

COMPILATION OF:

- I. COUNTY GOVERNMENT LAW OF NASSAU COUNTY: OTHERWISE KNOWN AS THE NASSAU COUNTY CHARTER**
- II. NASSAU COUNTY ADMINISTRATIVE CODE**
- III. NASSAU COUNTY CIVIL DIVISIONS ACT**
- IV. MISCELLANEOUS LOCAL LAWS NASSAU COUNTY**
including all amendments to the above through December 31, 1994

Nassau County District Court Act

Ch. 274 of the L. of 1939, constituting the Nassau County District Court Act, including all amendments thereof, was repealed by Ch. 568, : 1 of the L. of 1963, in effect September 1, 1963 (see the Uniform District Court Act, Ch. 565 of the L. of 1963, in effect September 1, 1963).

COMPILATION OF:

- I. COUNTY GOVERNMENT LAW OF NASSAU COUNTY OTHERWISE KNOWN AS THE NASSAU COUNTY CHARTER (Ch. 879, L. 1936 as amended by Ch. 618, L. 1937) also known as the Charter.**
- II. NASSAU COUNTY ADMINISTRATIVE CODE (Ch. 272, L. 1939) also known as the Code.**
- III. NASSAU COUNTY CIVIL DIVISIONS ACT (Ch. 273, L. 1939) also known as the Civil Divisions Act**
- IV. MISCELLANEOUS LOCAL LAWS OF NASSAU COUNTY including all amendments to the above through December 31, 1994.**

Nassau County District Court Act

Ch. 274 of the L. of 1939, constituting the Nassau County District Court Act, including all amendments thereof, was repealed by Ch. 568, §1 of the L. of 1963, in effect September 1, 1963 (see the Uniform District Court Act, Ch. 565 of the L. of 1963, in effect September 1, 1963).

FORWARD

The Compilation has been prepared pursuant to the Nassau County Administrative Code which provides for periodic supplements to the County Government Law of Nassau County and the Code, and as added features of the Compilation are inclusion of the complete updated Nassau County Civil Division Act and the Rules of Procedures of the Board of Supervisors. The last Board compilation of changes to the Charter, Code and Civil Division Act included amendments to December 31, 1975. The Nassau County District Court Act, which was included in an earlier compilation, was repealed in 1963 with the passage of the Uniform District Court Act. To make this compilation a more flexible and useful document we have incorporated a cumulative index of the Charter and the Administrative Code. This Compilation brings up to date all local legislation through December 31, 1980.

I am grateful for the considerable assistance and perseverance of one of my Chief Deputy County Attorneys, Owen B. Walsh, who was in charge of this comprehensive updating project. I appreciate, also, the work of his staff composed of Deputy County Attorney Edward J. Groarke; Law Assistants Joan Mistrough and Catherine Noto; former Deputy County Attorneys Peter A. Bee and Alfred E. Devendorf and former Law Assistants Patricia A. Baron and Steven Ruddock for their substantial determined efforts in drafting appropriate legislation and assisting in the preparation of this Compilation.

Finally, I would like to acknowledge with appreciation the excellent support and cooperation of Commissioner Francis E. O'Connor, P.E., Senior Deputy Commissioner George K. Decker and James Fitzpatrick, Manager of Printing and Graphics, all of the Department of General Services, who arranged all details respecting the printing of this Compilation.

Edward G. McCabe
Nassau County Attorney

June 1, 1981
Mineola, New York

FORWARD — 1982

After preparation of the initial Compilation last year which involved up-dating the County Government Law of Nassau County and the Nassau County Administrative Code, as well as providing a complete and up-dated version of the Nassau Civil Divisions Act and the Rules of Procedure of the Board of Supervisors, my Staff has, with the able assistance of Special Assistant to the County Executive, Doris Griffin, reviewed all the relevant local legislation and new State Session Laws in order to bring up-to-date, that is, through December 31, 1981, this Compilation.

I should like to acknowledge with appreciation the assistance of Hempstead Town Attorney W. Kenneth Chave, Jr. who observed that our 1981 Compilation failed to contain § 255.305 of the Nassau County Civil Divisions Act. That provision had been adopted as Chapter 642 of the Laws of 1974. As a consequence of his alert action, we further ascertained that the instant provision had not been included in the prior Annual Supplements. Nevertheless, the oversight has been corrected and the Civil Divisions Act is complete.

Again, as to the day to day preparation of the Compilation, I am most grateful for the management and guidance provided by one of my Chief Deputy County Attorney's Owen B. Walsh, who continued to oversee this project and pursue it to a conclusion. I am also appreciative of the assistance provided my Chief Deputy by St. John's University Law Assistant Joseph J. Tock who drew upon his skill as a former proofreader in preparing the detailed aspects of this up-date.

Finally, I again acknowledge with deep appreciation the outstanding support and cooperation of Acting Commissioner George K. Decker and Acting Deputy Commissioner Francis X. Murphy as well as Printing & Graphics Manager James Fitzpatrick who were responsible for the thorough and timely printing of this up-date to the Compilation.

EDWARD G. McCABE
Nassau County Attorney

April 1, 1982
Mineola, N.Y.

FORWARD — 1983 - 1984

After preparation of the initial Compilation in 1981, which task involved updating the County Government Law of Nassau County, otherwise known as the Nassau County Charter, and the Nassau County Administrative Code as well as providing a complete and updated version of the Nassau County Civil Divisions Act and the Rules of Procedure of the Board of Supervisors, my staff reviewed all Local Laws not affecting the said Charter or Code and prepared a new Part to the Compilation entitled Miscellaneous Local Laws of Nassau County and you will find same following the Nassau County Civil Division Part of the Compilation and before the Rules of Procedure of the Board of Supervisors. The new Part is color coded salmon. The present update brings the Compilation current through December 31, 1984.

Again, as to the day to day preparation of this Compilation and for the establishment of the new Part concerning Miscellaneous Local Laws, I am most grateful to one of my Chief Deputy County Attorneys, Owen B. Walsh, who has overseen these projects and pursued them to the present conclusion.

I also appreciate the assistance provided my Chief Deputy by St. John's University Law Assistant John V. Terrana and Brooklyn Law School Law Assistant Wayne DeSemione, both of whom contributed significantly to the detail aspects of updating this Compilation, including the new Miscellaneous Local Laws located at Part IV following the Civil Division Act.

Finally, I again acknowledge with deep appreciation the outstanding support and cooperation of Commissioner Joseph M. Reilly and Printing and Graphics Manager James Fitzpatrick who were responsible for the thorough and timely printing of this update.

December 31, 1984
Mincola, N.Y.

EDWARD G. McCABE
County Attorney
County of Nassau

FORWARD — 1985

The Compilation, prepared pursuant to the Nassau County Administrative Code, provides up-dated versions of the County Government Law of Nassau County and the Nassau County Administrative Code, as well as complete versions of the Nassau County Civil Divisions Act, the Rules of Procedure of the Board of Supervisors and Miscellaneous Local Laws of Nassau County. My staff has reviewed all relevant local legislation and new State Session Laws to bring this Compilation current through December 31, 1985.

Again, as to the day to day preparation of this Compilation, I am most grateful for the management and guidance provided by my Chief Deputy County Attorney, Owen B. Walsh, who was in charge of these comprehensive up-dating projects and pursued them to the present conclusion. I am also appreciative of the assistance provided by Chief Deputy by Hofstra University Law Assistant, Ralph J. Madalena, who contributed to the detail aspects of up-dating this Compilation.

Finally, I again acknowledge with deep appreciation the outstanding support and cooperation of Commissioner Joseph M. Reilly and Printing and Graphics Manager James Fitzpatrick who were responsible for the thorough and timely printing of this update.

June 1, 1986

EDWARD T. O'BRIEN
County Attorney
County of Nassau

FORWARD — 1986

The Compilation, prepared pursuant to the Nassau County Administrative Code, provides up-dated versions of the County Government Law of Nassau County and the Nassau County Administrative Code, as well as complete versions of the Nassau County Civil Divisions Act, the Rules of Procedure of the Board of Supervisors and Miscellaneous Local Laws of Nassau County. My staff has reviewed all relevant local legislation and new State Session Laws to bring this Compilation current through December 31, 1986.

Again, as to the day to day preparation of this Compilation, I am most grateful for the management and guidance provided by my Chief Deputy County Attorney, Owen B. Walsh, who was in charge of these comprehensive up-dating projects and pursued them to the present conclusion. I am also appreciative of the assistance provided by Seton Hall University Law Assistant, Richard C. Martinez, who contributed to the detail aspects of up-dating this Compilation.

Finally, I again acknowledge with deep appreciation the outstanding support and cooperation of Commissioner Joseph M. Reilly and Printing and Graphics Manager James Fitzpatrick who were responsible for the thorough and timely printing of this update.

June 1, 1987

EDWARD T. O'BRIEN
County Attorney
County of Nassau

FORWARD — 1987-1988

Pursuant to the Nassau County Administrative Code, an updated version of the County Government Law of Nassau County and the Nassau County Administrative Code have been prepared and compiled from all relevant local legislation and State Session Laws, bringing these, as well as the Nassau County Civil Divisions Act, the Rules of Procedure of the Board of Supervisors and the Miscellaneous Local Laws of Nassau County up to date through December 31, 1988.

It is with gratitude that I acknowledge the assistance and guidance provided by my Chief Deputy, Owen B. Walsh, who supervised this comprehensive updating project. I also want to recognize the assistance provided to Chief Deputy Walsh by Deputy County Attorney, Edward C. Mohlenhoff, who contributed significantly in coordinating the details of this updated Compilation.

Finally, I acknowledge with great appreciation the support and cooperation of Commissioner Joseph M. Reilly and Printing and Graphics Director James Fitzpatrick, who were responsible for the conscientious and timely printing of this Compilation.

March 1, 1989

EDWARD T. O'BRIEN
County Attorney
County of Nassau

FORWARD—1989

Pursuant to the Nassau County Administrative Code, an updated version of the County Government Law of Nassau County and the Nassau County Administrative Code have been prepared and compiled from all relevant local legislation and State Session Laws, bringing these, as well as the Nassau County Civil Divisions Act, the Rules of Procedure of the Board of Supervisors and the Miscellaneous Local Laws of Nassau County up to date through December 31, 1989.

It is with gratitude that I acknowledge the assistance and guidance provided by my Chief Deputy, Owen B. Walsh, who supervised this comprehensive updating project. I am also appreciative of the assistance provided to Chief Deputy Walsh by Law Assistant, Julia Ryan Christ, who contributed significantly in coordinating the details of this updated Compilation.

Finally, I acknowledge with great appreciation the support and cooperation of Commissioner Joseph M. Reilly and Printing and Graphics Director James Fitzpatrick, who were responsible for the conscientious and timely printing of this Compilation.

June 1, 1990

ROBERT W. SCHMIDT
County Attorney
County of Nassau

FORWARD—1990

In accordance with the Nassau County Administrative code, an updated version of the County Government Law of Nassau County and the Nassau County Administrative Code have been prepared and compiled from all relevant local legislation and State Session Laws, bringing these, as well as the Nassau County Civil Divisions Act, the Rules of Procedure of the Board of Supervisors and the Miscellaneous Local Laws of Nassau County up to date through December 31, 1990.

