

MINUTES
SPECIAL CAYUGA COUNTY LEGISLATIVE MEETING
MONDAY, JANUARY 11, 2010, 6:30 PM

WELCOME:

In case of an emergency, please exit to the rear of the chambers. You will have to take the stairs down to the basement, turn right and exit through the rear door. Please note, the elevators will not function. If anyone is unable to use the stairway, I will stay with you in the safe room, located behind the chambers, caucus room #2.

Restrooms are located in the main hallway and handicapped restroom is located behind the chambers.

CALL TO ORDER: Hon. Peter Tortorici, Chairman, at 6:30PM.

ROLL CALL: Mary Jones, Clerk of the Legislature, all Legislator's present, except Mitchell excused.

PLEDGE OF ALLEGIANCE:

MOMENT OF PRAYER:

TOPIC: Local Law relating to the County Manager Position

RESOLUTION:

Motion by Fearon, 2nd by Axton to move **Draft of Local Law**, all in favor.

Motion by Axton, 2nd by Palermo to Amend page 2, section 5, (Annual Performance Review) **remove Vice Chairperson** from list, all in favor.

Motion by Lattimore, 2nd by Mills to change title of County Manager to County **Administrator** throughout document, all in favor.

Motion by Cuddeback, 2nd by Aikman to Amend page 2, Section 3 (Qualifications) letter B from 60 days to **90 days**, all in favor.

Motion by Tortorici, 2nd by Pinckney to Amend page 3, letter C, change units to **Departments**, all in favor.

Motion by Palermo, 2nd by Fearon to Amend page 2, Section 3 (Qualifications) number 4, add after political office, **or any other employment without prior** approval by the Cayuga County Legislature.

Motion by Cuddeback, 2nd by Pinckney to **move changes to Draft Local Law** as amended, all in favor.

Motion by Fearon, 2nd by Mills to **move resolution**, all in favor.

Motion by Chapman, 2nd by Aikman to **Amend Title on Resolution from Manager to Administrator**, all in favor.

RESOLUTION NO. 6-10 (1/11/10) COA-LLRplgLL#1of2006&EstgOffOfCoMgrFIX FIXING DAY AND NOTICE OF PUBLIC HEARING ON A LOCAL LAW

REPEALING LOCAL LAW NO. 1 OF 2006 AND ESTABLISHING THE
OFFICE OF COUNTY ADMINISTRATOR FOR CAYUGA COUNTY .

BY: MR. FEARON, Chairman, Government Operations Committee, and
MR. PALERMO, Chairman Ways & Means Committee.

WHEREAS, there has been duly presented and introduced at a meeting of this County Legislature held on January 11, 2010, a proposed local law entitled:

"A LOCAL LAW REPEALING LOCAL LAW NO. 1 OF 2006 AND
ESTABLISHING THE OFFICE OF COUNTY ADMINISTRATOR FOR
CAYUGA COUNTY".

Now, therefore, be it

RESOLVED, that a public hearing shall be held concerning the proposed local law before the Cayuga County Legislature on January 26, at 6:00 P.M., at the Chambers of the Cayuga County Legislature, County Office Building, 160 Genesee Street, Auburn, New York, and the Clerk of the Cayuga County Legislature is hereby directed to give due legal notice of said public hearing as provided by statute.

Motion by Fearon, 2nd by Mills to **move resolution**, all in favor.

STATE OF NEW YORK
COUNTY OF CAYUGA

LOCAL LAW NO. 2 FOR THE YEAR 2010

A LOCAL LAW REPEALING LOCAL LAW NO. 1 OF 2006 AND ESTABLISHING THE OFFICE OF
COUNTY ADMINISTRATOR FOR CAYUGA COUNTY

Section 1. LEGISLATIVE INTENT

By Local Law No. 1 of the year 2006 Cayuga County Legislature established the position of County Manager and set forth the powers and duties of said position. The Cayuga County Legislature now desires to revise the powers and duties set forth in said local law and by this local law shall set forth the powers, duties, mode of selection and removal, and term of office of the County Administrator.

