

**BROOME COUNTY LEGISLATURE
SPECIAL SESSION
AUGUST 17, 1995**

The Legislature convened at 3:55 P.M. with a call to order by the Chair, Arthur J. Shafer. The Clerk, Richard R. Blythe, read the fire exit announcement and called the Attendance Roll: Present-19

The Chair, Mr. Shafer led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a moment of silent meditation.

Mr. Burger moved, seconded by Mr. Whalen that the minutes of the July 20, 1995 Regular Session and the July 25, 1995 Special Session be approved as prepared and presented by the Clerk. **Carried.**

The following petitions, communications, notices and reports were presented to the County Legislature:

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE

- 1.Appointing Robert G. Behnke as Broome County Attorney, effective September 15, 1995.

COMMUNICATIONS:

- 1.Transcript of public hearing (Public Benefit Corporation-Mental Health)
- 2.Minutes from:
 - a. Willow Point Nursing Facility
 - b.Soil and Water Conservation District
 - c.Cornell Cooperative Extension
 - d.EMC Solid Waste Committee
- e.Industrial Development Agency (minutes and other information)
 - f.Safety & Security Committee (County Office Building)
- 3.Department of Public Transportation: Response to CGR Report.

NOTICES:

- 1.Summons and Notice by Court St. Associates

REPORTS:

- 1.Monthly report from Broome Community College (Budget Transfers, June 1995).
- 2.Department of Public Works: List of Pending Projects.
- 3.Audit of the Cornell Cooperative Extension financial statements for years ending December 31, 1994 and 1993.
- 4.State Board of Elections: Review of County Board of Elections.

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WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chair, Arthur J. Shafer:

1. Appointing the following Legislators as voting representatives:

- a.J. Holley for B. Mather, Transportation Committee, August 7, 1995
- b.C. Burger for W. Howard, Finance and Ad Hoc Charter & Administrative Code Committees, August 7, 1995
- c.J. Holley for W. Miller, Community and Social Services Committee, August 8, 1995
- d.C. Burger for W. Miller, Public Works Committee, August 8, 1995
- e.P. O'Day for W. Hudak, County Administration, Economic Development and Planning Committee, August 9, 1995
- f.P. O'Day for B. Mather and J. Sweet to Chair, Personnel Committee, August 9, 1995

Mr. Cahill moved, seconded by Mr. Whalen to receive and file the above referenced reports and that the Clerk be directed to index said reports in the Journal of Proceedings and to publish the pertinent portions of said reports as may be directed by the Chair. **Carried.**

Mr. Hull and Mr. Whalen were designated by the Chair as participants in the 'short roll call' for the Special Session and for the Regular Session.

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 359

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE and THE AD HOC CHARTER & ADMINISTRATIVE CODE REVIEW COMMITTEE

Seconded by Mr. Wike

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 14, 1995, ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER TO CHANGE THE COMPOSITION OF THE BOARD OF ACQUISITION AND CONTRACT."

RESOLVED, that Local Law Intro. No. 14, 1995, entitled: "A Local Law Amending the Broome County Charter to Change the Composition of the Board of Acquisition and Contract," be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 14, 1995
A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER TO
CHANGE THE COMPOSITION
OF THE BOARD OF ACQUISITION AND CONTRACT

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF BROOME as follows:

SECTION 1. The first paragraph of § C1201 of the Broome County Charter is hereby amended to read as follows:

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, [the Commissioner of Public Works and] the [Chairman] Chair of the County Legislature and the Minority Leader of the County Legislature, or their designees as provided in § A1201 of Article XII of the Administrative Code.

