



NYSAC
NEW YORK STATE
ASSOCIATION OF COUNTIES

A Practical Guide to Leadership

A Manual for County Board Members



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United Voice of NYS Counties



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Welcome to NYSAC

Dear County Board Member,

On behalf of the New York State Association of Counties (NYSAC), welcome to county government, and thank you for serving New Yorkers as an elected county leader.

This document was designed to help demystify the role and purpose of county government in New York State. With the assistance of veteran county board members, we have developed this manual to provide practical advice, descriptions of roles and responsibilities and statutory requirements for county officials and departments. We hope you find it of value throughout your term of public service.

County government in New York State is an often invisible and misunderstood level of government to the public. Our proximity to our communities, families and residents make us ideal service providers. In many ways we are the regional government closest to the people in need of government assistance.

For 100 years, NYSAC has been fostering excellence in county government and uniting the voice of New York's county leaders. I encourage you to become involved in your association. The active involvement of our diverse membership enables us to be a strong voice for county governments.

Once again, welcome to county government. As the executive director of your association, I look forward to continue working with you and your county.

Sincerely,



Stephen J. Acquario
NYSAC Executive Director

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A Newly Elected County Legislator's Guide

Congratulations, You've Won the Election

Congratulations on winning the election! Before the oath of office is taken, it is our hope that newly elected officials will get a chance to read through this guide and find a few wise words to help guide them on the path from successful candidate to effective legislator. Many newly elected board members are probably already rolling up their sleeves to plunge into their work. But that doesn't mean a few questions haven't crossed their minds about the new office. It's not just an old saw: "Good government IS good politics."

The Oath of Office

New York State Public Officers Law Section 10 requires a newly elected official to take and file an oath of office before performing any official duties. The oath/affirmation must be signed and notarized.

The oath that the newly elected must take before officially assuming the office is as follows:

"I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office and the County of _____ according to the best of my ability."

Public Officers Law Section 78 also requires an elected supervisor to sign and date a Certificate.



PHILIP R. CHURCH

President



STEPHEN J. ACQUARIO

Executive Director

Chapter I: Ten Practical Suggestions on Effective Lawmaking

1. Attend Meetings of the Board

First, attend as many meetings of the full legislature as possible and carefully observe fellow legislators. Observing the protocols will give a lawmaker a good feel for how business is conducted, even though new legislators tend to stay on the quieter side early on. Pay special attention to how members interact with each other, who speaks, who listens, who gathers before and after the meeting to talk. Who are the players? Where does the public sit and who attends regularly? Which citizens speak with which legislators before and after the meetings? Who represents the media? An attentive lawmaker will notice all sorts of things while paying close attention, even in remote meetings, and many of these observations may serve you well down the road.

2. Get to Know Your Colleagues

On the county board, newly elected board members need to work with their new colleagues. Get to know your fellow board members regardless of political affiliation. Do some board members work in government at a different level? Are they in the private or not-for-profit sector? Some no doubt are lawyers, teachers, realtors, or business owners. Some may run a farm or drive a school bus. Some may be retired. Some may be integrally involved in local politics and others not so much. Lawmakers come from different walks of life and bring different assets, talents, and experience to the table. What they have in common, of course, is that they are elected by the constituents to represent them. Finding out what is important to fellow lawmakers and communicating your priorities to them can be beneficial. Finally, if at all possible, arrange to visit them in their district for breakfast, coffee or lunch, and then a tour of whatever is important to them to share.

Do you hail from a large county or a medium-sized or small county? Is it large geographically, but not in population? Is the county primarily rural, suburban or urban? The answers to these questions will provide clues to the problems and issues legislator-elects will face and will no doubt shape the workload of the body.

It will also affect your “world view” and those of your colleagues. So it is helpful to be aware of demographics as it may well help you understand where a colleague is coming from.

When speaking, be considerate to your colleagues and the work of the body, be respectful and get to the point.

Speaking on every issue is not necessarily the wisest course of action. The legislator who does not speak frequently but who does when she has something to say may be the one listened to. So use your legislative powers judiciously and in full consideration of colleagues and the part-time work of the body. Each individual has a unique perspective and brings expertise, knowledge and experience to the floor. Be aware of these qualities.

3. Attend Committee Meetings

Another important aspect for a newly elected lawmaker to consider is which committees he/she considers important or interesting. After all, much of the business of the legislature is conducted by its committees. They are critical to processing (and generating) the workload of the legislature. So as important as attending a regular session may be, making sure to attend some committee meetings is also very important. This may be easier in a remote meeting setting, and be sure to let the committee chairperson know that you plan to attend.

After doing this research to the point it is possible in the limited time frame, preparing a letter to the party leader and/or the chair of the legislature, as appropriate for the specific legislature, requesting assignments and provide the corresponding reasoning. Some or all of the reasoning, and even the request, however, may be better done in conversation, but may be done by email as well. That depends on the situation, the board's or leadership's protocol on this, and of course personal judgment. Get whatever help and support from colleagues that can be mustered. Later in the guide we will discuss the operational aspects of the legislative committee system.

Which committees that suit an individual legislator is generally a matter of personal taste. Some committees may be a natural for some given personal interests, background, and expertise. Ideally these align with the constituents' needs too. This would then enable the board to offer some expertise to the institution as well as the represented community right away, provided that the specific committee assignment can be obtained. But the most important consideration for a legislator elect at this stage is to identify the committees where your specific skills could aid the community and perhaps broaden the understanding of the issues of the represented community.

Check out these committees to be sure the name of the committee as advertised is really the business they conduct (not just what you think it may do primarily), and watch the committee dynamics and players to see if it would indeed be a good fit. What is the workload of the committee? Do they meet regularly or sporadically? With likely multiple

committee assignments, which committees work well with your schedule and interests? Remember, board members need to be able to faithfully attend their various committee meetings.

After doing this research to the point it is possible in the limited time frame, preparing a letter to the party leader and/or the chair of the legislature, as appropriate for the specific legislature, requesting assignments and reasoning. Some or all of the reasoning, and even the request, however, may be better done in conversation. That depends on the situation, the board's or leadership's protocol on this, and of course personal judgment. Get whatever help and support from colleagues that can be mustered. Later in the guide we will discuss the operational aspects of the legislative committee system.

