Foundations of County Government

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NYSAC

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The First Counties 1683

- Established by Act of British King
- We were a part of the First Assembly of the New York Colony – "The Dongan Laws" or the Kings Charter

The First Counties 1683

- Established by Act of the First Assembly of the New York Colony – " The Dongan Laws"

- Created 12 counties and created the Office of Sheriff in each

- Sheriff of the county appointed by the Colonial Governor and could only serve one term

- Created a legislative body of freeholders to be elected in each county

Created 12 counties

- Albany
- Cornwall
- Dukes
- Dutchess
- Kings
- New York
- Orange
- Queens
- Richmond
- Suffolk
- Ulster
- Westchester

Created the Office of Sheriff

Sheriff of the county was appointed by the Colonial Governor
could only serve one term

New York State Constitution

New York State Constitution

- Basis of State Law and delineates the powers & authority of local government

- Basic structure has remained unchanged for over a century

- Can be amended through state legislation followed by voter referendum

- Action of state constitutional convention

Bill of Rights for Local Governments

- Every local government shall have an elected legislative body

- No local government can be annexed without approval of the voters through referendum

- Power to apportion costs of government services with authorization of the legislature

- Request the legislature to authorize establishment of forms of county government

Bill of Rights for Local Governments

- All offices not in the Constitution are elected or appointed by officials of local government

- Have the power of Eminent Domain

- Local governments can act jointly as authorized by the legislature

- State Legislature must adopt a statute of local governments

Legislature Empowered

To mandate programs and the costs on units of local Government including Counties

Public Employee Pension Systems

- City of New York Pension System

- New York State & Local Retirement System

- New York State & Local Police and Fire Retirement System

- New York State Teachers Retirement System

Article V, Section 7
NYS Constitution

"….membership in any Pension or Retirement System of the State or of a Civil division thereof shall be a contractual relationship, the benefits of which shall not be diminished or impaired."

Consolidated Laws Relating to County Government

- **Civil Service Law** – local civil service administration; the Public Employees Fair Employment Act (The Taylor Law)

- **Election Law** – the conduct of elections

- **Eminent Domain Procedure Law** – acquiring property through eminent domain

- **Highway Law** – construction & maintenance of county highways

More Consolidated Laws

- **Public Officers Law** - official oaths, resignations, filing of vacancies, removal from office, F.O.I.L., Open meetings law

- **Retirement & Social Security Law** – operation and benefits of state & local retirement systems

- **Local Finance Law** – Authorization and procedures relating to incurring debt

- **Tax Law** – authorization for sales & use taxed

Consolidated Laws

- **Vehicle & Traffic Law** – authorization for regulation by counties

- **Volunteer Firefighters Benefit Law** – disability and death benefits

- **Workers Compensation Law** – benefits for public and private employers; allows for county self insurance plans
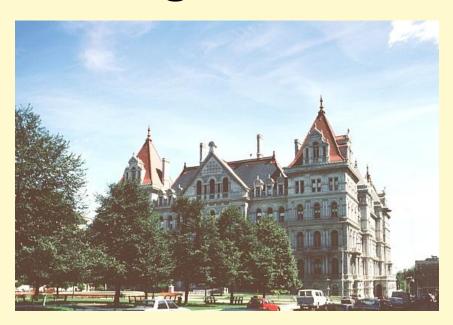
Consolidated Laws

General Municipal Law - maintenance of reserve funds, planning activities, cooperative actions, public bidding requirements, urban renewal, conflicts of interest, industrial development agencies

State Statutes Affecting County Organization

✓ County Law
✓ Municipal Home Rule Law

The County Law

- Makes No Provision for an Elected Executive

- Vests all Authority in Board of Supervisors

- All powers exercised through local law or resolution

- Must elect a chair, to which it may delegate administrative duties on its behalf

Municipal Home Rule Law

- Delineates powers & restrictions on the adoption and amendment of local laws

- Grants authority to set powers, duties, qualifications of its officers & employees

- Adopt laws regarding term, composition & apportionment of legislative body

- Adopt or Amend a County Charter

County Charter Law

- Counties are empowered to adopt charter which establishes the structure of county government

- May provide for an elected executive

- Must provide for a legislative body

- Assign administrative or executive functions to elected and appointed officials

Adopting a Charter

- Resolution of legislative body or by petition of voters

- Charter may be drafted by legislative body or committee

- Charter commission appointed for the purpose of drafting

- Charter adoption, repeal, or amendment subject to referendum

County Organization

New York Counties

- 23 counties have adopted a County Charter, 18 with an elected executive (Montgomery in 2012, Ulster in 2009) and one Mayor (NYC)

- 16 counties have a Board of Supervisors

- 40 counties have a County Legislature

- 1 County has a Board of Representatives

Supervisor Legislator/Representative

What's in a name?

Board of Supervisors

- Generally has duties as a Town official as well as a county legislative body member

- Is the chief elected official of town government or represents an area within a city

- Votes by weighted vote – according to relative share of county population

Legislator/Representative

- Legislator/Representative are the same
- Represent a District with Equal Share of County Population in Charter Counties
- Fulfills " one person, one vote" requirements – all cast equal vote
- Weighted vote in non-charter counties

How Are They The Same?

- All serve as legislative body of the county
- All empowered to enact or repeal local laws & resolutions
- Make appropriations, levy taxes and incur debt
- Adopt an administrative code
- Adopt rules and regulations for its conduct and procedures

Elected Executives

- 18 Counties have an Elected Executive who can veto actions of the legislature

- Executive appoints all department heads, with confirmation of legislature

- Manages the internal operation of all Departments

- Chief Budget Officer of the County

- Veto actions of the legislative body

Counties with Appointed Administrative Official

- 22 Counties have created a County Administrator

- 11 Counties have created a County Manager

- 5 Counties have created the position through county charter

- 28 counties have created the position through local law

Appointed Administrative Official

- Official is delegated administrative functions by the legislative body

- Appointed by legislative body and serves at its pleasure

- Generally prepares annual budget for submission to the legislative body for adoption

- Oversees the day to day operation of county government

Legislative Administration

- 9 Counties provide administration through the legislative body

- Chair is delegated administrative authority

- Body may appoint an administrative assistant to the Board Chair

- Strong committee system may be established to provide oversight

Changing County Structure

- All Counties empowered to change structure

- Charter Counties – adoption, repeal or amendment needs voter approval through referendum

- Non-Charter counties can amend structure by local law

- Cannot abolish or diminish powers of elected official without referendum

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ASSOCIATE PARTNER™

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