

**LOCAL LAW NO. 4 OF 2014
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by: Hon. Alden H. Wolfe)

Chairman Wolfe offered the following Local Law, which was seconded by Mrs. Cornell and adopted:

A local law amending the Rockland County Charter.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Legislative Intent.

It is incumbent upon us that we periodically review the County Charter with an eye to ensuring that it reflects the most basic tenets and foundational concepts for the smooth functioning of county government. To that end, the Rockland County Legislature believes that it is now necessary to make certain changes to the Charter in order to: 1) improve the efficiency of the annual budget process; 2) increase fiscal oversight; 3) enhance the system of checks and balances between the branches of government which is so vital to our democratic way of life; and 4) to make all necessary updates so as to reflect actual practice and gender neutral language.

We hope that by making these changes we can ensure the transparency, responsiveness and effectiveness of county government and fulfill the promise of truly and fairly representing the interests of the residents of Rockland County.

Section 2. The following sections of the Rockland County Charter are hereby amended as follows:

A. Article II shall be amended as follows:

§ C2.01. County Legislature; powers and duties.

(c) To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts or resolutions, which shall all be binding upon the County Executive, the Legislature and all department heads.

(j) To determine and make provision for any matter of county government not otherwise provided for.

(m) To approve any extensions of appointments to temporary positions with an annualized salary of \$75,000 or more that were originally made by the County Executive for a period not to exceed seventy-five (75) days and that may subsequently be extended for up to seventy-five (75) days at a time with the approval of the Legislature. The failure of the Legislature to consider and either confirm or reject the extension within the seventy-five days (75) shall not result in the abolishment of the position without legislative action.

§ C2.02. Approval of local laws, resolutions and budget amendments by County Executive.

Every local law, resolution and budget amendment shall be certified by the Clerk to the County Legislature after its passage by such body and thereafter every such local law and resolution, except resolutions establishing the rules and regulations of the Legislature, the setting of a date for a public hearing, other matters pertaining solely to the conduct of its own procedures including the election of a Chairperson and Vice-Chairperson, the confirmation or rejection of County Executive appointments, and appointments vested solely in the Legislature by this Charter or local law, shall be presented to the elected County Executive within five days of such passage for approval by him or her, except for budget amendments which are provided for in § C4.08 of this Charter. If such officer approves it, he or she shall sign it and return it to such Clerk; it shall then be deemed to have been adopted. If he or she disapproves it, he or she shall return it to the Clerk with his or her objections stated in writing, and the Clerk shall present the same with such objections to the County Legislature at its next regular meeting, and such objections shall be entered in its record, journal or minutes of proceedings. The Legislature, within thirty days from the date of said regular meeting, may reconsider the same. If after such reconsideration such local law or resolution is adopted by a vote of at least two-thirds of the total voting power of the legislative body taken to the next highest whole number, it shall be deemed adopted. Only one vote shall be had upon such reconsideration. If, within twenty-one days after a local law or resolution shall have been presented to him or her, the County Executive shall neither approve it nor return it to the Clerk with his or her objections, it shall be deemed to be adopted in like manner as if he or she had signed it. At any time prior to such adoption or to the return of a local law or resolution by the County Executive, as the case may be, the legislature may recall the same and reconsider its action thereon.

§ C2.04. Officers and committees of the County Legislature.

On January first of each year or as soon thereafter as practicable, the County Legislature shall meet and organize by electing from among its members a Chairperson and Vice-Chairperson who shall serve for the balance of the year so appointed and such other officials as are deemed required. The Chairperson shall appoint members of the County Legislature to serve on such committees as are provided by the rules of such Legislature. The Clerk of the County Legislature shall preside at all meetings of the Legislature until such time as a Chairperson has been designated by election. The failure to elect a Chairperson or appoint committee members shall not prevent the County Legislature from transacting its ordinary

business. In the event there is a vacancy in the position of Chairperson, the Vice-Chairperson shall serve as acting Chairperson until either a new Chairperson is elected or for the balance of the calendar year. In the event there is a vacancy in the position of Vice-Chairperson, the vacancy shall be filled by majority vote of the full Legislature.