4. Attend Legislative Caucus Meetings

In addition to legislative sessions and committee meetings, there are other important functions of the board, namely the legislative caucus where the pending business of the board is discussed informally BOTH substantively and with respect to political consequences.

Attending these caucus meetings would serve you well. Some newly elected lawmakers may have an informal "sponsor" or two who are members of the party's caucus and who will be more than willing to introduce and help welcome you.

5. Develop Core Legislative Competencies and Capabilities

Knowledge is power. Doing homework is essential to being an effective legislator. Knowing the rules of the legislative process, serving constructively on a committee, learning to draft a resolution or local law to address a problem and successfully getting it through the legislative labyrinth, speaking intelligently or provocatively in public at legislative meetings in favor or against a proposal, working with constituents, dealing with colleagues, and talking with the press or even on camera, are all potential elements of being an effective and successful county legislator. Some lawmakers may have a better handle on some of these competencies than others at the start of their service. For example, some board members may already be accomplished public speakers. Some may need to develop their various capabilities at a different pace.

Some skills are a function of practice, repetition, knowledge and comfort level. One does not need to have mastered the entire portfolio of the complete legislator, or to be "out front" on issue after issue, to be effective at the job of being a county board-member.

6. Attend New Member Orientation Programs

If the board sponsors an orientation program for new members, by all means take advantage of this opportunity. It may all be a bit overwhelming at first, but many useful materials will likely be shared for reference in new member packets. Plus learning who to follow-up with in the future if you have questions can be invaluable.

NYSAC also provides orientation programs for newly elected and appointed county officials, with a particular focus on issues and policies that impact all counties.

7. Learn the Rules

Become familiar with the Law(s) and the Rules under which the county board is governed, whether it be a county charter, other body of law or board procedure. These rules flesh out details from the sometimes broader and more general laws and charters or address matters not covered in law, such as the party caucuses.

That is not to say that a newly elected board member is expected to learn all of this material in one sitting, just getting a hold of the relevant documents early and familiarizing with them can be beneficial when referring to them in the future. These documents pertain to the legal basis for the legislature, its duties, and how to enact resolutions or local laws. These documents may be provided at the orientation program, if not, asking the clerk, counsel, or leadership may help.

A board member also needs to know how county government is organized and how it functions, so obtain an organization chart and have the county manager/administrator, if there is one, or the board chair if there is not, give a briefing regarding staffing and reporting relationships within the county.

8. Stay Connected to Home Base

While undertaking the role as lawmaker stay connected to the constituency. One of the first things that a newly elected lawmaker may want to do is thank people who helped get them elected. This may be the first interaction between a lawmaker and the constituency making it very important. Staying involved and knowing what's on the constituent's minds is vital. What matters to them?

Being available and showing support is important. More than likely you're already a concerned and active citizen embedded in the community or you wouldn't have run for office in the first place or been elected!

9. Continue Your Education

Most positions require some degree of learning on the job and elective office is no exception. In fact because lawmakers are elected it is likely more important than for most positions. Fortunately, county officials in New York have an invaluable tool when it comes to increasing their effectiveness as lawmakers, The County Government Institute.

The County Government Institute, established by the NYSAC Board of Directors, provides education and training services to county elected and appointed officials. It is the mission of the County Government Institute to provide training and technical assistance to county officials to make them better able to participate in knowledgeable, constructive and civil dialogue on the challenges they face as elected and appointed leaders of New York State.

10. Use the County Association

The New York State Association of Counties, (NYSAC) is the statewide association representing all county officials. NYSAC exists to help and to represent elected officials in Albany and Washington. The Association's leaders come from all around the state and represent both large and small counties and, importantly, both the legislative and the executive bodies of counties. The county pays dues so feel free to call upon them.

Active involvement in the state association can only help elected officials perform their jobs better at home. It is unrealistic to expect a newly elected lawmaker to know everything they need to know right away, and the NYSAC membership's rich body of experience and know-how together with the association's staff offer invaluable resources. NYSAC provides a fertile ground for networking, learning, and meeting interesting people. The association also sponsors the County Government Institute, a formal training institute under joint auspices with Cornell, which legislators can attend as part of their dues. This experience should not be underestimated.

Chapter II: The Structure of the Board

Because counties are administrative divisions of the state, this legislative body acts to implement and at times refine state law and public policy. While a board has executive and quasi-judicial powers, the primary role is to legislate, that is, to pass local laws or resolutions as provided for in County Law and the Municipal Home Rule Law. These laws and resolutions enable the board to establish the administrative structure for county government, including organization by department to carry out the functions of county government and the establishment of board committees to oversee the operation of those departments, with or without an elected county executive or an appointed county manager/administrator.

Counties using a system of legislative administration have unique procedures and processes for the administration of county government. The main similarity is that the chair of the board, as elected by its membership, has been delegated administrative responsibilities on behalf of the board subject to their approval. The chair retains full voting authority on the board with the same duties and responsibilities of other members.

1. The Board's Organizational Meeting

Section 151 of New York County Law, sets forth procedures for the board to organize. At the organizational meeting, the board selects their leadership. This is done by majority vote of the board unless the county has adopted weighted voting, to which the rules of weighted voting would apply and not a simple majority vote. It is the clerk of the board's duty to provide written notice, served by written mail, to all board members at least 48 hours prior to any such meeting.

An agenda for an organizational meeting of a board, a year in which newly-elected supervisors are seated, may include the following elements: Call to Order...Roll Call of Members to Determine a Quorum...Pledge of Allegiance and Moment of Silence.....Appointment of a Chair...Appointment of a Clerk to the Board...Appointment of Deputy Clerk to the Board...Appointment of Public Defender...Appointment of County Historian...Appointment of County Attorney...Appointment of Finance Director...Appointment of Off-Track Betting Director...Appointment of Stop-DWI Director...Appointment of Jury Board Member...Majority Leader Designation...Minority Leader Designation...Designation of Official County Newspapers...Adoption of Rules of Order...Motion to Adjourn.