It is with gratitude that I acknowledge the assistance and guidance provided by my Chief Deputy, Owen B. Walsh, who supervised this comprehensive updating project. I am also appreciative of the assistance provided to Chief Deputy Walsh by Deputy County Attorney Julia Ryan Christ, and St. John's University Law Intern, Anne Kelly Huggard, who contributed significantly in coordinating the details of this updated Compilation.

Finally, I acknowledge with great appreciation the support and cooperation of Commissioner Joseph M. Reilly and Printing & Graphics Director James Fitzpatrick, who were responsible for the conscientious and timely printing of this Compilation.

March 1, 1991

**ROBERT W. SCHMIDT
County Attorney
County of Nassau**

FORWARD—1991

In accordance with the Nassau County Administrative code, an updated version of the County Government Law of Nassau County and the Nassau County Administrative Code have been prepared and compiled from all relevant local legislation and State Session Laws, bringing these, as well as the Nassau County Civil Divisions Act, the Rules of Procedure of the Board of Supervisors and the Miscellaneous Local Laws of Nassau County up to date through December 31, 1991.

It is with gratitude that I acknowledge the assistance and guidance provided by my Chief Deputy, Owen B. Walsh, who supervised this comprehensive updating project. I am also appreciative of the assistance provided to Chief Deputy Walsh by Deputy County Attorney Julia Ryan Christ, who contributed significantly in coordinating the details of this updated Compilation.

Finally, I acknowledge with great appreciation the support and cooperation of Commissioner Joseph M. Reilly and Printing & Graphics Director James Fitzpatrick, who were responsible for the conscientious printing of this Compilation.

January 31, 1992

**ROBERT W. SCHMIDT
County Attorney
County of Nassau**

FORWARD—1992

In accordance with the Nassau County Administrative code, an updated version of the County Government Law of Nassau County and the Nassau County Administrative Code have been prepared and compiled from all relevant local legislation and State Session Laws, bringing these, as well as the Nassau County Civil Divisions Act, the Rules of Procedure of the Board of Supervisors and the Miscellaneous Local Laws of Nassau County up to date through December 31, 1992.

It is with gratitude that I acknowledge the assistance and guidance provided by my Chief Deputy, Owen B. Walsh, who supervised this extensive and comprehensive updating project. I am also appreciative of the assistance provided to Chief Deputy Walsh by Deputy County Attorney Julia Ryan Christ, and St. John's University Law Interns, who contributed significantly in coordinating the details of this updated Compilation.

Finally, I am pleased to again acknowledge, with great appreciation, the support and cooperation of the Department of General Services, Division of Printing and Graphics which was responsible for the conscientious and timely printing of this Compilation.

January 29, 1993

**ROBERT W. SCHMIDT
County Attorney
County of Nassau**

FORWARD - 1993

In accordance with the Nassau County Administrative Code, an updated version of the County Government Law of Nassau County and the Nassau County Administrative Code have been prepared and compiled from all relevant local legislation and State Session Laws, bringing these, as well as the Nassau County Civil Divisions Act, the Rules of Procedure of the Board of Supervisors and the Miscellaneous Local Laws of Nassau County up to date through December 31, 1993.

It is with gratitude that I acknowledge the considerable assistance and guidance provided by Deputy County Attorney Julia R. Christ, who was in charge of this extensive and comprehensive updating project.

Finally, I am pleased to acknowledge, with great appreciation, the past support and continuing cooperation of General Services and its Division of Printing and Graphics which was responsible for the publication of this Compilation.

April 1, 1994

**OWEN B. WALSH
County Attorney
County of Nassau**

FORWARD - 1994

In accordance with the Nassau County Administrative Code, an updated version of the County Government Law of Nassau County and the Nassau County Administrative Code have been prepared and compiled from all relevant local legislation and State Session Laws, bringing these, as well as the Nassau County Civil Divisions Act, the Rules of Procedure of the Board of Supervisors and the Miscellaneous Local Laws of Nassau County up to date through December 31, 1994.

It is with gratitude that I acknowledge the considerable assistance and guidance provided by Deputy County Attorney Julia R. Christ, who was in charge of this extensive and comprehensive updating project.

Finally, I am pleased to acknowledge, with great appreciation, the past support and continuing cooperation of General Services and its Division of Printing and Graphics which was responsible for the publication of this Compilation.

February 1, 1995

**OWEN B. WALSH
County Attorney
County of Nassau**

BOARD OF SUPERVISORS

Thomas S. Gulotta, County Executive

**Gregory P. Peterson, Vice Chairman and Presiding Supervisor,
Town of Hempstead.**

Richard V. Guardino, Jr., Supervisor, Town of Hempstead.

Lewis J. Yevoli, Supervisor, Town of Oyster Bay.

May Newburger, Supervisor, Town of North Hempstead.

**Thomas Suozzi, Supervisor and Mayor of the City of
Glen Cove.**

Bruce Nyman, Supervisor City of Long Beach.

Frederick Parola, County Comptroller.

Owen B. Walsh, County Attorney.

John A. DeGrace, Clerk of the Board of Supervisors.

**Authorization for the initial printing of the Compilation was
by Resolution, Resolution No. 592-1981 of the Board of
Supervisors of Nassau County, duly adopted the 22nd day of
June, 1981.**

**The Board of Supervisors by Resolution, Resolution No. -
1994 authorized the printing of appropriate amendments to the
Charter, Code and Civil Divisions Act so that the same has
been brought up-to-date as of December 31, 1994.**

**Copies may be had at the Office of the Clerk of the Board of
Supervisors upon payment of the actual cost of printing as
computed by the Clerk of the Board.**

**February 1, 1995
Mineola, N.Y.**

**COUNTY GOVERNMENT LAW OF NASSAU
COUNTY**

LAWS 1936, CHAPTER 879, AS AMENDED*

AN ACT providing an alternative form of government for certain counties and providing for the submission of the same to the electors of any such county

Became a law June 5, 1936, with the approval of the Governor. Passed on message of necessity three-fifths being present

The People of the State of New York, represented in Senate and Assembly do enact as follows-

**Alternative Form of Government for
Certain Counties**

Article

- I. The board of supervisors. (§ § 101-110.)**
 - I-a. Local laws. (§ § 150-162.)**
- II. Executive. (§ § 201-207.)**
- III. Budget. (§ § 301-308.)**
- IV. Comptroller. (§ § 401-405.)**
- V. County treasurer. (§ § 501-503.)**
- VI. Department of assessment. (§ § 601-609.)**
- VII. Division of purchase. (§ § 701-705.)**
- VIII. Department of police. (§ § 801-804.)**
- IX. Department of health (§ § 901-906.)**

X. Department of Social Services (§ § 1001-1008.)

(Amended by Local Law No. 6-1985, in effect August 19, 1985; Local Law No. 5-1990, in effect July 2, 1990.)

X-a. Nassau County Youth Board (§ § 1050-1052)

XI. County attorney. (§ § 1101-1102.)

* This act became effective in Nassau County January 1, 1938. Amendments thereto by L. 1937, Ch. 618 were made before such act was approved by the electors.

XII. Department of public works. (§ § 1201-1235.)

XIII. Department of civil service (§ § 1301-1309.)

XIV. Franchises. (§ § 1401-1405.)

XV. Districts, towns, villages and cities (§ § 1501-1502.)

XVI. Department of planning. (§ § 1601-1611.)

XVII. Fire prevention. (§ § 1701-1707.)

XVIII. County debt commission. (§ § 1801-1807.)

XIX. County clerk. (§ § 1901-1902.)

XX. Sheriff (§ § 2001-2004.)

(Amended by Local Law No. 9-1990, in effect August 28, 1990.)

XXI. Miscellaneous officers. (§ § 2102-2111.)

XXI-a. Department of general services (§ § 2150-2152.)

**XXI-b. Department of drug and alcohol addiction.
(§ § 2160-2163.)**

XXII. General provisions. (§ § 2201-2216.)

XXIII. Elections. (§ § 2301-2305.)

**XXIV. District court; organization and jurisdiction.
(§ § 2401-2449.)**

XXV. Repealed: see District Court Act.

XXVI. Application of act; when and how operative and effective. (§ § 2601-2607.)

NOTE: Local Law No. 11-1994, adopted by the Board of Supervisors on September 8, 1994 and approved on Public Referendum on November 8, 1994, will not become effective until January 1, 1996, except that for the sole and limited purpose of nominating and electing County legislators at the General Election in November, 1995, it was deemed effective at the time of its adoption. Said Law has been reproduced after the index of the Nassau County Charter and is provided for information only.

ARTICLE 1

The Board of Supervisors

- Section 101. County a municipal corporation; powers.**
102. Board of supervisors; general powers
103. Specific powers.
104. Members; votes.
105. Procedure; emergency actions; special meetings; publicity of calendar.
106. Presiding officer.
107. Approval of ordinances by county executive.
108. Vacancies.
109. Compensation.
110. Employees.

§ 101. County a municipal corporation; powers. Any county which adopts this act, as hereinafter provided, shall be and remain a municipal corporation under its then name. Such county shall have and exercise all the rights, privileges, functions, powers, duties, and obligations conferred or imposed on it by existing or subsequent laws not inconsistent with the provisions of this act. Such county shall also have and exercise all the rights, privileges, and jurisdiction essential to a proper exercise of its corporate function, including all that may be necessarily incident to, or may be fairly implied from, the powers specifically conferred upon such corporation. The term "this act" in this and the ensuing provisions hereof, exclusive of article twenty-six, shall mean this alternative form of government or an indicated provision thereof.

§ 102. Board of supervisors; general powers. The governing body of the county shall be the board of supervisors which, except as otherwise provided in this act, shall have and exercise all the powers and duties of the county together with all the powers and duties which now are, or may hereafter be conferred or imposed on boards of supervisors by laws applicable to such county not inconsistent with this act. The board of supervisors shall also have such other powers and duties as are provided by this act.

§ 103. Specific powers. In addition to all powers conferred by the preceding section or by other provisions of this act, the board of supervisors shall have power to:

1. create, organize and abolish departments, bureaus, offices and employments, not inconsistent with the terms of this act, and fix, on the recommendation of the county executive, the compensation of all officers and employees of the county, except as otherwise provided in this act;

2. exercise powers of local legislation and administration as provided in section two of article nine of the constitution of the state of New York;

(Subd. 2, amended by L. 1945 Ch. 42 § 1, in effect February 28, 1945.)

3. fix the amount of the bond to be given by any official or employee of the county, conditioned on the faithful performance of his duty, and make the premium on such bonds a county charge;

4. employ such expert legal, financial or other technical advisers as may be from time to time necessary in relation to the performance of any of the functions of local government in the county, including the investigation of the operation of such government or any part thereof other than the board of supervisors;

5. adopt, amend and repeal ordinances for the purpose of making effective any of the provisions of this act and to carry out all powers conferred upon the county or the board of supervisors by any other law, and provide for the enforcement thereof by appropriate penalties not exceeding a fine of one thousand dollars or imprisonment for not more than one year or both such fine and imprisonment.

