

COUNTY OF CAYUGA
LOCAL LAW NO. OF THE YEAR 2018

A LOCAL LAW ESTABLISHING THE POSITION OF DIRECTOR OF PUBLIC WORKS AND REPEALING LOCAL LAW NO. 4 OF THE YEAR OF 2014 AND LOCAL LAW NO. 1 OF THE YEAR 2005.

BE IT ENACTED by the County Legislature of the County of Cayuga as follows:

Section 1 Pursuant to County Law Section 204, is hereby intended to establish the position of Director of Public Works in the County Government of the County of Cayuga.

Section 2 The Director of Public Works shall be appointed by the Cayuga County Legislature and, on a day to day basis, under the supervision of the Cayuga County Administrator.

Section 3 The term of the Director of Public Works shall be four (4) years.

Section 4 The settling of compensation for the Director of Public Works and whatever else is necessary in order to accomplish the intent of this local law may be done by resolution of the Cayuga County Legislature.

Section 5 The Director of Public Works shall have the following authority, duties, and responsibilities:

- a. The authority and responsibilities of a County Superintendent of Highways. Including but not limited to supervision of the construction, improvement, maintenance, repair, cleaning and lighting of all highways, roads, bridges, and grade separation structures, drains and drainage structures under jurisdiction of the county.
- b. Have charge of the construction and maintenance of County roads, bridges, and all other public works of the County.
- c. Have charge of the construction, repair, up-keep and care of all public buildings and premises.
- d. Have charge of such equipment and supplies as necessary to carry out his or her duties.
- e. Have charge of all County Facilities including Building and Grounds, County Parks, Trails, Playgrounds, Athletic Fields, Museums, and Recreation Centers.
- f. Have management oversight over Weights & Measures.

- g. Have authority, direction and control over the employees in the departments that have the responsibilities outlined above and shall have power and authority to appoint and remove employees subject to any resolutions or Local Laws adopted by the Cayuga County Legislature heretofore or hereafter with regard to such matters.
- h. Subject to the limitations of state and local law, legislative policy, and administrative operations, have charge of the administration of the highway, buildings and grounds, and parks.
- i. Have authority, direction and control over various all County Buildings and facilities. The Superintendent of Buildings and Grounds, under the Direction of the Director of Public Works, shall have the authority, direction and control of operation and maintenance of all County parks, trails, and buildings.
- j. Have charge, supervision and control of all parks and recreation programs.
- k. Have power to appoint and remove employees pursuant to said Section 35(e) of the Civil Service Law.
- l. The said Director shall be recommended by the Cayuga County Administrator and appointed by and directly responsible to the Cayuga County Legislature, with administrative and operational oversight by the Administrator. The Director shall serve for the appointed term, unless the Director resigns or is removed in accordance with state law.
- m. The setting of compensation for the Director and whatever else is necessary in order to accomplish the intent of this Local Law, shall be fixed by resolution of the Cayuga County Legislature.
- n. Such other authority or responsibilities as determined by Cayuga County Legislature resolutions.

Section 6. ANNUAL REPORT

On or before March 1 in each year, the Director of Public Works shall make an annual report for the immediately preceding calendar year, covering generally the work of the Department. The Director shall make such other reports at such times as may be required by the Cayuga County Legislature, or other applicable law and the New York State Department of Transportation. All reports shall be filed with the Clerk of the County Legislature.

Section 7. ORGANIZATION OF DEPARTMENT.

There shall be three divisions within the Department of Public Works: the Division of Administration, Division of Highways, and Division of Buildings and Grounds. Other divisions may be created within the Department by resolution of the Cayuga County Legislature.

The Director may act as the head of any division in the Department, or may appoint Divisions heads who shall be subject to reassignment, including the responsibility of being the head of more than one division.

Subject to Legislative authorization and budget appropriations, the Director of Public Works may appoint a Deputy Public Works Director. A Deputy Director may make such rules and regulations governing such employees as deemed proper, subject to the approval of the Director of Public Works, and County Administrator, and subject to any rules, regulations, or union contracts that may be adopted by the County Legislature, and state or federal law. A Deputy Director shall, to the extent that the Director of Public Works shall designate and the County Legislature approves, have all the powers and duties invested in and imposed upon a Deputy Highway Superintendent under Article V of New York State Highway Law.

1. Division of Administration: The Administration Division shall be headed by the Director of Public Works, who has responsibility for the overall administration of all Public Works functions as outlined in Section 5. All office support staff, and any engineering and surveying staff shall be part of the Administration. The Director of Weights & Measures shall also be part of the Administration Division. The Director of Weights and Measures will be appointed by the County Legislature, with the recommendation of the Director of Public Works and the County Administrator. The Director of Weights and Measures shall have the duties and responsibilities as set forth in article 16 of the New York State Agriculture and Markets Law.
2. Division of Highways. The Division of Highways shall be headed by the Director of Public Works or an approved Deputy Director, who shall possess the administrative and highway engineering experience and qualifications for the duties of his or her office. Said Director of Public Works, shall have all the powers and duties vested in and imposed upon a county superintendent of highways by the Highway Law. The Director shall have such other duties as may be prescribed by local law, ordinance or resolution of the County Legislature.

The provisions of the Highway Law shall apply to and define the powers, duties, obligations and liabilities of the Director of Public Works, or his or her designated deputy, when exercising any of the powers or performing any of the duties of a county superintendent of highways.

The Director of Public Works, may permit rental, with or without an operator, of County highway machinery, tools, equipment and implements under the jurisdiction of the Director of Public Works by any public corporation or public authority, or any combination of the same, as provided by law, upon such terms as may be agreed upon. But with the payment to the County of not less than the hourly rate as fixed by the New York State Commissioner of Transportation for the rental or hiring of such machinery, tools, equipment or implements by the County. All sums obtained from the rental of County Highway machinery shall be deposited in the County Road Machinery Fund.

The Director of Public Works, may permit the rental of machinery, with or without an operator from any person, company or corporation or any public corporation or public authority, or any combination of the same, in accordance with the applicable statutes appertaining thereto; such rental shall be payable from the proper fund.

3. Division Buildings & Grounds. The Division of Buildings and Grounds shall be headed by the Director of Public Works or a designated Superintendent of Building and Grounds, who will be appointed by the County Legislature, with the recommendation of the Director of Public Works and the County Administrator. The Division of Buildings and Grounds shall have charge of the preservation and maintenance of all buildings and grounds, parks, and facilities owned or leased by the County which are held, used and/or operated by the County for County purposes.

The Director of Public Works or designated Superintendent of Building and Grounds shall have charge, supervision, and control of:

- a. all janitors, caretakers, custodians, building mechanics, and other employees connected with the care and maintenance of County buildings and grounds;
- b. all employees involved with the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking area, equipment and appurtenances relating to parks and recreation facilities; and
- c. all parks and recreation programs.

If the Division Buildings & Grounds is headed by a Superintendent of Building and Grounds, the Superintendent shall perform such other related duties and make such reports as are required by the Director of Public Works.

Section 8. 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 9. 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.

Section 10. REPEALER

Repealing Local Law No. 4 of the year 2014, Local Law No. 1 of the year 2005.

Section 11. 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.