2. The Role of the Board Chair

The powers and duties of the board chair are prescribed in article 9 of the county law. The chair presides over all meetings of the board, organizes and coordinates the activities of the board, and serves as its representative and spokesperson between meetings. The chair also has the responsibility of preparing the agenda for each meeting of the board, a duty he or she may delegate to a county manager or administrator or someone else. Board chairs will often include the county legal counsel in a review of the agenda and associated resolutions before they are presented.

The Chairman of the Board is elected by the Board during the Organizational Meeting. The Chairman may attend all committee meetings as an ex-officio member. The Chairman represents and serves as spokesperson for the Board in various national, state, regional and local organizations and meetings.

The agenda for a regular meeting of a board might include the following elements: Call to Order...Roll Call of Members to Determine a Quorum...Pledge of Allegiance and Moment of Silence...Presentations...Petitioners...Submission of Claims for Audit...Approval of Minutes...Reports of Standing Committees...Remarks from the Chair...County Manager/Executive Remarks...County Attorney's Remarks...Communications Received and Filed or Referred to Committee...Resolutions and Motions...Unfinished Business...New Business...Motion to Adjourn.

Pursuant section 154 of the county law, the board chair appoints members to board committees and designates the committee chairs and vice chairs. It is always the responsibility of the board chair and committee chairs to see that a quorum is present when votes are taken and that meetings are conducted with proper decorum. Board chairs may appoint a parliamentarian to be present at each board meeting.

3. The Role of the Clerk of the Board

The Office of the Clerk of the Board is a key department at the county government level. One of its primary goals is to assist the county legislative body in carrying out all of its basic programs. This function is unique to each county, and the functions, powers and responsibilities of the Clerk of the Board will vary from county to county.

The Clerk is the right hand to the Chairperson, and chief assistant to committee chairpersons. In addition to continuity, the Clerk of the Board provides specialized knowledge to a group which can devote only part of its time to county business. The clerk may be seated next to the chair and county Attorney during legislative session.

Centered among the activities of the Clerk's Office are: planning, programing, communication, delegation coordination, scheduling, research and advertisement.

The Clerk and staff streamline the multitude of procedures that elected officials must follow, including collecting and reporting state retirement pension certification which reflects hours worked by lawmakers. The Clerk responsibilities will vary depending on whether or not the county has adopted a charter. For example, in a county with a county executive the Clerk's function is primarily legislative and he/she reports to the board and not the executive. Where the governing board, on the other hand, has responsibility for central administrative oversight of the operating agencies and legislative authority, the position of the clerk assumes a very different character.

County Law, Section 475, states that the Clerk also "shall perform such additional and related duties as may be prescribed by law and directed by the Board." Such a broad statement covers a wide range of functions, many of which vary from county to county.

4. Legislative Counsel

The county attorney or legislative counsel provides legal advice to the Board on matters involving legislative operation, including resolutions, local laws, procedures and process.

5. The Legislative Caucus

A legislative caucus is defined as a group of lawmakers organized around and united by shared legislative interests. Typically a caucus refers to the members of the same political party within a legislative body, but the term can be ascribed to other groups. Sometimes the term conference is used in place of the word caucus. Caucuses may meet for the purpose of election of officers such as the majority or minority leader, for the nomination of legislative/board officers such as the chair and vice chair of the body, or for the discussion of policy, strategy, or leadership. A caucus is usually chaired by the majority/minority leader.

Caucus meetings may occur before or during meetings of the legislature/board of supervisors. Either the majority leader or the minority leader may call for a caucus at any time. Caucus meetings are closed to the public and the press, and are not subject to New York's Open Meetings Law.

6. Ethics and Other County Policies

Article 18 of the general municipal law addresses conflicts of interest of municipal officers and employees. In addition, board members are often governed by a county ethics law and/or rules in the county that need to be taken into consideration so that legislators do not run afoul of ethical requirements. There are also likely rules about travel and meals and reimbursements with which lawmakers should familiarize themselves. Also, the county may have a number of personnel policies under which legislators are governed like all other county employees. Finally, the county may have time and attendance reporting requirements for retirement credit or conference participation that apply to legislators.

7. The Board Composition

How many lawmakers do you serve with? Are they from single member legislative districts or multiple? Do they represent a large number of people or relatively few?

The Board members that represent large, divergent constituencies may have very different views from those who represent smaller, more homogeneous constituencies. Knowing this may give insight into what to expect from certain members and affect the approach to working with them.

Typically, lawmakers are seated by district. Some boards are arranged in a semi-circle on a dais, others have the Chair on a dais and some have the public seated right behind them or on all sides. The arrangement of the chamber shapes interaction and communication during session. It can facilitate cross party discussions.

Most lawmakers perform their civic service part-time. To board members directly involved with the budget it can sometimes seem like a full-time job! There are crises which require undivided attention. While these times are generally courtesy of Mother Nature, they can also have other causes such as financial problems. The time commitment and management of this scarce time and using it well are critical to all board members.

Being part-time can make it challenging to get work done. As a new county official, there is much to learn the “first time around.” It can be a daunting challenge.

For example, there are types and categories of legislation, such as contract awards, that will need to be read closely in the beginning the service in order to have an understanding of what is being voted on. But becoming more familiar with the “boiler plate” legalese and other unfamiliar terminology of such resolutions, legislators will be able to more directly focus their valuable limited time on the substance of the matters at the heart of the resolution or law being studied.

In the beginning, this learning curve process is time consuming. Here again, legislative staff can help, if they are available. But mentor(s) may also serve you well in helping to decipher legislative business and spend this limited time well.

In time, legislators become familiar and comfortable with “the drill” and are able to offer some suggestions.



Visit www.nysac.org to learn about issues, initiatives, member resources and educational opportunities.

County Conversations Podcast



Also available on Apple Podcasts, Google Podcasts, and Spotify

Visit nysac.org/podcast to tune into NYSAC's podcast series.

Each episode features discussions with leaders from across the state that are focused on providing innovative solutions to local issues.

Listeners can contact NYSAC Multimedia Specialist Kate Pierce to provide feedback and ideas for the podcast.