(Amended by Local Law No. 3 - 1985, in effect March 25, 1985.)

6. make rules and regulations, by ordinance, covering the use of, parking on, and traffic in and through, any county-owned or county-leased property, except as to any roads or other property under the jurisdiction and control of the State of New York or any of its agencies and to provide that upon conviction for the violation of any one or more of such rules, regulations or

ordinances a person so offending may be punished by a fine of not exceeding one hundred dollars or by imprisonment not exceeding thirty days or by both such fine and imprisonment, and to further provide that a violation of any speed limitation shall constitute a misdemeanor.

7. make appropriations, levy taxes and incur indebtedness for the purpose of carrying out any of the powers and duties conferred or imposed on the county or any officer, board, commission or other authority thereof, by this act or otherwise by law.

(Subd. 6 renumbered to be subd. 7 and new subd. 6 added by Local Law No. 2, 1954, in effect May 17, 1954, amended by Local Law No. 6, 1968 in effect November 18, 1968)

§ 104. Members: votes 1. The supervisor or supervisors of each of the towns or cities in the county sitting together shall constitute the county board of supervisors; provided that no city incorporated after this act shall have taken effect shall elect a supervisor thereof, but such city shall continue, for the purpose of electing supervisors, to be a part of the town or towns from which such city was erected. The number of supervisors to be elected in each town and city in the county shall remain as at present provided by law.

2. The supervisor or supervisors of each town and city shall be entitled to cast at meetings of the board of supervisors the number of votes to be determined and fixed in accordance with the provisions of this section.

3. In accordance with the standards set forth in subdivision four of this section, the board of supervisors shall, not later than six months after the publication of the results of each federal decennial census by appropriate amendment to subdivision five of this section, propose a reapportionment of the voting power of the members of the board of supervisors.

4. In determining and fixing the total number of votes, the distribution of votes among the supervisors, and the number of votes needed to pass particular measures, the board of supervisors shall as closely as possible apply and conform to the following standards:

a. There shall be a modified weighted voting system.

b. The total number of votes of all supervisors shall be no less than six, and shall not exceed the county's total population.

c. No fractional votes shall be used or recognized.

d. The total number of votes which each supervisor is entitled to cast shall not be divided and shall be cast as one unit.

e. The voting power of a supervisor shall be measured by the mathematical possibility of his casting a decisive vote on a particular matter.

f. The voting power of a town or city shall be deemed equal to the voting power of its supervisor except that the voting power of the town of Hempstead shall be deemed equal to the total voting power of its two supervisors.

g. The percentage of voting power of each town and city shall be greater than zero and shall approximate the town's or city's percentage of the total county population.

h. In preparing each reapportionment, the board of supervisors shall employ an independent computerized mathematical analysis and such other method or methods as shall be most nearly equalize the percentage of voting power of each town and city to its percentage of the total county population.

5. Based on the nineteen hundred eighty federal census, the number of votes in each of the following categories is hereby determined and fixed as follows:

a) For matters requiring a majority of the voting strength of the board of supervisors or a majority of the voting power of the board of supervisors:

(1) Total number of votes	108
(2) Distribution of votes	
Presiding Supervisor of Hempstead	30
Supervisor of Hempstead	28

Supervisor of Oyster Bay	22
Supervisor of North Hempstead	15
Supervisor of Long Beach	7
Supervisor of Glen Cove	6
(3) Votes required for passage	65

b) For matters requiring a two-thirds vote of the voting strength of the board of supervisors or two-thirds of the total voting power of the board of supervisors

(1) Total number of votes	108
(2) Distribution of votes	
Presiding Supervisor of Hempstead	30
Supervisor of Hempstead	28
Supervisor of Oyster Bay	22
Supervisor of North Hempstead	15
Supervisor of Long Beach	7
Supervisor of Glen Cove	6
(3) Votes required for passage	72

(Subdivision two amended; Subdivision three repealed; Subdivision three, four and five added by Local Law No. 5-1975, in effect January 1, 1976 upon the approval of the electors in the November 1975, general election. Local Law No. 6-1975, providing for a county legislature, defeated at said general election. Local Law No. 3-1975, providing for a county legislature defeated at a special election held June 10, 1975, Subdivision five repealed by Local Law No. 2, 1982 and new subdivision five became effective at December 6, 1982 meeting of the Board of Supervisors after notification by the Board of Election that a public referendum approved the new weighted voting plan at the general election on November 2, 1982 required by subdivision 3 of §104 of the Nassau County Charter.)

§ 105. Procedure; emergency actions; special meetings; publicity of calendar. The board of supervisors shall establish rules for its proceedings, including rules for the appointment of all committees not inconsistent with the following provisions:

1. The board of supervisors shall act only by ordinance or resolution. No money shall be appropriated, bond issue or other loan authorized, assessment levied, office created, salary fixed, franchise or privilege granted, real property of the county

alienated, fine or penalty established, except by ordinance. No ordinance or resolution, except resolutions relating to procedure, or amendment to any ordinance or resolution, shall be passed by the board of supervisors by less than a majority of the voting strength thereof. Ordinances authorizing the issuance of obligations shall comply with the provisions of the local finance law. No ordinance or resolution, or amendment to any ordinance or resolution, shall be passed, unless such ordinance, resolution, or amendment has been on file with the clerk of the board of supervisors in final form for passage for at least one week, and unless the same is entered by number and title on a calendar to be prepared by the clerk of the board of supervisors and posted in a conspicuous place in the county court house at least one week prior to said action. No ordinance shall be passed by the board of supervisors until the same in final form for passage has been published at least once in the official newspapers not less than four days prior to the meeting at which final action is to be taken. All resolutions, ordinances and other measures so filed with the clerk of the board of supervisors shall be open to public inspection at all times during which the office of the clerk of the board of supervisors shall be open.

(Subd. 1. amended by L. 1943 Ch. 710 § 100, as last amended by L. 1945 Ch. 338, in effect September 2, 1945.)

Note: Amendment required by Local Finance Law § § 33.00, 40.00 and 160.00.

2. Upon the written recommendation of the county executive or in his absence or inability to act the deputy county executive designated as provided in section two hundred five of this act or upon the written recommendation of the vice-chairman of the board of supervisors or any three members of the board of supervisors, the board of supervisors may, by a two-thirds vote of the voting strength thereof, adopt a resolution setting forth that an emergency, described therein exists which makes it necessary to take immediate action on any ordinance, resolution, or amendment to any ordinance or resolution, before said board; provided no such resolution shall ever be passed with relation to any ordinance or amendment to an ordinance granting a public utility franchise or making a renewal, extension or amendment thereof. In such case, the board of supervisors may pass the resolution, ordinance, or amendment, immediately, anything herein contained to the contrary notwithstanding; provided, however, that in such case the ordinance or resolution shall

forthwith be published in the official newspapers with the resolution setting forth the emergency.

(Amended by L. 1948, ch. 92; Local Law No. 1, 1962, in effect May 14, 1962)

3. Special meetings of the board of supervisors may be called at any time by the county executive, or any three members of the board, upon not less than twelve hours actual notice effected by any means of communication, or upon written notice delivered at the place of residence of each member not less than twenty-four hours before the time of the proposed meeting.

4. Any person who resides in the county may file with the board of supervisors a notice stating his name, residence and post office address, and thereupon, and the same day that each calendar is posted in the county court house, the clerk of the board of supervisors shall mail to each person filing such notice, directed to such person at the post office address therein stated, a copy of each calendar, and also notices of all special meetings of, and hearings before, the board of supervisors. The postage required for the mailing as herein required shall be paid in advance by the person to whom the same is mailed. The records of the board of supervisors relating to the procedure of the board of supervisors on matters placed or to be placed upon the calendar and any and all actions taken and proceedings had by such board shall be available for inspection during office hours of the clerk of the board of supervisors.

(Subdivision 4, amended by L. 1943 Ch. 55 § 1, in effect March 4, 1943.)

§ 106. **Presiding officer.** The county executive shall be the presiding officer of the board of supervisors and shall have the right to speak, but not to vote except in case of tie, when he shall have the casting vote. The board of supervisors shall choose from its own number a vice-chairman who shall preside in the absence of the county executive and at the annual hearing on the county budget. When the vice-chairman is in the chair he shall cast the vote to which he is entitled as a member of the board, but shall not have a casting vote in case of tie.

(Amended by L. 1948 Ch. 132, in effect March 6, 1948)

§ 107. **Approval of ordinances by county executive.** No ordinance or resolution, other than a resolution relating to

procedure, shall take effect until the same has been approved by the county executive; provided that, if any ordinance or resolution is not returned to the board of supervisors with a statement of his reasons for not approving the same, within ten days of its presentation to him by the said board, such ordinance or resolution shall be deemed to be approved: and provided, further, that any ordinance or resolution disapproved by the county executive shall nevertheless become effective if upon reconsideration it be passed by the board of supervisors by a two-thirds vote of the voting strength thereof.

§ 108. Vacancies. Vacancies in the office of supervisor shall be filled as now or hereafter provided by law.

§ 109. Compensation. Each member of the board of supervisors shall receive as compensation for his services upon such board a sum to be fixed by ordinance.

(Amended by L. 1947 Ch. 377 § 1, in effect March 25, 1947.)

§ 110. Employees. The board of supervisors shall appoint, to serve at their pleasure, a clerk of the board of supervisors and such other employees as may be provided by ordinance and such employees shall not be members of the classified service.

(Amended by L. 1937 Ch. 618 § 1 in effect January 1, 1938.)

ARTICLE 1-A Local Laws

- Section 150. Power to adopt and amend local laws.
151. Effect of local law on acts of legislature.
152. Action by board of supervisors.
153. Approval of local law by county executive.
154. Restriction on county legislation.
155. Local laws subject to mandatory referendum.
156. Local laws subject to referendum on petition.
157. Referendum on petition.
158. Propositions for the submission of local laws.
159. Reconsideration of local law before submission to referendum.

- 160. Filing and publication of local laws.
- 161. Judicial notice.
- 162. Legislative intent.

§ 150. Power to adopt and amend local laws. 1. The board of supervisors of the county shall have powers of local legislation under the provisions of section two of article nine of the constitution and shall have power to adopt and amend local laws. (Subdivision 1, amended by L. 1939 Ch. 700 § 1, in effect June 5, 1939.)

2. In the exercise of such provision, the board of supervisors of the county shall have power

a. to delegate to any local authority power by rule, regulation, resolution or ordinance, to provide for carrying into effect the provisions of any local law:

b. to provide for the enforcement of local laws by legal or equitable proceedings, to prescribe that violations thereof shall constitute misdemeanors and to provide for the punishment of violations thereof by civil penalty, fine, forfeiture or imprisonment, or by two or more of such punishments.

§ 151. Effect of local law on acts of legislature. 1. In adopting a local law changing or superseding any provision of an act of the legislature which provision does not in terms and in effect apply alike to all counties, the board of supervisors shall specify the chapter number, year of enactment, title of statute, section, subsection or subdivision, which it is intended to change or supersede, but the failure so to specify shall not affect the validity of such local law. Such a superseding local law may, in like manner, contain the text of such statute, section, subsection or subdivision and may indicate the changes to be effected in its application to such county by inclosing in brackets the matter to be eliminated therefrom and italicizing or underscoring new matter to be included therein.