SECTION 2. The first paragraph of § A1201 of the Broome County Administrative Code is hereby amended to read as follows:

[There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Commissioner of Public Works and the Chairman of the County Legislature, or their designees.] The Board of Acquisition and Contract shall have all the powers and duties in relation to the acquisition of real property and the approval and execution of contracts as are set forth in §§ A1202, A1203, A1204, A1205 and A1206 of this Article. When the County Executive is unable to attend a meeting of the Board of Acquisition and Contract, the Deputy County Executive or the Commissioner of Public Works may be designated by the County Executive to serve in place of the County Executive. When the Chair of the County Legislature or the Minority Leader of the County Legislature is unable to attend such a meeting, any County Legislator designated by the Chair or the Minority Leader, as the case may be, shall serve in place thereof.

SECTION 3. This Local Law shall become effective following approval by the voters at a referendum to be held at the next general election and subsequent filing with the Secretary of State.

Underlined material is added.

[Bracketed] material is deleted.

Carried.

RESOLUTION NO. 360

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE and THE AD HOC CHARTER & ADMINISTRATIVE CODE REVIEW COMMITTEE

Seconded by Mrs. Hudak

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 15, 1995, ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER TO PROVIDE FOR THE CONTRACTING FOR SERVICES OF PRIVATE ATTORNEYS."

RESOLVED, that Local Law Intro. No. 15, 1995, entitled: "A Local Law Amending the Broome County Charter to Provide for the Contracting for Services of Private Attorneys," be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 15, 1995

A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER TO PROVIDE FOR THE CONTRACTING FOR SERVICES OF PRIVATE ATTORNEYS

BE IT ENACTED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF BROOME as follows:

SECTION 1. Section C203 of the Broome County Charter is hereby amended by adding at the end thereof the following paragraph (O):

(O) To contract for the services of one or more private attorneys in cases where the County Legislature, by vote of two-thirds of the whole number of members, determines that it would be in the best interest of the County to do so.

SECTION 2. The introductory clause of § C1702 of the Broome County Charter is hereby amended to read as follows:

The County Attorney shall, subject to the provisions of Section C203(O) of Article II of

this Charter:

SECTION 3. This Local Law shall become effective following approval by the voters at the next general election and subsequent filing with the Secretary of State.

Underlined material is added.

[Bracketed] material is deleted.

Carried. Ayes-17, Nays-2 (Coffey & Pasquale)

RESOLUTION NO. 361

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE and THE AD HOC CHARTER AND ADMINISTRATIVE CODE REVIEW COMMITTEE

Seconded by Mr. Schofield

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 16, 1995, ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE TO ELIMINATE THE DEPARTMENT OF GENERAL SERVICES AND TO DISTRIBUTE ITS FUNCTIONS TO THE DEPARTMENT OF AUDIT & CONTROL, THE DIVISION OF BUDGET AND RESEARCH AND THE DIVISION OF COMPUTER SERVICES (RENAMED DIVISION OF INFORMATION SERVICES)."

RESOLVED, that Local Law Intro. No. 16, 1995, entitled: "A Local Law Amending the Broome County Charter and Administrative Code to Eliminate the Department of General Services and to 2Distribute its Functions to the Department of Audit & Control, the Division of Budget and Research and the Division of Computer Services (renamed Division of Information Services)." be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 16, 1995

A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE TO ELIMINATE THE DEPARTMENT OF GENERAL SERVICES AND TO DISTRIBUTE ITS FUNCTIONS TO THE DEPARTMENT OF AUDIT & CONTROL, THE DIVISION OF BUDGET AND RESEARCH AND THE DIVISION OF COMPUTER SERVICES (RENAMED DIVISION OF

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INFORMATION SERVICES).

BE IT ENACTED, by the Legislature of the County of Broome as follows:

SECTION 1. Section C302(G) of the Broome County Charter is hereby amended to read as follows:

- (G) Examine and approve or disapprove the sufficiency of sureties on official bonds and undertakings of the Directors of the Division of Budget and Research[,] and the Division of [Computer] Information Services [and the Commissioner of General Services]. The sufficiency of sureties of all other official bonds and undertakings shall be examined and approved or disapproved by the County Legislature.