Chapter III: Laws, Resolutions and the Budget

1. Local Laws & Resolutions

The power to enact local laws is granted to county governments in the New York State Constitution, following the principle of municipal home rule. With certain exceptions, the state legislature is prohibited from acting with respect to the “property, affairs or government” of any local jurisdiction. Local laws must be consistent with the Constitution and not in violation of any general law of the State. Among the powers granted to local governments are those to elect local leaders, to levy taxes, and protect the health, safety and welfare of its citizens.

In preparing a local law, the county attorney/legal counsel should first determine whether the proposed law would be subject to a mandatory referendum or a referendum by petition. Before drafting a local law the board should consider its legislative intent, what office or agency shall be granted the power, whether adjustments are needed to current laws, whether an office or agency must write and promulgate associated rules and regulations, and what enforcement remedies will be provided. A board should have the county attorney/legal counsel draft the proposed law. Before or during the drafting, it may be wise to seek input from involved citizens, boards, consultants, and even state agencies.

Every local law must contain four elements, in this order: 1) the title, which should be brief and expressed in general terms, 2) the enacting clause, naming the legislative body and the county, 3) the body of the law, following guidelines as to section numbering and subsection lettering, and 4) the effective date, which may be immediately, twenty days after adoption, or otherwise. If a local law is subject to a referendum, it cannot take effect before it is approved by a majority of the eligible voters of the district.

A proposed local law may be introduced only by a member of the board. Copies should be provided to all members of the board well in advance of its introduction. Once introduced the law should be debated and may be amended, with each edition being numbered or dated. When the board is satisfied with the wording, one or more public hearings should be scheduled, with five days public notice, to allow comment from interested citizens and representatives of civic groups and organizations.

If the proposed law is amended following a public hearing, another public hearing must be held. Except in emergency situations, the proposed law in final form must be mailed to board members ten days in advance or on their desks seven days in advance of a vote on it, exclusive of Sundays.

Passage of a local law requires approval by a simple majority of the members of the board, except in emergency situations, when a two-thirds majority is required.

Regardless of the specified effective date, a local law does not become effective until it is filed in the Office of the Secretary of State. Before filing, a local law should be numbered, by calendar year. After filing, it should be posted on the county’s web site.

Most motions acted upon by a board are presented in the form of resolutions and not local laws. Proposed resolutions may be given to a committee chair or the chair or clerk of the board, who will refer it to the appropriate committee chair. Unlike the formality of the local law process, this is a less formal process for business. Resolutions typically follow a standard format, including the year and number of the resolution, its title, a series of *Whereas* clauses indicating the reasons for and considerations supporting the resolution, at least one *Resolved* clause, and a listing, perhaps in a *Further Resolved* clause, of all parties who should receive a copy of the resolution. Official copies of approved resolutions bear the impressed seal of the county and the signature of the clerk of the board at the bottom attesting to the date of the resolution’s passage.

2. The Budget

The budget is a formal plan that details the appropriation of anticipated revenue. In the case of county government, this includes the determination of resources necessary to meet state and federally imposed mandates, as well as providing resources for local purpose.

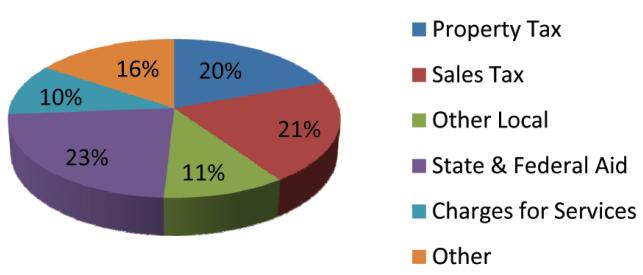
County Law Section 354 sets the guidelines for preparation and filing of a county budget. The budget officer receives estimates and requests for appropriations from authorized county agencies. It is the budget officer’s duty to review and investigate these estimates and requests. The budget officer may conduct hearings of the heads of administrative units and authorized agency officers and employees thereof. Members of the committee of the board designated or created to review the tentative budget are also entitled to attend all hearings conducted by the budget officer.

In non-charter counties the tentative budget and the budget message, if any, must be filed by the budget officer with the clerk of the board by November 15. The board may require that the budget officer file the tentative budget and budget message with the clerk of the board prior to November 15, provided that the filing is not earlier than October 1st. For charter counties, refer to the timetable set forth in the charter.

County Revenue

The sources of county revenue that citizens are the most familiar with, and coincidentally the individually largest, are property tax and sales tax. While the existence of these taxes may not be likely to change for the foreseeable future, the revenue generated is subject to change on a regular basis. Change in the state, national and world economies, which are largely out of the counties control, make predicting sales and property tax revenues for future years an inherently difficult venture that can dramatically influence the budgeting process. In addition, while counties have specific taxing authority granted by the state through home rule, the state often imposes limitations on the rate or amount of taxes that can be raised locally. This requires state legislature approval.

The data used for the following charts and descriptions is aggregate data for all non-NYC counties and was compiled by NYSAC. The specific percentages are not representative of any individual county, but serve as a hypothetical average for counties across the state.



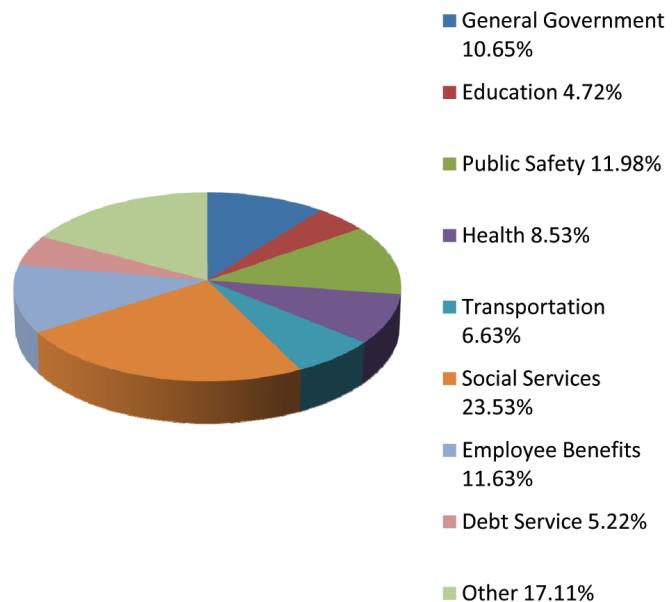
The chart above shows a simplified breakdown of the sources of county revenue. The vast majority of the local tax slice accounting for 52% of county revenue is made up of sales and property taxes. The state and federal aid category, while accounting for a significant part of county revenue, does have some strings attached. In fact the lion's share of this revenue is simply partial reimbursements to counties for funding state and federally mandated services.