2. No local law shall supersede any provision of an act of the legislature relating to counties which provision in terms and in effect applies alike to all counties.

§ 152. Action by board of supervisors. No such local law shall be passed except by at least the majority affirmative vote of the total voting power of the board of supervisors. On the final passage of a local law the question shall be taken by ayes and noes which shall be entered in the journal of proceedings. The style of local laws shall be "Be it enacted by the board of supervisors of the county of (name of county) as follows:"

Every such local law shall embrace only one subject. The title shall briefly refer to the subject matter.

No such local law shall be passed until it shall have been in final form and upon the desks of the members of the board of supervisors at least one week prior to its final passage.

No local law shall be passed by the board of supervisors until a public hearing thereon has been had before such body. A notice specifying the title of such local law and the time and place of such public hearing shall be published in the official newspapers of the county at least four days prior to the date of such hearing.

§ 153. Approval of local law by county executive. Every local law, after its passage by the board of supervisors, shall be certified by the clerk thereof and presented, within five days from the date of passage, to the county executive for approval. If the county executive approves it, he shall sign it and return it to such clerk; it shall then be deemed to have been adopted. If he disapproves it, he shall return it to the clerk with his objections stated in writing and the clerk shall present the same with such objections to the board of supervisors at its next regular meeting and such objections shall be entered in its journal. The board of supervisors within thirty days thereafter may reconsider the same. If after such reconsideration two-thirds of the total voting power of the board of supervisors be cast in favor of repassing such local law, it shall be deemed adopted., notwithstanding the disapproval of the county executive. Only one vote shall be had upon such reconsideration. The vote shall be taken by ayes and noes which shall be entered in the journal. If the county executive shall neither approve nor return to the clerk with his objections a local law presented to him, within thirty days of its passage by the board of supervisors, it shall be deemed to be adopted in like manner as if

he had signed it. At any time prior to the return of a local law by the county executive, the board of supervisors, may recall the same and reconsider its action thereon.

§ 154. Restriction on county legislation. Notwithstanding any provision of this chapter, the board of supervisors of the county shall not be deemed authorized by this article to adopt a local law, which supersedes a state statute now in force or hereafter enacted by the legislature, if such local law:

1. Removes or raises any limitation of law on the amount in which the county may become indebted, or on the amount to be raised in any one year by tax for county purposes, or for any county purpose;

2. Removes restrictions of law as to the maturities of bonds or other evidences of debt or which changes a provision of law that the issuance thereof shall be subject to a referendum either mandatory or permissive;

3. Applies to or affects any provision of the labor law or the workmen's compensation law;

4. Changes any provision of the tenement house law;

5. Applies to or affects existing powers of the state comptroller in relation to auditing or examining municipal accounts or prescribing forms of municipal accounting;

6. Applies to or affects any provision of law providing for regulation or elimination of railroad crossings at grade or railroad terminal facilities within the county;

7. Applies to or affects any provision of law relating to the property, affairs or government of any city within the territory of such county;

8. Applies to or affects any provision of law relating to the property, affairs or government of any village within the territory of such county.

§ 155. Local law subject to mandatory referendum. No such local law shall become operative or effective unless and until the same is adopted by the electors of such county at the next general election in such county held not less than sixty days after the adoption thereof by receiving a majority of the total votes cast thereon in (1) the county (2) every city containing more than twenty-five per centum of the population of the county according to the last preceding federal census, and (3) that part of the county, if any, outside of such city, if it abolishes or creates an elective office or changes the voting or veto power of or the method of removing an elective officer, changes the term of office or reduces the salary of an elective officer during his term of office, abolishes, transfers or curtails any power of an elective officer, changes the form or composition of the elective body of such county, or provides a new form of government for such county. Notwithstanding the provisions of this section if any such local law so provides it shall be submitted at a special election, instead of at the next general election, to be held not less than sixty days after the adoption of such local law, the date for which special election shall be fixed by the board of supervisors. In either case such local law shall become operative or effective as provided herein.

Amended by Local Law No. 12, 1965; Local Law No. 4, 1966 in effect September 23, 1966)

§ 156. Local laws subject to referendum on petition. A local law shall be subject to the provisions of the next section, which

1. Dispenses with a provision of law requiring a public notice or hearing as a condition precedent to official action;

2. Changes a provision of law relating to public bidding, purchases or contracts;

3. Changes a provision of law relating to assessments for taxation or special assessments of property for improvements, or the exercise of the power of condemnation for public improvements;

4. Changes a provision of law relating to the authorization or issuance of county bonds or other obligations:

5. Changes a provision of law relating to the auditing of the county's accounts;

6. Changes a provision of law relating to the maintenance or administration of a pension fund or retirement system in such county;

7. Changes a provision of law relating to the alienation or leasing of county property;

8. Increases the salary of an elective officer during his term of office.

§ 157. Referendum on petition. A local law, described in section one hundred fifty-six, if not also subject to mandatory referendum, shall not take effect until at least forty-five days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of such county voting on a proposition for its approval if within forty-five days after its adoption there be filed with the county clerk a petition signed and acknowledged by qualified electors such county in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in such county, protesting against such local law. If such petition be so filed, a proposition for the approval of such local law shall be submitted at the next general election held not less than sixty days after the filing of such petition, unless the board of supervisors adopt a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election. The petition may be made upon separate sheets, and the signatures to each sheet shall be authenticated in the manner provided by section one hundred thirty-five of the election law for the authentication of designating petitions. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. If within three days after the filing of such a petition a written objection thereto be filed with the officer with whom such petition is required by law to be filed the supreme court, or any justice thereof, of the judicial district in which such county or any part thereof is located, shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall

be heard and determined in the manner prescribed by section three hundred thirty-five of the election law.

§ 158. Propositions for the submission of local laws. A proposition for the submission of a local law to the approval of the electors pursuant to this article shall contain the title of such local law. The clerk of the board of supervisors with the advice of the county attorney shall prepare an abstract of such local law concisely stating the title, purpose and effect thereof, and forthwith shall transmit such proposition and such abstract to the election officers charged with the duty of publishing the notice of and furnishing the supplies for such election. A sufficient number of copies of such abstract shall be printed, delivered with the other election supplies, and distributed to the electors at the election. If there be more than one such proposition to be voted upon at such election, such propositions shall be separately and consecutively numbered.

§ 159. Reconsideration of local law before submission to referendum. At any time prior to the election at which a local law is to be submitted to the electors for approval pursuant to this article the board of supervisors of the county, not later than fifteen days prior to the election, may reconsider its action thereon and repeal such local law, whereupon the proposition and its approval shall not be submitted at such election, or, if submitted, the vote of the electors thereon shall be without effect.

§ 160. Filing and publication of local laws. Within five days after the taking effect of a local law, the clerk of the board of supervisors, or other officer designated by the board of supervisors, shall file a certified copy thereof in the office of the secretary of state and in the office of the state comptroller. Such certified copy shall contain the text only of the local law without the brackets and the matter within the brackets, or the italicizing or underscoring, if any, to indicate the changes made by it. Such local laws shall be published annually as a supplement to the session laws.

§ 161. Judicial notice. The courts shall take judicial notice of all local laws adopted pursuant to this article.

§ 162. Legislative intent. It is the intention of the legislature by this article to provide for the full and complete exercise by the board of supervisors of powers of local legislation pursuant to the provisions of section two of article nine of the constitution. The powers granted by this article shall be in addition to and not in substitution for all the powers, rights, privileges and functions conferred or imposed upon the county by any other provision of this act or of any other law heretofore or hereafter enacted. Insofar as the provisions of this article are inconsistent therewith, the provisions of this article shall be controlling. This article shall be construed liberally.

(Amended by L. 1939 Ch. 700 § 2, in effect June 5, 1939).

ARTICLE II Executive

- Section 201. Election; qualifications; compensations.
202. Duties.
203. Responsibility for administration; powers of appointment and removal.
204. Assignment of supervisors' powers and duties to county executive.
205. Acting county executive.
206. Commissioner of accounts; appointment; powers; duties.
207. Removal of county executive.

§ 201. Election; qualifications; compensation. There shall be a county executive who shall be elected from the county at large. He shall be at all times a qualified elector of the county. He shall give his whole time to the duties of the office and shall receive therefore a compensation to be fixed by ordinance.

(Amended by Local Law No. 3-1946 § 1, in effect December 16, 1946.)

§ 202. Duties. It shall be the duty of the county executive to preside over the board of supervisors. He shall prepare and present to that body the annual budget in manner and form as hereinafter provided, and at the close of each fiscal year, or as soon thereafter as practicable, a report of the financial and other transactions of the county including the reports of the several departments of the

county government. A suitable abstract of this report shall be printed in pamphlet form for general distribution. He shall also from time to time present to the board of supervisors such other information concerning the affairs of the county and such recommendations as he may deem necessary or as the board may by resolution request.

§ 203. Responsibility for administration; powers of appointment and removal. It shall be the duty of the county executive to supervise, direct, and control, subject to the provisions of this act, the administration of all departments of the county government. He shall appoint, except as otherwise provided in this act, subject to confirmation by the board of supervisors, the head of every county department and office and members of county boards and commissions. He may at any time remove any person so appointed; provided that in the case of members of boards and commissions appointed for definite terms, no removal shall be made until the person to be removed has been served with a notice of the reasons for his removal and given an opportunity to be heard, publicly if he desired, thereon by the county executive. The decision of the county executive shall be final. He shall also appoint without confirmation by the board of supervisors, and remove at his pleasure, the employees in his own office and such employees shall not be members of the classified service.

(Amended by L. 1937 Ch. 618 Section § 3, in effect January 1, 1938.)

§ 204. Assignment of supervisors' powers and duties to county executive. The board of supervisors may by ordinance devolve upon the county executive the exercise or performance of any of its powers and duties, except those which it must exercise or perform by ordinance, as provided in this act or any other law of this state, and except other powers and duties of a distinctly legislative character. The action of the county executive in any matter so devolved shall have the same effect in law as if performed by the board of supervisors.

§ 205. Deputy county executives. The county executive shall designate one or more deputies in his office to perform the administrative duties of the county executive and file such designation with the county clerk and the clerk of the board of

supervisors. The county executive may indicate therein the extent of such delegation. Any such designation shall remain in effect during the term of the county executive or until the county executive files a written revocation with the above said clerks. During the absence or disability of the county executive and the deputy county executives so designated, the vice-chairman of the board of supervisors may perform such administrative duties. The acts so performed by such deputies or vice-chairman shall have the same effect in law as if performed by the county executive.

(Amended by L. 1952, Ch. 591, in effect April 9, 1952; Local Law No. 5, 1979, in effect June 25, 1979.)