SECTION 2. The second paragraph of § C307 of the Broome County Charter is hereby amended to read as follows:

The Director shall:

- (A) Assist the County Executive in the preparation and administration of the operating and capital budgets, the capital program and in the study of administrative efficiency.
- (B) Initiate such studies as the County Executive, the County Legislature or he himself may deem necessary, except that any such studies shall have some bearing or relation to county government.
- (C) In accordance with the requirements for advertising and competitive bidding, authorize all purchases and sales of materials, supplies and equipment and contracts for the rental or servicing of equipment for the county.
- (D) Approve and execute certain contracts as shall be prescribed by the Administrative Code.
- (E) Establish and enforce suitable specifications and standards for all supplies, materials and equipment to be purchased for the county.

SECTION 3. Section C310 of the Broome County Charter is hereby amended to read as follows:

§ C310.Division of Information [Computer] Services; Director; appointment; powers and duties; deputies.

There shall be in the Office of the County Executive a Division of Information [Computer] Services, headed by a Director who shall be appointed by [and] the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive [, and said]. Said Director shall be in the unclassified service of the civil service.

The Director shall:

- (A)Have such power and duties as prescribed in the Administrative Code and by the County Executive or the County Legislature.
- (B)Supervise, control and administer all of the information [computer] services of the county, [including the computer services of Broome Community College; develop and maintain an efficient and flexible use of the county's computer resources;] and establish procedures for the effective utilization of voice and data [computer] services by the several departments and units of county government.
- (C)Supervise centralized word processing, including dictaphone services, mail and courier services, printing, stationery stores, graphic arts and accounting responsibilities.
- (D)Appoint such deputies as may be authorized by the County Legislature, and all such deputies shall be in the exempt class of the civil service and shall serve at the pleasure of the Director of Information [Computer] Services.

SECTION 4.Section C311 of the Broome County Charter is hereby amended to read as follows:

§ C311.Administrative heads; interim appointment; appointment of other officers and employees.

Except as otherwise provided in this Charter, the County Executive shall appoint to serve at his pleasure, or for such term as may be specified in this Charter, the head of every department or other administrative unit not administered by an elective official. The appointment by the County Executive of the head of each department or other administrative unit shall be subject to

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confirmation by the County Legislature, except for the Division of Budget and Research[, Department of General Services,] and Division of Solid Waste Management [and Division of Computer Services].

SECTION 5.The Broome County Charter and Administrative Code are hereby amended by deleting therefrom Article III-A (Department of General Services).

SECTION 6.Section C2604 of the Broome County Charter is hereby amended to read as follows:

§ C2604. Classified service; exemptions.

All positions in all departments, officers, institutions and agencies of the county shall be in the classified service, except those held by the following: (1) elective officers; (2) heads of departments; (3) members of all boards, commissions and committees; and (4) the Commissioner of Jurors. For the purpose of this section, the heads of the divisions within the Executive Branch, including but not limited to Budget and Research, [the Department of General Services,] the Division of [Computer] Information Services, and the Division of Solid Waste Management, shall be deemed to be heads of departments. The following positions in the classified service shall be included in the exempt class: (1) deputies who are authorized to act generally for and on behalf of their principals; (2) the confidential secretary to any officer or department head; (3) calendar clerk; (4) Personnel Officer; (5) Assistant District Attorney; (6) Assistant County Attorneys; (7) Assistant Public Defenders; and (8) contractors and their employees engaged to perform specified services.

SECTION 7.Section A203(H) of the Broome County Administrative Code is hereby amended to read as follows:

(H)To fix the amount of bonds of officers and employees paid from county funds and to examine and approve or disapprove the sufficiency of sureties on all official bonds or undertakings of county officers and employees, except those for Director of Budget and Research[,] and Director of [Computer] Information Services [and Commissioner of General Services].

SECTION 8.Section A302(L) of the Broome County Administrative Code is hereby

amended to read as follows:

- (L) Examine and approve or disapprove the sufficiency of sureties on official bonds and undertakings of the Directors of the Division of Budget and Research and Division of [Computer] Information Services [and the Commissioner of General Services].