The charges for services category is made up of such charges as E-911 surcharge, county public transport fees and utility fees.

County Expenditures

The chart to the right displays some of the major county expenditures. General Government expenditure is the cost of the county administration as well as departments such as zoning and planning. Public safety spending includes police, fire, disaster response, jails, homeland security and more. The health category includes public health and mental health initiatives. The largest spending category, social services, includes the far and away biggest individual county expense, Medicaid, as well as other mandated programs such as food stamps, TANF and Safety Net. The employee benefits category is dominated by health insurance and retirement costs for county employees, the latter of which is mandated by the State. The other category includes a wide variety of services, the largest individual spending items being utilities and culture and recreational facilities.

The nature of the counties revenues and expenses is such that they unfortunately tend to mirror the effect of economic downturn. This problem arises largely because the most significant revenue sources, sales and property taxes, are tied to consumer spending and pricing in the housing market. Making matters worse, a recession, the demand for many county services will increase while available revenue does not keep pace or actually declines. A second challenge for managing county revenues and expenditures is State control over the level and type of local taxation (revenues) as well as defining the availability, duration and amount of county tax dollars (expenses) for mandated health and welfare programs. State intrusion into county government spending has become so widespread that these mandates are now responsible for three of every four dollars of costs in the average county.



Chapter IV: Constituent Services and the Media

1. Constituent Service(s)

While county programs and services are impacted by state and federal actions, the primary role of county lawmakers is to serve their constituents in their communities and their counties. In some instances, a board member may draft a resolution petitioning the state legislature or even Congress to change its policy. Of course the more controversial the issue being put forth and on to the body's agenda the more time will be taken up debating the measure. Some legislatures have an unwritten policy about such measures.

A newly elected board member already knows the best places for face-to-face opportunities with constituents. Other methods may work better for some constituents or work better at different times. Some may prefer email to the phone, or even a website. In our instant communication age, news travels fast and lawmakers can reach constituents quickly and vice versa. With the explosion of social media—Facebook, Twitter for example—and with online surveys and web hosting assistance and other online tools, our world, even at the county level, is hyper connected today. This can be a good thing but it can also present complexities. Like many innovations, it can be a double edged sword.

It is imperative that constituents are able to reach their representatives and that they receive a response as soon as practicable. If they have a problem with a county service or have a need that the county can or should assist them with, it is important for a lawmaker to be available. A reputation for helping the constituents and getting things done is beneficial to all parties. If their concern proves not to be a county matter, then it is an opportunity to help them anyway, it will be appreciated.

Even if a constituent is contacting to discuss a policy concern, and you disagree, it may be worthwhile to communicate your position to them. It is an opportunity for a lawmaker to educate and possibly even persuade them to come around to your view. Sometimes a legislator will have facts or a perspective that, just by sharing with them, can change an outcome. If all parties disagree, hopefully they can do so civilly.

The different ways a constituent can contact a lawmaker can present varying challenges. If they do so electronically by email or to a website or Facebook, then this presents the lawmaker with the opportunity to collect his/her thoughts about a response or line up the answers they need before getting back to them. A lawmaker who provides electronic contact points had also better monitor them. Facebook and other social media mechanisms can work for some. There are different levels of social networking available, and the choices can be confusing and confounding. NYSAC and other

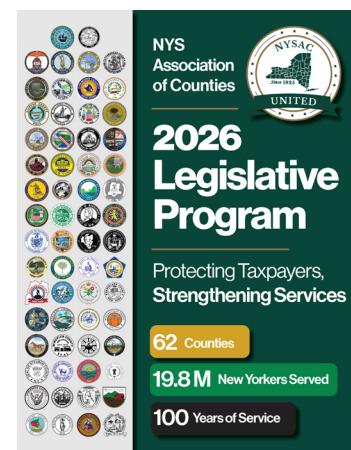
tech savvy friends may be able to help here. But above all remember that setting up a web based communications resource creates the obligation to maintain it. In the case of a telephone call on the spot, it may be worthwhile to ask for some time to respond on the matter. This will enable research before a position is taken.

For some lawmakers, having an official county email address in order to keep public business separate from private may be appropriate. Some lawmakers have an email address that is not on the county's computer servers. Most counties have a computer policy about personal (and political) use of taxpayer provided resources. A legislator will want to be sure to comply with these rules.

Another effective constituent service a lawmaker might consider is inviting constituents to attend legislative sessions. If they have a concern they wish to express publicly, some bodies have a public forum before their legislative meeting to hear from the public.

To be an effective county lawmaker often requires collaboration with other municipal officials or the county's state delegation. Fiscal pressures are often the root of the need to work across jurisdictions.

In this era of extremely tight fiscal constraints, working with our fellow municipal delegations in cities, towns, school districts and others, to find ways to cooperate and share in the provision of services as efficiently as possible is a top priority now and into the foreseeable future. This arena may be the key to your success as a county lawmaker for some time to come. Here, too, knowledge of county government and other municipalities as well as state laws and regulations governing cooperative efforts among municipalities will be both invaluable and critical to success.



For more information on NYSAC's advocacy efforts, including our Legislative Program, please visit our website at nysac.org.

2. Working with the Media

Many new lawmakers are understandably apprehensive when it comes to speaking with newspaper or television reporters. But it can work out favorably and help lawmakers further their goals. Board members can help reach and educate a broader audience on an issue. At the same time, local constituents will see an active representative. Although working with the media has its benefits, it can also be a double edged sword if words are twisted or one is unprepared to say something as dictated by the situation. Being straight and being authentic will be favorable. If possible, prepare a few notes ahead of time, but keep the message as simple as possible. This will make it easier for the reporter to "get it right." Watching an experienced colleague a few times will likely provide some guidance.