§ C2.06. Confirmations of Appointments.

1. Resolutions regarding appointments made by the County Executive, which require confirmation by the County Legislature, shall be presented to the Clerk to the Legislature within ten days of the appointment by the County Executive and at least ten days prior to the next scheduled full legislative meeting. If the Legislature fails to vote upon and either confirm or reject the appointment within sixty days from the first full legislative meeting that the appointment could have been considered, the appointment shall be deemed confirmed.
2. Before being voted on by the full Legislature, every appointment shall be discussed in the appropriate legislative committee, whose Chair shall present the recommendation of the committee members to the full Legislature.
3. If a resolution to appoint fails to pass after a vote of the full Legislature within sixty (60) days from the first full legislative meeting that the appointment could have been considered, the appointment shall be deemed rejected with no further action by the Legislature.
4. When an appointment is rejected by the Legislature, the same appointment may not be resubmitted by the County Executive without the approval of the Legislature.

B. Article III shall be amended as follows:

§ C3.02. Powers and duties.

It shall be the duty of the County Executive, subject to the provisions of this law, to supervise, direct and control the administration of all departments of the county government and, subject to confirmation by the County Legislature, he or she shall appoint a Deputy County Executive, the head of every county department and members of county boards and commissions, who shall serve at his or her pleasure, except as otherwise may be provided in this County Charter. He or she shall have no power of appointment with regard to Rockland Community College, Rockland County Sewer District Number One, the Board of Elections, the Commissioner of Jurors, or any elective officer, except as provided in this local law. In addition to any other powers and duties otherwise provided, the County Executive shall:

(e) To appoint people to temporary positions with an annualized salary of \$75,000 or more for a period of up to seventy-five (75) days without the approval of the Legislature. Temporary appointments may be extended for up to an additional seventy-five (75) days at a time with the approval of the Legislature.

(x) To execute and enforce the laws of the United States, the State of New York, pertaining to the affairs and government of the county, and the duly adopted resolutions and local laws of the County Legislature.

§ C3.03. Deputy County Executive and Acting County Executive: how designated; when to act.

(a) The County Executive shall appoint a Deputy County Executive, subject to confirmation by the County Legislature, who shall hold office at the pleasure of the County Executive. To the extent authorized by the County Executive, the Deputy County Executive shall have the authority to act generally for and in place of the County Executive and undertake such other duties as the County Executive may require. The appointment and confirmation of the Deputy County Executive shall be in the same manner as the appointment and confirmation of the heads of departments or other administrative units. In the event that the County executive is temporarily unable to perform the duties of the office of the County Executive by reasons of absence from the County or disability, the Deputy County Executive shall exercise the powers of the office of the County Executive.

(b) In addition to the Deputy County Executive, the County Executive may designate in writing, with an order of succession specified, one or more appointive department or executive division heads to perform administrative duties of the County Executive at such times that the County Executive and the Deputy County Executive are temporarily unable to perform their duties by reason of absence from the county or disability. The title of a person holding such office shall be Acting County Executive. Such written designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be terminated or superseded at any time by the County Executive by written notice of such termination or supersession filed in the same manner as the original written designation. An Acting County Executive shall have and exercise all of the powers of the County Executive, except that the power of removal and the power of veto of acts of the County Legislature shall not be exercised by the Acting County Executive until the County Executive and the Deputy County Executive shall have both been absent or disabled for fifteen consecutive days.

(c) During the simultaneous absence or disability of the County Executive, the Deputy County Executive and all of the designated Acting County Executives, or during the absence or disability of the County Executive at a time that no Deputy County Executive or Acting County Executive has been appointed or designated, the Chairperson of the County Legislature may designate the head of one of the county departments as Acting County Executive.