SECTION 9. Section A308 of the Broome county Administrative Code is hereby amended to read as follows:

§ A308. Division of Information [Computer] Services.

There shall be in the Office of the County Executive a Division of Information [Computer] Services, headed by a Director who shall be appointed by and serve at the pleasure of the County Executive, and said Director shall be in the unclassified service of the civil service.

(A) The Director of Information [Computer] Services shall:

- (1) Have such power and duties as prescribed in the Charter and Administrative Code and by the County Executive or the County Legislature.
- [(2) Supervise, control and administer all of the computer services of the county, including the computer services of Broome Community College; develop and maintain an efficient and flexible use of the county's computer resources; establish procedures for the effective utilization of computer services by the several departments and units of county government.
- (3) Appoint such deputies as may be authorized by the County Legislature and all such deputies shall be in the exempt class of the civil service and shall serve at the pleasure of the Director of Computer Services.]
- (2) Establish, maintain and supervise such facilities for word processing, central mailing, printing and reproduction, central storage and stockpiling of materials, supplies and equipment as may be provided by the County Legislature.

(B)The Director of Information [Computer] Services shall give a surety bond to the county, pursuant to Article III, §C302(G) of the Charter. The bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Executive and filed with the Department of Records.

SECTION 10.Section A309(A) of the Broome County Administrative Code is hereby amended to read as follows:

A309. Administrative heads; interim appointment.

(A)Except as otherwise provided in the Charter, the County Executive shall appoint, to serve at his or her pleasure, or for such term as may be specified in the Charter, the head of every administrative unit not administered by an elective official. The appointment by the County Executive of the head of each administrative unit shall be subject to confirmation by the County Legislature, except for the Division of Budget and Research [,Department of General Services,] and Division of Solid Waste Management [and Division of Computer Services]. The County Executive may appoint one (1)[year] head for two (2) or more departments or other administrative units, subject to any and all requirements as to qualifications and confirmation, or may himself or herself so serve without such confirmation and without additional salary for so serving.

SECTION 11.Sections A402(G)(6) and A402(H) of the Broome County Administrative Code are hereby amended to read as follows:

(6)Procure from the [Commissioner of General Services] Director of Budget and Research at least annually a certified copy of the inventory maintained by such [Commissioner or his Deputy] Director pursuant to §[A302-A(B)(1)] A305(C)(9) of this Code and, in accordance with good accounting practices, periodically verify the accuracy of the same. The certified copy of such inventory and the record of action taken by the Comptroller to determine and certify the same as prescribed herein shall be maintained as a permanent record of his or her Department. [He] The Comptroller shall prescribe the procedure

and method for the making of inventories by the head of each administrative unit and by the [Department of General Services] Director of Budget and Research, and a copy of such procedure shall be filed with the Legislative Clerk.

(H)The County Executive shall make the services of the [Department of General Services] Director of Budget and Research in relation to purchasing or procurement functions available to the Comptroller in the preparation of any reports prescribed in the Charter and this Code.

SECTION 12. Section A305 of the Broome County Administrative Code is hereby amended by adding a new paragraph (C) after paragraph (B) and by renumbering the present paragraph (C) as paragraph (D), so that paragraphs (C) and (D) shall read as follows:

(C) The Director of Budget and Research shall also:

(1) Establish and maintain a central purchasing system.

(2) Establish and enforce standard specifications with respect to supplies, materials and equipment.

(3) Inspect or supervise or otherwise provide for the inspection of all deliveries of supplies, materials and equipment and determine their quality, quantity and conformity to contract.

(4) Sell or lease any surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by resolution of the County Legislature.

(5) Upon the request of any city, town, village, school district or any other unit of local government, act as purchasing agent for the same, either for all or for any part of its purchases, upon such conditions as may be prescribed by the County Legislature.