Section 2. COUNTY ADMINISTRATOR: APPOINTMENT AND TERM OF OFFICE

A. There shall be a County Administrator who shall be directly responsible to the County Legislature and on behalf of the County Legislature shall perform the functions of a chief administrative officer, with the County Legislature retaining the final administrative authority. The position of County Administrator shall be unclassified for Civil Service purposes. The County Legislature shall have the power to appoint and remove the County Administrator and shall set the County Administrator's salary and allowable expenses and benefits. The County Legislature shall have the authority to enter into an agreement with the County Administrator setting forth the County Administrator's salary, allowable expenses and benefits, and such other terms and conditions of employment as the County Legislature deems appropriate. The term of office of the first County Administrator appointed pursuant to this local law shall commence on the date of his or her appointment and shall expire on December 31, 2013. The term of office of each subsequent County Administrator shall be for four years. The Cayuga County Legislature may remove the County Administrator, prior to the expiration of the County Administrator's term of office, upon cause, cause being

insubordination, neglect of duty, or inability, by reason of sickness or disability, to discharge the duties and responsibilities of office beyond the period of any leave authorized by the New York State Civil Service Law, subject to the following conditions:

- 1) The County Legislature shall adopt a resolution stating their intention to remove the County Administrator and the reasons therefore.
- 2) A copy of the resolution shall be served upon the County Administrator. The County Administrator may, within thirty (30) days, demand a hearing.
- 3) If the County Administrator demands a hearing, the County Legislature shall appoint a committee to hold a hearing, in executive session, not less than ten (10) days nor more than twenty (20) days from the date of the demand. After the hearing, the committee shall recommend dismissal or retention of the County Administrator. The County Legislature may accept or reject the recommendation of the committee. The decision of the County Legislature shall be final and binding, subject to the right of appeal in accordance with law.
- 4) If the County Administrator does not demand a hearing, the County Legislature may dismiss the County Administrator thirty (30) days after service of a copy of the resolution upon the County Administrator.
- 5) Upon the passing of the resolution, the County Legislature may suspend the County Administrator from official duties without pay. If the charges against the County Administrator are not sustained by the County Legislature or are not sustained after any appeal from the decision of the County Legislature, the County Administrator shall be entitled to be paid for the period of suspension. An appointment to fill a vacancy in the Office of County Administrator shall be for the remainder of the predecessor's unexpired term.

Section 3. QUALIFICATIONS

A. At the time of appointment, the County Administrator shall have the following training and/or experience.

- 1) Possess a Bachelors Degree from an accredited college or university and have six years paid full-time management in a private or public business or an industrial enterprise, OR
- 2) Possess a Master of Public Administration or Master of Business Administration degree and have four years of paid full-time management experience in a private or public business or an industrial enterprise, OR
- 3) An equivalent combination of training and experience listed above.
- 4) The County Administrator is to hold no other public, political office or other employment, except upon the approval of the Cayuga County Legislature. This position is a full time position in service to Cayuga County.
- 5) The County Administrator shall be appointed on the basis of these and such other qualifications as may be required for the responsibilities of the office.

B. The appointee need not be a resident of Cayuga County at the time of appointment but shall become so within 90 days of appointment and remain so during his or her term of office. Failure to become such a resident or to remain such a resident shall be cause for dismissal by the Cayuga County Legislature.

Section 4. POWERS AND DUTIES

The County Administrator shall be the Budget Officer and shall be responsible for the overall administration of County government, as directed by the County Legislature or pursuant to policies adopted by the County Legislature, and shall provide and coordinate staff services to the County Legislature, the Chairperson of the Legislature, and the committees of the Legislature. The County Administrator shall perform all the duties now and hereafter conferred or imposed upon the office by law and directed by the County Legislature and shall have all the powers and perform all the duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, are the following:

- A. To appoint such office staff as may be authorized by the Legislature.
- B. To prepare the annual budget and provide for appropriate budgetary controls and to promote the effective, efficient and economical management of appropriated funds.
- C. To make recommendations to the appropriate committees of the Legislature, or the Chairperson of the Legislature, for appointments by the Legislature of all department heads of County government not administered by an elected official.
- D. To work in conjunction with and coordinate the activities of County department heads and the administration of all units of County government in order to most efficiently implement the directives of the Legislature.
- E. To have general supervision of all County departments and agencies except as otherwise required by law. All department and agency heads shall be responsible to and report to the County Administrator.
- F. To report annually to the County Legislature concerning the administration and performance of County departments and agencies.
- G. To aid the County Legislature in evaluating proposals presented to it and make recommendations concerning such proposals.
- H. To serve as an advisor to the County Legislature and to develop policy and procedural recommendations for consideration by the Legislature which will promote economy and efficiency in the operation of County government.
- I. To undertake administrative and management studies and submit to the Legislature reports and recommendations regarding governmental operations as he or she may deem appropriate or the Legislature may request.
- J. To supervise the purchasing agent for the County.
- K. To supervise the Department of the Information Technology.
- L. To supervise and administer the Risk Management and Insurance Programs of county government.
- M. To initiate, administer and oversee the collective bargaining process in County negotiations with organized employee organizations.
- N. To represent the County Legislature in contacts with other political subdivisions and State and Federal officials and agencies.
- O. To serve as liaison between the County Legislature and the various boards, commissions and advisory committees and component agencies established by the County Legislature.
- P. To have such other powers and to perform such other duties as may now or hereafter be conferred or imposed by the County Legislature.
- Q. Prepare resolutions as directed by the Standing Committees.
- R. Evaluate in conjunction with the appropriate oversight committee, on an annual basis all department heads, excluding elected department heads, and shall make recommendations on annual salaries/benefits.

Section 5. ANNUAL PERFORMANCE REVIEW

The County Administrator shall be evaluated by the Chairperson of the Legislature, Minority Leader and the Chairperson of the each standing committee of the County Legislature during the thirty (30) day period prior to July 1 of each year.

Section 6. NO DIVESTURE OF POWERS OR DUTIES OF THE LEGISLATURE

Nothing contained in this Local Law shall operate or be construed to divest the Legislature of Cayuga County of any of its functions, powers or duties.

Section 7. SEPARABILITY OF PROVISIONS

If any clause, sentence, paragraph, subdivision, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.

Section 8. CONFLICT WITH PREVIOUS LOCAL LAWS OR RESOLUTIONS

In the event of a conflict or inconsistency between this Local Law and any previous Local Law or Resolution of the County Legislature, the terms of this Local Law shall govern. Local Law No. 1 of the year 2006 is hereby repealed.

Section 9. EFFECTIVE DATE

This Local Law shall take effect when all applicable statutory requirements for its passage and adoption have been complied with fully and it has been duly filed as provided by the Municipal Home Rule law.

Nick Mazza Co. Manager, I would like to begin the recruitment process and advertise with your approval. I will look at all resume and give you my opinion on the final group.

Lattimore, do we have a budget for this?

Tortorici, we have the contingency fund for that.

Fred Westphal co. Attorney, will get a resolutions ready for Ways & Means meeting.

Tortorici, have Nick Mazza move forward, when he's ready with candidates call for a Legislature meeting.

Motion by Lattimore for a 3 minute recess, at 7:53PM, all in favor, except Sincebaugh and Axton voting no. Back in at 7:57PM

Motion by Tortorici, 2nd by Palermo, to go into Executive Session, at 7:58PM, re: Union Negotiations, invited in Faye Hatfield, Lynn Marinelli, and Elane Daly, all in favor, except Sincebaugh voting no.

Motion by Petrus, 2nd by Pinckney to come out of Executive Session at 8:49PM, all in favor. No action taken.

Lattimore, need to replace the flags at the Old Post Office and Veterans, have maintenance look into this.

Motion by Lattimore, 2nd by Tortorici, to adjourn at 8:50PM, all in favor.

1-11-10 Minutes approved on 2-23-10, Motion by Lattimore, 2nd by Pinckney, all in favor.