One can always be silent if uncomfortable or if it would be unwise to speak out publicly on a given issue at a given time. If you are willing or wish to share some background information, then make it clear that you are speaking off the record. This does not have to be for any sinister reason. A lawmaker can help educate a reporter in order to help them do their job better.

Chapter V: The County Departmental Structure

Through the years, state legislation and general practice have transformed New York counties from simply administrative subdivisions of the State to important units of local government performing a multitude of functions. For example, in the past counties were responsible for, among other responsibilities, the office of the county clerk, sheriff & law enforcement, construction and maintenance of local infrastructure and caring for those in need. Today, counties currently perform these tasks as well as provide a wide range of services to residents. Counties administer nearly all state and federal services in the fields of public safety, health, mental health, human service, and local civil service. County departments can be divided into three functional areas: internal administration, human services and public services/general government.

Knowing the departments and what they do can be invaluable to a county elected official. This section describes a county departmental structure you may encounter as a county elected official.

The internal administration area provides various services required for the efficient operation of County government, as well as services to citizens in a variety of ways. This functional area is composed of numerous departments that are responsible for reporting to various officials or committees of the board.

The Human Services functional area provides direct services to various segments of the population. Many of the human services departments and agencies provide services which are mandated and partially funded by the Federal and State governments. Services such as Aging, Health, Mental Health, Social Services, Skilled Nursing and Rehabilitation, Veterans Services and Workforce Development are examples of the areas covered.

The public services/general government functional area provides a variety of direct services to County residents. This includes criminal justice related areas such as the Sheriff's Department and County Jail, E-911, District Attorney, Public Defender, and Probation. This area also includes Emergency Management Services, Emergency Medical Services, Elections, Central Services, Planning, County Clerk and Historian. In addition to Public Works functions such as Highway, Water and Sewer Districts and Solid Waste.

The following section provides a partial listing of some typical county departments.

County Executive

The county executive is a county wide elective officer for counties with charters that have created the position. They supervise the day to day operations of all administrative units.

County Administrator/Manager

The county administrator/manager is a non-elected official appointed by the board who aids in day-to-day administration of County Government in the counties that have the position. This position works with all standing committees of the board and all county departments to ensure coordination of county government.

District Attorney

The district attorney prosecutes all offenses recognized by the courts of the County. The DA appears in court for preliminary hearings, presents cases to the grand jury, tries cases when a trial is demanded, handles appeals from criminal proceedings in any court and advises town and village justices. The district attorney has the authority to appoint assistant district attorneys and staff subject to appropriation.

County Treasurer/Comptroller

The County Treasurer/Comptroller is the chief financial officer of the county and has responsibility for all financial affairs. The county Treasurer/Comptroller has custody of all money belonging to the County or in which the County has an interest, and serves as Treasurer/Comptroller for the County Social Services District and as trustee for court and trust funds.

The county treasurer/comptroller also has various statutory duties which include: tax collection, granting certificate of residence, distributing unpaid school tax monies, accounting for all county funds and records, reporting departmental balances, and many other activities required by the government, state statute or charter.

Sheriff

The county sheriff is an elected constitutional officer charged with responsibility for the protection of the county's citizens. In accomplishing this broad mandate, the sheriff's authority and duties can be divided into the following areas: civil duties and court security; operation of the jail; and law enforcement including road patrol.

The sheriff's department is also responsible for providing other related services in areas of highway and traffic safety, education activities, boating safety and patrols, crime prevention, bicycle safety, mutual aid, natural disaster assistance, and other public activities such as fingerprinting of children and substance abuse prevention programs

County Clerk

The county clerk is clerk of record for the state supreme court and the county court. The clerk is responsible for providing files, records, and indexes of papers in legal actions and proceedings. In addition to court duties, various statutes require that the clerk's office: record deeds, mortgages, assignments, and liens; file Town and County officers, bonds, maps, pistol permits, financing statements, and Federal tax liens; process and report on monthly conservation licenses issued by Town Clerks; qualify notary public appointments in the County; file oaths of office of Town and County officials; and issue motor vehicle registrations and licenses. Files kept by the office are permanent and used continually by attorneys and public in checking real estate titles, criminal convictions, and other legal records.

Board of Elections

The board of elections is responsible for election activities. The board maintains a system for permanent personal registration of voters, as well as conduct fair and open elections free from fraud. The board is required to: serve enrollment and registration lists; check voting machines for error and fraud; notify the public and secretary of state of election results; and coordinate any other tasks necessary in the election process including implementing state and federal election law. The board also coordinates all elections in the various municipalities, apart from school districts.

Coroners

The County Coroners investigate the circumstances and causes of any death in the County, particularly any unattended, violent, suspicious, or criminal deaths. Investigative and autopsy reports are provided to the Courts, District Attorney and police regarding cases in which a crime may have been committed. Coroner's reports in non-criminal cases may be important in determining insurance and other civil actions.

County Attorney

State law requires the county to appoint a resident lawyer as the County Attorney. The County Attorney is required by law to be the legal advisor to the county and every County officer who is paid in whole or in part from County funds. The County Attorney is responsible for the prosecution and defense of civil actions and proceedings brought by or against the County, the Board, or any County officer prepares contracts and various legal documents for the Legislature and various other tasks.

Local Health Department

The department of health is responsible for planning and implementing programs that promote acceptable health standards for county residents. Your local health department has been on the front lines of the COVID-19 pandemic since March 2020. Various programs include: COVID vaccinations, testing, and contact tracing; special education programs for children under five years of age, family planning, treatment of sexually transmitted diseases (STD), and other screening programs; environmental health which conducts training sessions for water system operators, septic system installers and designers, food handlers, etc.; emergency medical services; health education programs. The department of health is responsible for certified home health agency and hospice programs (If applicable), providing skilled care to those who are ill or terminally ill.

Economic Development

Some counties maintain a department of economic development. The department of economic development operates to improve the economic status of the county. Various functions of this department include: verifying and/or coordinating business expansions in the county; obtaining grants and loans required for county expansion; researching current business trends such as revenue growth, real property tax, and observing resident attitudes; etc.

