manner prescribed by section 2.03 of article two of this code. All such amendments shall be consistent with the county charter.

§ 20.02—Continuity of authority and responsibility. The performance of functions pursuant to the provisions of this code shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this code may be conducted and completed by the county officer or administrative unit responsible therefor under this code or the county charter.

§ 20.03—Separability. If any clause, sentence, paragraph, section or article of this code shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

§ 20.04—Code to be liberally construed. This code shall be liberally construed to effectuate its objectives and purposes.

§ 20.05—Judicial notice. All courts shall take judicial notice of all provisions of this code and all local laws, acts, resolutions, rules, regulations and ordinances adopted pursuant to the county charter or this code.

§ 20.06—Effective date. This code shall take effect January first, nineteen hundred sixty-one.

§ 2. This local law shall take effect January first, nineteen hundred sixty-one.