(6) In accordance with § A302(O) of this Code, the County Executive is empowered to delegate to the Director of Budget and Research the power to execute all contracts on behalf of the county with respect to the buying and selling or leasing of any supplies, materials or equipment, for an amount not to exceed the sum fixed by the General

Municipal Law of the State of New York as the monetary limit above which the competitive bidding process must be employed.

(7)Perform under the direction of the County Executive all other duties of a County Purchasing Agent under the laws of the State of New York not inconsistent with the provision of this Code.

(8)Arrange for the purchase of supplies, materials or equipment for the county in accordance with any applicable provision of state, federal or local law.

(9)Maintain a written inventory of all county property. On or before July 15 in each year, and as often as the Director may direct, the head of each administrative unit or authorized agent shall furnish the Director, using the procedure and method prescribed by the Comptroller, a written certified inventory of county property used in such administrative unit or agency, showing a complete inventory as of July 1 immediately preceding. The Director shall cause to be made and filed a similar inventory at such time or times as the County Executive or County Legislature may direct.

(10)Perform such other and related duties as the County Executive or the County Legislature may require.

(D)The Director of Budget and Research shall give a surety bond to the county, pursuant to Article III, § C302(G), of the Charter. The bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Executive and filed with the Department of Records.

SECTION 13.The first and fourth paragraphs of Section A1203 of the Broome County Administrative Code are hereby amended to read as follows:

The Board of Acquisition and Contract shall award all public work contracts involving an expenditure of more than one thousand dollars (\$1,000.). Public work contracts involving one thousand dollars (\$1,000.) or less shall be awarded by the [Commissioner of General Services] Director of Budget and Research. In either case, no public work contract shall be deemed effective until a written agreement approved by the

Department of Law has been executed by the County Executive and the contractor.

No bid for contracts for the construction, reconstruction, repair, maintenance or alteration of any public works or improvements may be accepted from or contract therefor awarded to any person, firm or corporation which is disqualified under any acts of the State Legislature, County Legislature, Charter or this Code. No contract shall be executed by the County Executive on behalf of the county until the same has been approved as to form by the Department of Law. A copy of each contract, when executed, shall be filed with the Comptroller, together with a copy of the local law, resolution or ordinance, other than the annual appropriations act, or minutes of the Board of Acquisition and Contract or official action of the [Commissioner of General Services] Director of Budget and Research upon which the right to make such contract rests.

SECTION 14. The first sentence of the second paragraph of § A2604 of the Broome County Administrative Code is hereby amended to read as follows:

For the purpose of this section, the heads of the Divisions within the Executive Branch, including but not limited to Budget and Research, [Computer] Information Services, and Solid Waste Management [and the Department of General Services], shall be deemed to be heads of departments.

SECTION 15. Section A402 of the Broome County Administrative Code is hereby amended by adding at the end thereof the following paragraphs (H) and (I):

(H) Establish, maintain and supervise such facilities and services for the administration or enforcement of the Broome County Consumer Protection Code, the provisions of Article 16 of the Agriculture and Markets Law of the State of New York and such other state laws or regulations, local laws or resolutions of the County Legislature and orders or directives of the County Executive as are not inconsistent with the Charter or Administrative Code.

(I) Appoint a County Director of Weights and Measures who shall have the

qualifications required for and shall have all the powers and duties of a Director of Weights and Measures now or hereafter granted or imposed by Article 16 of the Agriculture and Markets Law of the State of New York, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or Comptroller and any applicable provision of any act of the State Legislature not inconsistent with the Charter or Administrative Code.

SECTION 16. This local law shall become effective following approval of the voters at a referendum to be held at the next general election and subsequent filing with the Secretary of State, but in no event before January 1, 1996.

[Bracketed] material is deleted.

Underlined material is added.

Resolution No. 361, adopting Local Law Intro No. 16 was **held over** under the 'Rules' by Mrs. Coffey.

Mr. Pasquale moved, seconded by Mr. Augustini to **adjourn** at 4:10 P.M.
Carried.