Emergency Management Services

The Emergency Management Services Department coordinates in the areas of fire, disaster preparedness, civil defense, and emergency medical services including, if applicable, the county's ambulance service. The department also develops plans for response to floods, releases of hazardous materials, and other emergencies, to assure that the communities in the county are prepared in the event of a disaster. The department develops and coordinates education programs to train fire, police, and medical and rescue teams in emergency procedures, and the county office provides a central control point from which operations may be coordinated.

Highway

State law mandates a county highway superintendent/commissioner of public works. The county highway department is responsible for controlling and implementing all activities required to maintain county infrastructure. Various tasks include: patching pavement, grading and patching shoulders, cleaning and improving ditches, traffic sign repair and replacement, bridge repair, cutting trees and brush, as well as the reconstruction and replacement of roads and bridges, and other duties as directed by the county.

Historian

The county historian is responsible for collecting and preserving materials on the County's history, including documents and maps. The Historian advises other County and local officials as to the condition and safety of records stored in public offices, and recommends those that should be preserved and catalogued or exhibited to the public.

Information Technology Services

The information technology services department is responsible for managing and controlling computer resources and information throughout the county. The role of information technology services may involve operating terminals connected to the central computer facility, as well as training people to effectively use and operate their systems to perform their own functions. Your IT team also leads your county's cyber security efforts.

Department of Residential Health Care Facilities

The department of Residential health care facilities, where applicable, has the qualifications of a nursing home administrator. The director has and exercises all the powers granted to him by the charter, local law or resolution of the county board, or by applicable law not inconsistent with the charter, which shall be necessary to enable her to manage and supervise the county nursing home.

Office for the Aging

The county office for the aging initiates, conducts, and coordinates programs to improve the quality of life for senior citizens. The programs and services are designed to assist older persons so that they may remain independent and living in their own homes for as long as possible.

Personnel

The county personnel department, headed by a personnel officer, is responsible for developing and administering a comprehensive personnel management system. Specific functions include: staffing, employee training and development, wage and salary administration, employee and labor relations, employee benefits, and other functions relating to the work environment. The personnel department may also be responsible for administering civil service exams and establishing eligibility lists for the county and all continued municipality.

Planning

The planning department serves two primary functions. The first is providing technical assistance to local municipalities in land use regulations, economic development, and environmental protection. The second function of the planning department is to provide research and analytical capabilities to assist county officials.

Probation

The probation department protects the safety and property of persons by prevention of juvenile delinquency, adult crime and related family malfunctioning. Services required to achieve this goal include mandated functions of investigation, supervision, (which are court ordered) and intake, which deals with those matters that fall within the jurisdiction of Family Court. The department may also monitor Leandra's Law compliance.

Public Defender

The public defender represents indigent defendants by order of the court and with the consent of such defendants. The public defender represents the defendant at every stage of the proceedings and shall initiate such proceedings as are necessary to protect the rights of the defendant, and may, prosecute any appeals if the facts and circumstances warrant such. The public defender, when appropriate, determines the eligibility for indigent defense services. The work is performed under guidelines provided by law, and works in conjunction with a conflict defender or assigned counsel pool.

Real Property Tax Services

The real property tax services department is responsible for various activities such as: preparing and keeping tax maps up-to-date, advising assessors, recommending advisory equalization rates for county tax purposes, and assisting towns with other assessments. The real property tax services director is responsible for coordinating all activities. New York State law requires that the director meet minimum qualifications set by the State Board of Equalization and Assessment and complete the training courses prescribed. The responsibilities of this department are unique to each county.

Social Services

The department of social services is responsible for the administration of Medicaid and other mandated social services programs, aid to dependent children, aid to the disabled, child welfare, institutional care and other related programs. The department shall also investigate suspected fraudulent applications for, and the receipt of, public assistance and refer cases where appropriate to the district attorney for prosecution.

Solid Waste

If applicable, the solid waste department is responsible for developing and guiding solid waste programs. The solid waste department assists local municipalities and provides essential localized services in the development of a recycling program in the county. The programs designed by this department provide environmentally and economically sound solid waste practices for the county residents.

Veterans' Service Agency

The veterans' service agency provides a number of services and programs to veterans, military personnel, and their families. The office offers counseling to the veterans, military personnel, and family members, plus prepares claims for compensation, pension, education, burial, and medical and insurance benefits.

Weights and Measures

The Department of Weights and Measures is responsible for assuring measurement accuracy in commerce throughout the County including: gasoline, grocery and deli scales and measures.

Youth Bureau

The Youth Bureau provides the: annual assessment of youth needs, municipal recreation and delinquency prevention programs, evaluation of all funded programs and technical assistance in developing new and/or expanded services to youths.

Other County Related Agencies and Boards

Aside from county department tasks, there are a number of services offered to county residents through county related agencies. These agencies have their own independent board of directors, but work closely with the county departments. County related agencies receive funds through the county and frequently have county supervisors sit on their board. Many agencies and boards are common across counties in New York such as: agriculture and farmland protection, board of ethics, board of health, community services board, Cornell cooperative extension, environmental management council, industrial development agency, off track betting corporation, soil and water conservation district board, traffic safety board, youth advisory board, as well as others that may be in your county.

Chapter VI: Additional Information on County Government Organizational Structure

How is County Government Administered?

While the genesis of New York county local legislatures is the board of supervisors, some counties have decided to alter the way their legislatures operate. Throughout New York State, 37 counties have formed their governmental administrative structure under local laws and administrative codes adopted under the provisions of the county law and the municipal home rule law. Of these counties, 21 have created county administrator positions through a county charter and 7 have delegated administrative authority to a county manager. The minimum qualifications established for a county manager or administrator position vary from county to county. Several counties have established minimum qualifications for these positions within the body of the local law or charter creating the position. The remaining 9 counties have retained administrative control of the counties through their legislative bodies.

Just because the county has a county legislature and not a board of supervisors, does not mean all forty legislatures operate the same. In fact, some counties—seventeen to be exact (all charter counties)—chose to separate the legislative and executive functions and responsibilities into what we refer to as a county executive form of governance. Furthermore, just because a charter county has a legislature does not mean it has the county executive model by default.

Four counties operating under a charter (Herkimer, Schenectady, Sullivan, and Tompkins) chose instead to retain more direct legislative control of the administrative (executive) functions by having the legislative body hire a county administrator or a county manager. The four county legislatures with charters are thus more akin to legislatures in non-charter counties with county administrators or county managers.