§ 206. Commissioner of accounts; appointment; powers; duties. The county executive may from time to time appoint, without confirmation by the board of supervisors, a commissioner of accounts who shall receive a compensation to be fixed by the county executive and an appropriation for that amount and purpose shall be included in each annual budget. The commissioner of accounts shall have power to examine the financial and other records of the comptroller and treasurer and to make such other examinations as he may deem to be for the best interest of the county, of the accounts, methods and activities of each department, institution, office or agency of the county and of the towns and special districts without exception, and to report to the county executive his findings thereon. He shall have power to appoint such assistants and deputies within the limits of the appropriation made by the board of supervisors as he deems necessary for the performance of his duties.

§ 207. Removal of county executive. The county executive may be removed in the manner provided in section thirty-three of the public officers law for the removal of other county officers.

ARTICLE III Budget

- Section 301. Estimates of county departments.**
302. Scope of county budget.
303. Budget message.
304. Hearing.

- 305. Changes in budget.**
- 306. Tax levy; town budgets.**
- 307. Transfers of appropriations; supplemental appropriations.**
- 308. Work programs; allotments.**

§ 301. Estimates of county departments. Not later than the fifteenth day of September in each year, the head of each department, institution, office and agency of the county government, shall furnish to the county executive, on forms supplied by him, estimates of the revenue and expenditure of their several departments, institutions, offices, agencies or districts for the next ensuing fiscal year, detailed by organization units and the character and object of expenditure, accompanied by an inventory of all equipment material and supplies on hand and such other supporting data as the county executive may request.

(Amended by L. 1948 Ch. 714, in effect March 31, 1948.)

§ 302. Scope of county budget. Not later than the second Monday in November in each year the county executive shall submit to the board of supervisors a proposed budget of revenue and expenditure for the ensuing fiscal year for the county. The proposed county budget shall contain:

1. a statement of all revenues which it is estimated will be received by the county during the ensuing fiscal year, other than the proceeds of the tax levy of the ensuing fiscal year, deducting the amount, if any, required to be deposited to the credit of any sinking fund;

2. a statement of the amount estimated to be collected from the tax levy of the ensuing fiscal year;

3. a statement of the receipts anticipated during the ensuing fiscal year from the sale of bonds or other borrowing;

4. a statement of the amount of the sinking fund, if any, which is available and which should be applied to the payment of the principal of any bonded indebtedness of the county falling due during the ensuing fiscal year;

5. a statement of the estimated cash balance, after deducting commitments estimated to be outstanding at the close of the current fiscal year, in each fund, applicable to expenditures of the ensuing fiscal year; and any estimated deficit in any fund required to be made up in the ensuing fiscal year;

6. an estimate of the several amounts which the county executive deems necessary for conducting the business of the county for each department, institution, office and agency thereof, separately stated, and for other purposes contemplated by this act and otherwise by law for the ensuing fiscal year; the above being classified so as to show separately; (a) the ordinary recurring expenses of the operation and maintenance of the county government; (b) any extraordinary or non-recurring expenses to be financed from current revenue; and (c) any extraordinary or any capital expenditure to be financed from the proceeds of bond issues, and in the event that any such capital expenditure is to be ultimately paid for in whole or in part from the proceeds of assessments on property specially benefited the portion of such capital expenditure to be so assessed shall be separately shown;

7. the amount necessary to pay the principal and interest of any bonded or other indebtedness of the county becoming due during the ensuing fiscal year;

8. the amount of any judgment recovered against the county and payable during the ensuing fiscal year;

9. in the discretion of the county executive, an estimated amount to provide for uncollected taxes including school district taxes, which amount shall be a county charge;

10. any other matter which the county executive deems advisable.

The proposed budget shall be so arranged as to give in parallel columns the following comparative information: (1) receipts and expenditures for the last completed fiscal year; (2) the budget of the current fiscal year; (3) the actual receipts and expenditures for the first nine months of the current fiscal year; (4) departmental

requests for the ensuing fiscal year; and (5) the recommendations of the executive as above provided.

(Opening paragraph amended by L. 1937 Ch. 618 § 5, in effect January 1, 1938. Subdivision 9, added and former subdivision 9, renumbered 10 by L. 1945 Ch. 453 § 2, in effect April 2, 1945.)

§ 303. Budget message. The county executive shall submit with the proposed budget a budget message explaining the main features of the budget and including a summary of the proposed budget and such supporting schedules as the county executive may deem advisable or the board of supervisors may by resolution require. He shall also submit at the same time a draft of an ordinance referring to the proposed budget and making provision for the conduct of the county government for the ensuing fiscal year, which need not be itemized further than by departments and by kinds of expenditure, as follows: (1) personal service; (2) materials and supplies; (3) expenses (contractual expenses); and (4) capital outlays. He shall also submit at the same time a draft of an ordinance fixing the tax levy necessary to support the county budget.

§ 304. Hearing. The proposed county budget shall be filed with the board of supervisors and open to inspection by any person during business hours. The board of supervisors shall, within ten days after the filing of the budget with them in each year, publish at least twice, at intervals of one week, in the official newspapers, a copy of the budget message and a notice of the time, not less than five days after the date of the second publication, at which the board of supervisors will hold a public hearing on the county budget. At such hearing any person may be heard for or against the estimates as presented by the county executive, or any item thereof. Such hearing shall be adjourned from day to day until all who desire have been heard.

(Former § 304 L. 1936 Ch. 879 repealed, and former § 305 L. 1936 Ch. 879 renumbered to be § 304 by L. 1937 Ch. 618 § 7, in effect January 1, 1938.)

§ 305. Changes in budget. After the conclusion of such hearing the board of supervisors may strike out or reduce any item of appropriation in the county budget. Before, however, inserting any additional item or increasing any item of appropriation, the board of supervisors must publish, at least twice in the official

newspapers, a notice setting forth the nature of the proposed changes in the budget and fixing the time, not less than five days after the second publication, at which they will hold a public hearing thereon. After such hearing, which may be adjourned from day to day, the board of supervisors may insert the additional item or items and make the increase or increases to the amount in each case indicated by the published notice or to a lesser amount; provided that the county executive may veto any such addition or increase and that no such addition or increase shall be passed over his veto by less than a two-thirds vote of the voting strength of the board of supervisors.

(Former § 306 L. 1936 Ch. 879 amended and renumbered to be § 305 by L. 1937 Ch. 618 § 8, in effect January 1, 1938.)

§ 306. Tax levy; town budgets. 1. When the county budget shall have been finally adopted, an appropriation ordinance for such budget, with such amendments as may be necessary to make it conform to the budget as adopted, shall be passed by the board of supervisors, and taxes for the ensuing year, including state, county, town and special district taxes and assessments, shall be levied not later than the third Monday in December. The board of supervisors shall fix by ordinance the time at which town budgets shall be filed for the purpose of making such levy.

2. In the event that a county budget shall not have been finally adopted by the third Monday in December, the clerk of the board of supervisors shall certify that the budget has not been adopted and shall further certify the amount of the levy for the current fiscal year. The filing of such certificate in the office of the board of assessors shall have the force and effect of a levy of an exigency tax in the amount specified in such certificate. The amount so levied shall be referred to as the exigency tax for the ensuing fiscal year. The exigency tax shall be in an amount equal to one hundred percent of the amount that was levied for county purposes for the current fiscal year. The board of supervisors shall finally adopt a budget as soon thereafter as is possible and thereupon may levy a residual tax. The residual tax shall be in an amount equal to the difference between the taxes required by such budget and the

amount levied as the exigency tax.

(Former § 307, L. 1936 Ch. 879 amended and renumbered to be § 306 by L. 1937 Ch. 618 § 9, in effect January 1, 1938; amended by L. 1992 Ch. 717 § 14, in effect July 31, 1992.)

§ 307. Transfers of appropriations; supplemental appropriations. No money shall be spent by the county, nor shall any obligation for the spending of money be incurred, unless in pursuance of the annual appropriation ordinance therefor, except as provided in this section, and the unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year; provided, that nothing herein contained shall be taken to prevent the making of contracts for improvements or works not to be completed during the fiscal year, and any appropriation in furtherance thereof shall continue in force until the purpose for which it was made shall have been accomplished or abandoned. Notwithstanding the foregoing, in the event the budget for any fiscal year is not adopted prior to the first day of such fiscal year, the county executive may propose, and the board of supervisors may make, such appropriations as are necessary for the continued operation of government, until such time as a budget is adopted. Transfers of appropriations within the same department may be authorized by the board of supervisors on the recommendation of the county executive, and transfers between departments may, upon like recommendation, be authorized during the last two months of the year by the board of supervisors by a two-thirds vote of the voting strength thereof. Supplemental appropriations from any moneys not otherwise appropriated may be made at any time upon recommendation of the county executive by a two thirds vote of the voting strength of the board of supervisors.

(Amended by L. 1943 Ch. 710 § 101, as last amended by L. 1945 Ch. 338, in effect September 2, 1945; former § 308 L. 1936 Ch. 879, amended and renumbered to be 307 by L. 1937 Ch. 618 § 10; amendment required by Local Finance Law § § 29.00, 30.00 and 40.00; amended by L. 1992 Ch. 717 § 16, in effect July 31, 1992.)

§ 308. Work programs; allotments. Immediately before the beginning of the fiscal year the head of each department, institution, office or agency of the county government shall submit to the county executive a work program for the year, which program shall include all appropriations for its operation and

maintenance and purchase of equipment, and shall show the requested allotments of said appropriations for such department, institution, office or agency, by quarters, for the entire fiscal year. The county executive shall review the requested allotments in the light of the work program of the department, institution, office, or agency concerned, and may, if he deems necessary, revise, alter, or change such allotments before authorizing the same. The aggregate of such allotments shall not exceed the total appropriation available to said department, institution, office or agency for the fiscal year. The comptroller shall authorize all expenditures for the departments, institutions, offices and agencies to be made from the appropriations of the basis of approved allotments and not otherwise. The approved allotments may be revised during the fiscal year by the county executive, or upon application by the head of any department, institution, office or agency, approved by the county executive. If at any time during the fiscal year the county executive shall ascertain that the probable income, plus fund balances, for the year will be less than the total appropriations, he may reconsider the work programs and allotments of the several departments, institutions, offices and agencies and revise them so as to forestall the making of expenditures in excess of the said income and fund balances. The term income as used in this section shall include any moneys raised or to be raised by the issuance of bonds or notes authorized to be issued by any ordinance adopted by the board of supervisors, provided said moneys may lawfully be used to meet such appropriations.

(Former § 309 L. 1936 Ch. 879, amended and renumbered to be § 308 by L. 1937 Ch. 618 § 11, in effect January 1, 1938; former § 310 L. 1936 Ch. 879, repealed by L. 1937 Ch. 618 § 12, in effect January 1, 1938.)

ARTICLE IV Comptroller

- Section 401. Election; powers.
402. Duties.
403. Restrictions on payment of claims.
404. Accounts.
405. Special district audits.

§ 401. Election; powers There shall be a county comptroller

who shall be elected from the county at large. He shall, except as otherwise provided in this act, have all the powers and duties of a county comptroller under the laws of this state, including but not limited to the powers and duties specified in this article. He shall receive a compensation to be fixed by ordinance. He shall appoint two deputies who shall have the power to act for and in place of the comptroller in all regards, and other officers and employees of his office as may be provided by ordinance. He shall submit estimates for his office to the county executive in the same manner as provided in the preceding article for all county officers.