(d) The Deputy County Executive or Acting County Executive performing the duties of the office of the County Executive during the period of a vacancy shall continue to serve until a new County Executive is appointed or elected and enters into office in the manner described in § C3.05.

§ C3. 05. Vacancy in the office of the County Executive.

In the event of a vacancy in the office of a County Executive as described in § 30 of the Public Officers Law, such office shall be temporarily filled by the Deputy County Executive, or, if no Deputy County Executive has been appointed or where the Deputy County Executive is unable to take up the office of County Executive for fifteen consecutive days following the vacancy by the County Executive, by the Acting County Executive, in order of succession, who shall assume the office of County Executive until such office shall be filled by appointment, by the County Legislature, of a qualified elector of the county. The appointment shall be made within thirty days after the vacancy occurs. If the appointment is not made within said thirty days, a special election shall be conducted to fill the vacancy within ninety days after the vacancy; provided, however, that if there shall be a general election within one hundred twenty days after said vacancy occurs, the vacancy shall be filled at the general election. The person so appointed shall hold office by virtue of such appointment until the commencement of the calendar year next succeeding the first annual election after the happening of the vacancy at which a successor can be elected, at which election a County Executive shall be elected for the balance of the unexpired term, if any. The Deputy County Executive or Acting County Executive designated in the manner prescribed in § C3.03 hereof shall serve during any vacancy in the office of County Executive until such vacancy is filled.

§ C3.06. Appointment of County Department Heads.

(a) The County Executive shall appoint all department heads, subject to confirmation by the Legislature, who shall serve at the pleasure of the County Executive unless otherwise provided by this Charter or local law. All department heads shall devote his or her full working time to the duties of the office, unless they work less than full time.

(b) All appointed department heads shall have all obligations and liabilities heretofore or hereafter lawfully granted or imposed by this Charter, Administrative Code, local law, or resolution of the County Legislature or any applicable provision of any act of the State Legislature not inconsistent with this Charter or local law.

C. Article IV shall be amended as follows:

§ C4.04. Submission of county budget.

1. On or before the first day of October in each year, the County Executive shall submit to the Clerk to the Legislature, for consideration by the County Legislature, and simultaneously submit to any other governmental entity required by local or state law to receive a copy, a proposed expense and capital budget for the ensuing fiscal year and a proposed capital program for the next six fiscal years or such other period as may be authorized by law, together with a budget message as provided in § C4.05. Upon their submission, the proposed expense and capital budgets, hereinafter called the county budget, together with the budget message, shall become public records in the office of the Clerk for distribution

§ C4.11. Capital Projects Committee.

There shall be a Capital Projects Committee to consider the necessity, priority, feasibility, location, cost and method of financing of all proposed capital projects and to prepare at least once annually and submit to the County Executive, not later than the first day of June, a capital plan for the ensuing fiscal year and a proposed capital program for the next six fiscal years. The Capital Projects Committee shall consist of the following or their designees: the County Executive as Chairperson; the Chairperson of the Legislature; the Superintendent of Highways; the Commissioner of Planning; and such other persons as the County Executive may direct to serve on such Committee.

D. Article X shall be amended as follows:

§ C10.03 shall be removed in its entirety

Section 3. The entire Rockland County Charter is hereby amended as follows:

In all sections, the word "his" shall be amended to read his or her.

In all sections, the word "Chairman" shall be amended to read Chairperson.

In all sections, the word "he" shall be amended to read he or she.

Section 4. Effective date.

This local law shall take effect immediately upon its approval by a majority of the qualified voters at the general election to be held November 4, 2014.

The vote resulted as follows:

Ayes:	15	(Legislators Cornell, Earl, Grant, Kantrowitz, Low-Hogan, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Hood, Jr., Wolfe)
Nays:	01	(Legislator Jobson)
Absent:	01	(Legislator Carey)