The point here is that we can only generalize so far about county legislatures. Those with separately elected county executives (and thus a separation of powers governance arrangement) will naturally have different administrative (and political) dynamics than those with county administrators or county managers and whose powers are ultimately unified under the county legislature. But here too we must point out that those with an administrator or manager, whether in a legislature or a board of supervisors county, have a different dynamic from the nine counties, two of which have legislatures, that are run directly by the “board” chair.

Twenty-one counties with legislative bodies out of the 40 with county legislatures have chosen the county administrator or county manager model of county governance. But if twenty-one counties follow this model and seventeen follow the independently elected county executive model, then the remaining two must follow still another model. And they do. The remaining two with legislatures – Tioga and Otsego (technically you have a “board of representatives”) – follow the “Board Chair” or “Legislative Administration” model that retains and unifies all powers in the legislative body. In your choice of governance, the chair of the board of supervisors (or legislature) exercises the “executive” powers and the committees of the legislature generally exercise hands-on direction of the county department within their jurisdiction.

Counties are composed of towns, the board or council of which is chaired by a locally elected town supervisor. In counties with a board of supervisors, each town supervisor has a seat on the county board. Towns with larger populations may have more than one representative on the county board, but the additional members do not have administrative responsibilities within the town. Votes are weighted to reflect population differences.

Towns may have cities and/or villages within them, each with their own taxing authority.

Cities are governed by elected mayors and city councils, villages by elected mayors and village boards, the council and board members usually representing wards within the municipality. Smaller population centers within towns and counties may be called hamlets, but they have no local government. Counties, towns, cities, and villages collectively comprise local government in New York State.

Changing the County Administrative Format

All Counties have the authority to change the format of county government administration under the provisions of the municipal home rule act. The actions that must be carried out differ, if the county has been organized under the provisions of the county charter law, or under the provisions of the county law and municipal home rule law.

The 21 counties in New York State that have adopted a charter under the provisions of the county charter law, are required to adopt, abolish or amend the provisions of their charter, through legislative action or petition of the voters followed by mandatory public referendum on the proposed charter change.

The remaining 36 counties have established their local administration through local law and resolutions, and are not subject to the same requirements as those counties that have adopted a county charter. Every local government is empowered to “...adopt and amend local laws not inconsistent with the constitution or not inconsistent with any general law.”

County Charter

All counties are empowered to develop, amend or repeal a county charter under the provisions of the County Charter law, in accordance with the provisions of the state constitution and other applicable state laws including those detailed in Article 2 of the Municipal Home Rule statutes which grants local governments their authority to adopt local laws.

A county charter establishes the structure of the county government and explains how it is to function. It may also provide for the election or appointment of county officers, as long as an elected legislative body that “...shall determine county policy and exercise such function as may be assigned to it” is maintained under its provisions. A county charter must provide for the powers of the legislative body for legislation and budgetary appropriations, the duties functions and powers of county officials and the equalization of real property taxes under standards adopted by the New York State Legislature.

The state legislature imposes several limitations on what counties can include in a charter or charter amendment unless they are specifically authorized by state statute. A county charter cannot contain provisions relating to:

- taxation of state property or property of its agencies,
- provision of exemptions from taxation,
- assistance by the state to any unit of local government,
- the division of the county into 2 or more counties or provisions relating to the abolition of any unit of local government,
- the levels of compensation to members of the judiciary fixed by the legislature, or superseding of any general or special law enacted by the state legislature

Legislative Administration

The chair of the county legislative body, serves as the chief administrative official in 9 of New York's counties.

A member of the legislative body may serve two distinct functions, as an elected Supervisor in charge of the administration of a town government and as a county official, by their participation in a Board of Supervisors. The Boards may have a mix of representatives, including Town Supervisors and Supervisors who represent wards in cities as a county supervisor but have no other local government function.

One-person, one-vote federal court decisions in the early 1960's established a mandate that affected counties adopt legislative voting procedures to meet the requirements of the court decisions. Counties adopted either a "weighted voting" method, which takes into consideration each supervisor's relative share of the county's population, or a district method, in which legislative or representational districts were established of equal population.

Accordingly, each county member of an elected Board or Legislature or Representatives can only vote based on the percentage of the population they represent and, to pass and enact local laws and actions they must vote with the majority of the elected body. As individuals of the legislative body, they will always have a voice, however to take county action needs the collective majority to agree. It is important to note, the legislative body can, though majority action, agree to delegate unilateral authority spelled out under laws or rules to someone such as the Chair on certain issues.

Each of the counties utilizing a system of legislative administration, have unique procedures and processes for administration of county government. The main similarity between them is that the chair of the legislative board, as elected by its membership, has been delegated administrative responsibilities on behalf of the board subject to their approval. The chair retains full voting authority on the legislative board with the same duties and responsibilities of every other member.

Board of Supervisors

Counties with a board of supervisors do not have executives elected by the registered voters in the county and may or may not have a county manager/administrator. In those counties without an appointed manager/administrator - typically rural, less populated counties - administrative functions are delegated to the board chair or to committee chairs in specific program areas. Thus in all cases boards of supervisors are ultimately responsible for both the executive and the legislative functions of governance in the county, regardless of whether those functions are handled directly or by appointed administrative officials

A board of supervisors oversees the operation of county government. Because counties are administrative divisions of the state, this legislative body acts to implement and at times refine state law and public policy. While a board of supervisors has executive and quasi-judicial powers, the primary role of such a board is to legislate, that is, to pass local laws as provided for in County Law and the Municipal Home Rule Law. These laws enable the board to establish the administrative structure for county government, including organization by department to carry out the functions of county government and the establishment of board committees to oversee the operation of those departments, with or without an elected county executive or an appointed county manager/administrator.

One role that a board of supervisors plays by its very makeup is that of fostering communication and cooperation between county government and town government, as well as communication and cooperation among town governments. Members of county legislatures represent districts that usually do not coincide with town boundaries, while with a board of supervisors the chief elected official of each town government represents that town on the county board. Thus a supervisor serves both a town and a county function.

The United Voice of New York's Counties



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