(Amended by Local Law No. 3-1946 (§ 2; Local Law No. 7-1975 [Known as Local Law No. 4-1974 for purposes of filing with the Secretary of State], in effect Oct. 6, 1975)

§ 402. Duties. The comptroller shall: (1) keep and supervise all accounts which may be required by resolution of the board of supervisors or by the county executive for purposes of administrative direction and financial control; (2) prescribe the form of receipts, vouchers, bills, or claims to be filed by all departments, institutions, offices and agencies of the county government; (3) examine and approve all contracts, purchase orders, and other documents by which the county incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will be available when such obligations shall have become due and payable, and record such obligations as encumbrances of the respective appropriations from which such obligations are to be paid; (4) audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the county, and determine the regularity, legality, and correctness of the same; (5) prepare monthly reports of all receipts and expenditures of the county and submit the same to the county executive, the board of supervisors, and the head of each department, institution, office or agency directly concerned; (6) examine and audit of his own motion or when directed to do so by resolution of the board of supervisors the accounts and records of any town or special district and make reports from time to time when requested by the county executive or board of supervisors on the financial condition of the county or any or all of its political subdivisions; (7) prescribe the form of, inspect and annually audit any accounts or records of financial transactions which may be maintained by any department, institution, office or agency of the county apart

from, or subsidiary to, the general accounts; and (8) perform such other duties pertaining to the financial records of the county as may be directed by the board of supervisors, the county executive or by any law or by any fiscal officer of the state authorized so to do by law.

(Amended by L. 1937 Ch. 618 § 14, in effect January 1, 1938.)

§ 403. Restrictions on payment of claims. No claim against the county except for debt service pay rolls and judgments or other amounts required to be paid by the county, pursuant to court orders, shall be paid except upon a voucher verified by the oath of the claimant or accompanied by a certificate made by the claimant to the same effect as is required on an account to be verified by affidavit, and certified by the head of the appropriate department, institution, office or agency of the county government, and in the case of purchases for the stores account by the purchasing agent, and by means of a warrant on the treasurer signed by the comptroller. No warrant shall be issued for the purpose of meeting any pay roll or item thereof until the same has been certified as correct by the civil service commission.

(Amended by L. 1948 Ch. 133, in effect March 6, 1948.)

§ 404. Accounts. Accounts shall be kept for each specific item of appropriation made by the board of supervisors, and every warrant on the treasury shall state specifically against which of said appropriation made by the board of supervisors, and every warrant on the treasury shall state specifically against which of said appropriations the warrant is drawn. Each such account shall show in detail the appropriation made by the board of supervisors, any transfer to or from such appropriation, the amount drawn thereon, unpaid obligations charged against it, and the unencumbered balance to the credit thereof.

§ 405. Special district audits. Each special district shall annually, within sixty days after the conclusion of its fiscal year, file with the comptroller an audit covering the financial operations of such fiscal year, made by a certified public accountant. If any special district fails to file such an audit within such period of sixty days, the comptroller may cause an audit to be made by the members of his staff and shall keep a copy of such audit on file

with the other audits. When the comptroller shall make such an audit, the special district shall pay to the county the cost of such audit as certified by the comptroller.

(Amended by L. 1954, ch. 551, in effect April 7, 1954)

ARTICLE V

County Treasurer

Section 501. Appointment.

502. Powers.

503. Duties concerning loan transactions.

§ 501. **Appointment.** There shall be a county treasurer who shall be appointed by the county executive subject to confirmation by the board of supervisors, and at the date on which this act becomes effective in the county the elective office of the county treasurer shall be abolished therein.

§ 502. **Powers.** The treasurer shall have, except as otherwise provided in this act, all the powers and duties of county treasurers under the laws of this state applicable to the county. He shall be the chief fiscal officer of the county and shall appoint such deputies and other employees to his office as may be provided by ordinance.

(Amended by Local Law No. 3, 1965, in effect February 17, 1965)

§ 503. **Duties concerning loan transactions.** The treasurer shall forthwith notify the comptroller of all borrowings by the county.

(Amended by L. 1943 Ch. 710 § 102, as last amended by L. 1945 Ch. 338, in effect September 2, 1945; formerly amended by L. 1937 Ch. 618 § 16; amendment required by Local Finance Law § § 2.00 (5), 20.00, 30.00, 56.00, 61.00 and 163.00.)

ARTICLE VI

Department of Assessment

Section 601. County board of assessors.

602. Duties of board.

603. Rules and regulations.

- 604. Duty of other officers to furnish information.
- 605. Duties of chairman.
- 606. Publicity of roll; hearing.
- 607. Correction of roll; extension of taxes.
- 608. Use of county assessment roll by village or city.
- 609. Town assessors abolished.

§ 601. County Board of assessors. There shall be a county board of assessors, two to be appointed from the most populous town and one from each other town by the county executive subject to confirmation by the board of supervisors for terms of four years beginning with the first day of January nineteen hundred fifty, and one to be elected from the county at large. For the purpose of the appointment of members of the board of assessors, any city heretofore or hereafter created from the territory of any town shall be considered to be part of that town. The member elected at large shall be the chairman of the board of assessors, shall preside at all meetings of the board and shall act as its executive officer. The board shall select from its appointed members a vice-chairman who, in the absence of the chairman or during his inability to act, shall have all the powers and perform all the duties of the chairman. Within the appropriation therefor there shall be a secretary to the board who shall be appointed in the same manner as other employees of the board. The members of the board of assessors shall receive compensations to be fixed by ordinance. A member of the county board of assessors shall not engage directly or indirectly in the business of real estate broker, or as an insurance agent or broker, nor shall he speculate or deal in real estate. Except as otherwise specifically provided in this act, the board of assessors and members of the board of assessors shall act only by resolution of the board of assessors adopted by a majority of the members thereof.

(Amended by L. 1948, ch. 658; L. 1954, ch. 470; Local Law No. 8-1973, in effect October 1, 1973)

§ 602. Duties of board. It shall be the duty of the board of assessors in the manner hereinafter provided to assess all property, situated in the county and liable to taxation for state, county, town, school and/or special district purposes; provided that nothing herein contained shall prevent any city or village in which

the school budget is a part of the city or village budget from levying school taxes on the city or village assessment roll. There shall be no equalization of assessed valuations among the towns and cities within the county, notwithstanding any other provision of law.

(Amended by L. 1937 Ch. 618 § 17, in effect January 1, 1938.)

§ 603. Rules and regulations. It shall be the duty of the board of assessors to adopt such rules and regulations for the guidance of its deputy assessors in the performance of their duties as will establish an equitable and scientific system of assessing property for taxation. Such system shall provide for recording separately the value of each parcel of land and the value of any building or structure thereon. It shall be the duty of the board of assessors to prepare and maintain tax maps and land value maps which shall be completed as promptly as possible and in no event later than three years from the effective date of this act. The expense of preparing and acquiring such maps shall be a county charge and the board of supervisors may raise the necessary funds required for such purposes in whole or in part by the issuance of the bonds of the county therefor. The tax maps shall show the dimensions of each separately assessed parcel of land within the county, and the land value maps shall show the value per foot, according to a standard unit of depth, of all lots abutting on any street, highway or other public way or place in the county: but as to acreage tracts the land value maps shall show the value per acre. Upon the completion of such tax maps and the land value maps, the board of assessors shall, and at any time prior thereto may further adopt rules for the determination of: (1) the value of property not of the standard unit of depth shown on the land value maps, (2) the effect of side street influence on the value of property located at intersections, (3) the value of property of odd shapes and sizes; and (4) the value of buildings and structures which shall include the factors of cost of construction on some unit basis for each type of construction based on either area or content, depreciation, obsolescence, and market value. The rules so adopted, and all amendments thereof, shall be published and made available to any taxpayer of the county upon application to the board of assessors.

The tax map in existence on July first, nineteen hundred forty-six is hereby continued and shall be thereafter known as the

“county land and tax map.” The board of assessors shall make such changes in the county land and tax map as from time to time may be necessary to keep such map accurate to serve as the tax map of the board of assessors and for the recording and indexing work of the county clerk, delineating particularly all streets, avenues, roads, boulevards, parkways and waterfronts of the county and all blocks bounded by such streets, avenues, roads, boulevards, parkways and waterfronts and all the sections into which the county shall be divided.

(Amended by L. 1946 Ch. 708 § 1, in effect July 1, 1946.)

§ 604. Duty of other officers to furnish information.

All applications for building permits shall be made in duplicate and all persons authorized to issue building permits in the county or any town, city, or village therein, shall, not less frequently than once a month, deliver to the board of assessors a copy of such applications. The county clerk shall, not less frequently than once a month, upon written request from the board of assessors, compile and furnish a list of such mortgages, deeds, and other instruments conveying an interest in real property, showing the location of such property, the amount of the mortgage and the consideration recited in such mortgage, deed or conveyance, the nature of the interest conveyed by the instrument, and from whom and to whom such interest was conveyed, as the board of assessors may require and deliver a copy of such list to the board of assessors.

(Amended by L. 1941 Ch. 448 § 1, in effect April 15, 1941.)

§ 605. Duties of chairman. The chairman of the board of assessors shall be responsible for the preparation of the assessment roll with the assistance of the deputy assessors. He shall have power to appoint such deputy assessors and other employees as the board of assessors may deem necessary, within the appropriation therefor. The chairman shall supervise and direct their work in accordance with the regulations adopted by the board of assessors.

(Amended by L. 1939 Ch. 697 §1, in effect June 5, 1939.)

§ 606. Publicity of roll; hearing. Upon the completion of the assessment roll one or more copies of the same shall be placed

on file in such public places as may be designated by the board of assessors. The board of assessors shall forthwith adopt and cause to be published in the official newspapers, during the first week in May, a resolution stating that the roll has been completed, designating the places where the several portions of the same have been placed on file and where they may be examined during business hours every business day and at least one evening each week until the third Tuesday of May on which day at the designated times and places, at least one place in each town, any person aggrieved by the assessment may appear and be heard in relation thereto.

(Amended by L. 1944 Ch. 719, in effect January 1, 1945.)

§ 607. Correction of roll; extension of taxes. For the purpose of expediting the hearing of complaints, any member of the board of assessors or a deputy assessor, designated by the chairman, may sit to hear complaints and report their recommendations thereon with the reasons therefor to the board of assessors. Such hearing shall have the same effect as a hearing before the full board of assessors. a. When all the complaints have been heard, the board of assessors shall make corrections, if any, in the assessment roll as shall be required by law and, shall transmit to the board of supervisors a statement, verified by oath of the chairman of the board of assessors, of the total assessed valuation of the county and of each town, city, village, school district and each special district and works benefit area, and a similar statement of the assessed valuation of each city and village to the respective governing bodies thereof.

b. When the board of supervisors shall have adopted the budget by the third Monday of December and shall have levied the taxes and assessments on the properties in the towns and cities for the ensuing fiscal year, the board of assessors shall extend such taxes and assessments by placing on the roll opposite the valuation of each parcel of property in the towns and cities the sum to be paid in taxes thereon on account of such levy.

c. When the taxes and assessments have been so extended, a copy of that portion of the roll which contains the properties situated in each town or city shall be delivered to the receiver of taxes thereof. The board of assessors shall file with the clerk of the

board of supervisors a certificate to the effect that such taxes and assessments have been so extended in accordance with the ordinance levying such taxes and assessments or in accordance with subdivision 2 of section 306 of this county government law (Nassau County Charter). Such certificate of the board of assessors when so filed shall be conclusive as to the extension of such taxes and assessments in accordance with such ordinance.

d. A warrant for the collection of such taxes and assessments shall thereupon be delivered to the receiver of each town or city, which warrant shall be sealed with the seal of the county and signed by the county executive or, in his absence or inability to act, by the vice-chairman of the board of supervisors and by the clerk of the board of supervisors and shall be in such form as may be otherwise provided by law and shall be annexed by the clerk of the board of supervisors to such portion of said roll delivered to each receiver at the end thereof.

e. The receivers of taxes of the towns and cities shall attend at the office of the clerk of the board of supervisors with the portion of said roll to which said warrant is to be annexed and to receive the warrant so annexed.

f. Any surplus existing or hereafter arising from the extension of taxes in excess of the amounts raised for the adopted budget shall be credited to the county, and any deficiencies existing or hereafter arising from the extension of taxes for the adopted budgets shall be a county charge.

Amended by L. 1949 Ch. 444, in effect April 6, 1949; previously amended by L. 1939 Ch. 697 and Ch. 844 and by L. 1940 Ch. 600 and by L. 1942 Ch. 331 and by L. 1943 Ch. 203. Construction clauses contained in L. 1939 Ch. 844 and L. 1940 Ch. 600 are not reprinted here; amended by L. 1992 Ch. 717 § 15, in effect July 31, 1992.)

§ 608. Use of county assessment roll by village or city. The board of trustees of any village or the mayor and council of any city in the county may, by resolution, authorize its assessor or assessors to use the assessment roll of the county of the current year as the basis for the village or city assessment. Such resolution shall be effective until revoked by subsequent resolution, and the board of trustees of such village or mayor and council of such city shall forthwith notify the state department of taxation and finance

and the county board of assessors of the adoption of such resolution or its revocation. When any village or city has so authorized the use of the county assessment roll, the county board of assessors shall deliver to the assessor or assessors of such village or city two copies of that portion of the county assessment roll which relates to property situated in such village or city; provided that such village or city shall pay the actual cost of copying such portion of the roll as certified by the chairman of the county board of assessors.

(Amended by L. 1939 Ch. 618 § 20, in effect January 1, 1938.)

§ 609. Town assessors abolished. The office of assessor in towns is abolished as of the date on which this act becomes effective in the county, and its powers and duties are transferred to the county board of assessors and the chairman of the county board of assessors as provided in this article.

ARTICLE VII

Division of Purchase

- Section 701. Division established.
702. Duties; competitive bids.
703. Stores account.
704. Requisitions.
705. Deputy Commissioner of Purchase and Supply may act for towns, cities, villages and districts.

§ 701. Division Established. 1. Within the department of general services there shall be a division of purchase and supply, the head of which shall be the deputy commissioner of general services, division of purchase and supply, who shall be appointed by the county executive subject to confirmation by the Board of Supervisors.

2. The county executive shall designate an individual to perform the administrative duties of and in the place and stead of the deputy commissioner of general services, division of purchase and supply during the absence, disability or unavailability of said deputy commissioner of general services, division of purchase and

supply and shall file such designation with the county clerk and the clerk of the board of supervisors. In making said designation, the county executive shall consider the written recommendation of the commissioner of the department of general services. The county executive may indicate therein the extent of such designation. Any such designation shall remain in effect during the term of the county executive or until the county executive files a written revocation with the above said clerks.

(Amended by Local Law No. 1, 1958; Local Law No. 19, 1965; Local Law No. 9, 1971 in effect September 17, 1971; Local Law No. 4, 1980, in effect June 9, 1980.)

§ 702. Duties; Competitive Bids. (1) The Deputy Commissioner of General Services, Division of Purchase and Supply or his designee shall make all purchases and all contracts for supplies, materials, equipment of every nature for the County and services in connection with the operation, renovation and maintenance of County facilities and equipment for any County department, institution, office or agency for which the County may in any event be liable provided that the Board of Supervisors may by resolution except from the operation of this article by two-thirds vote of the voting strength thereof exempt such further purchases as the Deputy Commissioner of General Services, Division of Purchase and Supply or his designee may recommend in writing. Before making any purchase the Deputy Commissioner of General Services, Division of Purchase and Supply or his designee shall give opportunity for competition under such rules and regulations as may be from time to time established by ordinance; provided that in case any single purchase or contract shall involve an expenditure of more than ten thousand dollars, it shall be made from or let by sealed bids or proposals, after public notice published at least once in the official newspapers at least five days prior to the day on which such sealed bids or proposals are to be opened, to the lowest bidder who shall give security for the performance of this contract, if required by the Deputy Commissioner of General Services, Division of Purchase and Supply or his designee; except that the Deputy Commissioner of General Services, Division of Purchase and Supply or his designee may award such contract to a bidder other than the lowest bidder, as aforesaid, where such other bidder maintains a place of business in or sells supplies, materials or equipment manufactured in the County of Nassau or in an

adjoining municipality and submits a bid not exceeding ten percent more than the otherwise lowest bidder; and provided that, in case of an emergency, upon the recommendation in writing by the Deputy Commissioner of General Services, Division of Purchase and Supply or his designee setting forth the nature of the emergency, the County Executive may authorize the Deputy Commissioner of General Services, Division of Purchase and Supply or his designee to immediately purchase in the open market the necessary materials, supplies, equipment or services in connection with the operation, renovation and maintenance of County facilities or equipment, notwithstanding that the emergency purchase may involve the expenditure of more than ten thousand dollars.

(Amended by Local Law No. 12-1991, in effect January 1, 1992; Local Law No. 6-1992, in effect May 21, 1992.)

(2) The purchase of supplies, materials, equipment for the Nassau County Medical Center, and services in connection with the operation, renovation and maintenance of the Nassau County Medical Center is specifically exempted from this section and shall be made by the Director of Purchase for the Nassau County Medical Center, or his designee, in accordance with Section Twenty-One Hundred Four-b.

On or before October 22, 1990, the Director of Purchase shall submit to the Board of Supervisors, a comprehensive report detailing the financial and operational experiences of his division during the prior eighteen months.

(3) The provisions of subsection (2) shall cease to be of any force or effect on June 30, 1995.

(Amended by L. 1951, Ch.820; Local Law No. 1, 1958; Local Law No. 19, 1965; Local Law No. 9, 1971, in effect September 27, 1971; Local Law No. 11, 1979, in effect September 10, 1979; Local Law No. 7, 1980, in effect July 23, 1980; Local Law No. 3, 1984, in effect February 2, 1984; Local Law No. 3, 1988, in effect August 4, 1988; Local Law No. 1, 1989, in effect March 6, 1989; Local Law No. 2, 1991, in effect May 10, 1991; Local Law No. 3, 1992, in effect April 30, 1992; Local Law No. 15, 1992, in effect October 29, 1992; Local Law No. 1-1993, in effect May 6, 1993; Local Law No. 5-1993, in effect February 3, 1994; Local Law No. 2-1994, in effect July 7, 1994.)

§ 703. **Stores account.** The deputy commissioner of general services, division of purchase and supply shall have charge of such storerooms and warehouses of the county as may be

provided by resolution of the board of supervisors. Supplies, materials or equipment required by any department, institution, office or agency of the county may be furnished upon requisition from the stores under the control of the deputy commissioner of general services, division of purchase and supply and, whenever so furnished, shall be paid for by the department, institution, office or agency to which furnished by means of a warrant payable to the credit of the stores account. The deputy commissioner of general services, division of purchase and supply shall not make any purchases for, or furnish from stores under his control to, any department, institution, office or agency, any supplies, materials or equipment unless there be to the credit of such department, institution, office or agency an unencumbered balance of an appropriation applicable to such purchase sufficient to pay for such supplies, materials or equipment.

(Amended by Local Law No. 1, 1958; Local Law No. 19, 1965; Local Law No. 9, 1971 in effect September 27, 1971; Local Law No. 4, 1980 in effect June 8, 1980.)

§ 704. Requisitions. At such times during each quarter of each fiscal year as the deputy commissioner of general services, division of purchase and supply may designate, it shall be the duty of the heads of each department, institution, office or agency to submit to the deputy commissioner of general services, division of purchase and supply on forms to be supplied by him a requisition for all supplies, materials and equipment the purchase of which has been authorized by the budget for such fiscal year and the necessity for the purchase of which can be clearly foreseen, together with the dates on which such supplies, materials or equipment will be required.

(Amended by Local Law No. 1, 1945; Local Law No. 1, 1958; Local Law No. 19, 1965; Local Law No. 9, 1971, in effect September 27, 1971; Local Law No. 4, 1980, in effect June 9, 1980.)

§ 705. Deputy Commissioner of general services, division of purchase and supply may act for town, cities, villages and districts. The deputy commissioner of general services, division of purchase and supply, upon the request of any town, city, village, school district or special district in the county, may act as purchasing agent for such town, city, village, school district or special district, either for all or any part of its purchase, upon such conditions as may be prescribed by ordinance.

(Amended by Local Law No. 1, 1958; Local Law No. 19, 1965; Local Law No. 9, 1971, in effect September 27, 1971; Local Law No. 3, 1980, in effect June 9, 1980.)

ARTICLE VIII

Department of Police

- Section 801. Department established.**
802. Powers and duties.
803. Entrance into and withdrawal from county police district.
804. Contracts with county police department.

§ 801. Department established. There shall be a department of police, the head of which shall be the commissioner of police.

§ 802. Powers and duties. Except as otherwise provided in this act, the county police district, if there be one, and the organization, powers, and duties of the police department shall continue to be as provided by the laws of this state relating to police, applicable to the county and in force on the date when this act becomes effective in the county, and the commissioner of police shall be and have the powers and duties of chief of police as therein provided. All portions of any town, unincorporated as a village or a city at the date on which this act becomes effective in the county or not included in a town police district on such date, irrespective of the inclusion thereof in a village or city incorporated or erected after such date, shall continue to be a part of the county police district, provided however, this shall not apply to any territory which may hereafter be annexed to a city or village existing at the date on which this act becomes effective.

(Amended by L. 1950 Ch.450, in effect April 5, 1950.)

§ 803. Entrance into and withdrawal from county police district. Any city may by ordinance, and any village or police district not a part of the county police district at the date on which this act becomes effective in the county may by resolution of its board of trustees or other governing body, request that the territory of such city, village or police district become a part of the county police district on the first day of January next succeeding the effective date of such ordinance or resolution and that its police force be made part of the county police force. Thereupon, the board of supervisors, if it shall approve the request, may, by

resolution, constitute the territory of such city, village or town police district a precinct or a part of the precinct of the county, and constitute the police force of such city, village or town police district members of the police force of the county. In the instance of any city, or of a village or town police district to which the rules of the state civil service commission have been extended, the police force of such city, village, or town police district shall become members of the police force of the county with such rank as shall be certified to the board of supervisors by the civil service commission having jurisdiction thereof. In the case of all other villages or town police district, the police force of such village or town police district shall become members of the police force of the county with such rank as may be agreed upon by the board of supervisors and the governing body of such village or town police district. Any such city or village may withdraw from the county police district on the thirty-first day of December of any year, provided that such ordinance or resolution shall not go into effect for thirty days after its adoption, and if in the meantime a petition of qualified electors equal to ten per centum of the total vote cast in such city or village at the last preceding city or village election shall be filed with the city or village clerk, as the case may be, such ordinance or resolution shall be referred to the people at the next ensuing city or village election, and shall not take effect unless a majority of those voting on the proposition vote in the affirmative; provided that such former police of such city or village as at that time are members of the county police department shall by the act of such withdrawal be returned to their former status as members of such city or village police.

(Amended by L. 1937 Ch. 618 § 22, in effect January 1, 1938.)

§ 804. Contracts with county police department. Any city, village, or police district, not a part of the county police district, may by ordinance, in the case of a city, or by resolution of the governing body, in the case of a village or police district, enter into a contract with the county police department for a term of not less than two years, by which the county police department will agree to provide a specified degree and type of police protection at a price to be set forth in such contract. It shall be competent in such contract to provide for the number of police to be assigned to duty in such city, village, or district, and the number, ranks and rates of pay of city, village, or district police to be taken into the

county police force; provided that, on the termination of such contract, such former police of such city, village or district as at that time are members of the county police department, shall by the act of terminating such contract be returned to their former status as members of the city, village, or district police. Nothing therein contained shall be taken to limit the power of the commissioner of police in removing, demoting, or otherwise disciplining any member of the county police force.

ARTICLE IX

Department of Health

- Section 901. County health district; department established; powers.
902. Board of health; appointment, term.
903. Board of health; organization; powers.
904. Local Boards of health abolished.
905. County health commissioner; qualifications; term powers; duties.
906. Medical examiner, qualifications; powers and duties.

§ 901. County health district; department established; powers. The county, including the towns, cities and villages situated therein, shall be a county health district. There shall be a county department of health, the head of which shall be the county board of health, which shall possess all the powers of and duties conferred or imposed upon local boards of health by the public health law and sanitary code of the state as the same now are or may hereafter be. The board of health shall have jurisdiction over the office of county medical examiner.

§ 902. Board of health; appointment; term. The county board of health shall consist of five members who shall be residents of the county health district, and two of whom shall be physicians licensed to practice in the state of New York. The physician members of the county board of health shall be appointed from a list of ten resident physicians of the county submitted by the county medical society; provided that if the

county executive does not wish to fill any or all vacancies to which a physician must be appointed from such list, he may request the submission of a second list of ten, and from such lists together the appointment or appointments shall be made. The term of each member of the board of health shall be five years, except that the first appointment shall be for the terms of five, four, three, two and one years, respectively.

§ 903. Board of health; organization; powers. The county board of health shall annually elect one of its members as chairman and one as vice-chairman, and it shall hold regular meetings not less frequently than once a month. It shall adopt its own rules for the transaction of business and shall keep a record of its proceedings. Three members shall constitute a quorum. The county board of health shall appoint the county health commissioner and such other officers and employees of the department as may be authorized by the board of supervisors with the exception of the chief medical examiner who shall be appointed by the county executive.

§ 904. Local board of health abolished. when the county board of health shall have been appointed and organized, and the county health commissioner shall have been appointed and assumed the duties of his office, the local boards of health and health officers of all cities, towns, and incorporated villages shall thereupon cease to exist as such, except that the health officer of each local board of health shall be permitted to complete the term for which he was appointed, serving as a deputy of the county health commissioner; provided, that local health ordinances, rules and regulations not in conflict with the county health ordinances, the public health law of the state or regulations made in accordance therewith may be adopted and enforced by appropriate penalties by any town, city or village within the county.

§ 905. County health commissioner, qualifications, term; powers; duties. The county board of health shall appoint a county health commissioner who, in addition to his duties as county health commissioner, may be designated by the county board of health as its secretary at no additional compensation. Such county health commissioner shall possess such qualifications

for office as shall have been approved by the public health council of the state of New York. He shall serve for a term of six years and shall not be removed during the term for which he shall have been appointed, except upon written charges after a hearing upon notice. The county health commissioner shall devote his whole time to the duties of his office. The county health commissioner shall possess all the powers and duties conferred upon local health officers by the public health law and the state sanitary code as the same now are or may hereafter be except those powers and duties vested by law in the chief medical examiner. The county health commissioner may, upon authorization of the county board of health and the board of supervisors, appoint such additional deputies, assistant deputies, and other employees as may be required. Such additional deputies and assistant deputies shall have the qualifications prescribed for such positions by the public health council of the state of New York. The county health commissioner may designate in writing a deputy to whom shall be delegated all the powers and duties of the county health commissioner when such county health commissioner is unable to act by reason of absence of disability.

§ 906. Medical examiner; qualifications; powers and duties. 1. There shall be an office of county medical examiner which shall be under the jurisdiction of the county board of health. The head of such office shall be the chief medical examiner. He shall be appointed by the county executive and shall be a member of the classified civil service. The chief medical examiner shall be a physician licensed to practice medicine in the state of New York and a pathologist experienced, skilled and certified in forensic pathology for at least five years. He shall appoint, upon authorization of the county board of health and the board of supervisors, such deputy medical examiners and other assistants and employees as may be required.

2. Whenever in the county any person shall die from criminal violence or criminal neglect, or by a casualty, or by poisoning, or by suicide, or suddenly or unexpectedly when in apparent health, or when unattended by a physician, or in a jail, or correction facility or when in custody of any other law enforcement agency in the county, or in any suspicious and unusual manner, or related to a diagnostic or therapeutic procedure, or when an application is

made pursuant to law for a permit to cremate the body of a person, which application shall be forwarded to the office of county medical examiner, or disease, injury or toxic agent resulting from employment, the chief medical examiner or a deputy medical examiner, or an investigator designated by the chief medical examiner, shall immediately upon notification take charge of the dead body and investigate the facts concerning the circumstances of death and obtain the names and addresses of as many witnesses thereto as may be practical, and file a written report of the investigation in the office of county medical examiner. The chief medical examiner or his designated representative shall be authorized to take possession of any property which he deems necessary in establishing the manner or cause of death. Upon completion of the investigation, the office of county medical examiner shall dispose of the property according to law. Nothing herein contained shall prevent the release of such property at any time pursuant to the order of any court having jurisdiction in the premises. If in the opinion of the chief medical examiner or a deputy medical examiner an autopsy is necessary, the same shall be performed by the chief medical examiner or a deputy. A detailed description of the findings of such autopsy and the conclusions drawn therefrom shall be filed in the office of the county medical examiner. The chief medical examiner or a deputy shall be authorized to remove tissue and fluid to determine the cause and manner of death and may retain all such tissue and fluid so removed. All property, tissue or fluid retained for the purpose of determining the cause and manner of death shall be under the control and jurisdiction of the office of county medical examiner and the laboratories of such office unless the chief medical examiner or a deputy shall deem it necessary to forward such property, tissue or fluid to any other county department, office or agency or to any state, federal or private agency either within or without the county. If when the duties of the chief medical examiner with regard to the body are completed the body remains unclaimed, the chief medical examiner shall have authority to make an order for the disposition thereof as a county charge.

3. It shall be the duty of any person who may become aware of the death of any person under the circumstances previously referred to in this section to report such death forthwith to the office of county medical examiner or to a police officer of the

county or a city, village, or police district therein. The police officer in charge of the station upon receiving such notification shall immediately notify the office of county medical examiner. Any person who shall wilfully neglect or refuse to report such death or who without authorization from the chief medical examiner shall wilfully touch, remove or disturb the body of any such person or wilfully touch, remove or disturb the clothing, or any article upon or near such body, shall be guilty of a misdemeanor, and may be punished by a fine of not exceeding five hundred dollars or by imprisonment for a period not exceeding six months or by both such fine and imprisonment.

4. a. The Office of the County Medical Examiner, shall keep full and complete records, properly indexed, stating the name, if known, of every person whose death is investigated, the place where the body was found, the date of death, if known, and if not known, the date or approximate date as determined by the investigation, to which there shall be attached the original report of the Medical Examiner, and the detailed findings of the autopsy, if any. Such records shall be open to inspection by the District Attorney. The Chief Medical Examiner shall promptly deliver to the District Attorney copies of all records relating to every death as to which there is, in his judgment, or that of the Deputy Medical Examiner making the examination, any indication of criminality.

b. Upon application of the personal representative, spouse or next of kin of the deceased to the County Medical Examiner, a copy of autopsy report, shall be furnished to such applicant. Upon proper application of any person who is or may be affected in a civil or criminal action by the contents of the record of any investigation, or upon application of any person having a substantial interest therein, an order may be made by a court of record, or by a Justice of the Supreme Court, that the record of that investigation be made available for his inspection, or that a transcript thereof be furnished to him or both.

(Table of contents § 901, § 903 and 905 amended, and § 906 added, by Local Law No. 3-1976, in effect January 1, 1976; subdivision 4 of § 906 amended by Local Law No. 20-1984 in effect October 29, 1984.)

5. The office of county medical examiner may render toxicological analyses for the general public on a fee basis, in accordance with regulations and procedures established by the

chief medical examiner. The chief medical examiner shall establish and may amend a fee schedule subject to the approval of the county executive. If any county agency or institution has been paid for toxicological services performed by the chief medical examiner, such payment shall be remitted or credited to the office of county medical examiner.

(Table of contents, § 901, § 903 & 905 amended, and § added, by Local Law No. 3-1976, in effect January 1, 1976)

ARTICLE X

Department of Social Services

(Amended by Local Law No. 6-1985, in effect August 19, 1985.)

- Section 1001. Department established.
1002. Powers and duties.
1003. Certain offices and boards abolished.
1004. Administration of trust for benefit of poor.
1005. Acquisition of town poor institutions.
1006. Contracts for social service information.
1007. Contracts for child care services.
1008. Agreements for foster care and adoptive services.

§ 1001. **Department established.** There shall be a department of social services, the head of which shall be the commissioner of social services, who shall be appointed by the county executive subject to confirmation by the board of supervisors and shall receive such compensation as may be provided by ordinance, and shall appoint such other officers and employees of the department at such compensation as may be provided by ordinance.

§ 1002. **Powers and duties.** The commissioner of social services shall have the powers and duties imposed upon county social service districts under the social services law or under any other provision of law.

§ 1003. **Administration of trust for benefit of poor.** Any trust heretofore or hereafter created for the benefit of the poor of any town, city, village or other portion of the county shall continue to be administered in accordance with the terms of such trust. The money actually expended by any such trust for the benefit of the poor, in a

manner approved by the commissioner of social services during the preceding fiscal year shall, in making the annual tax levy, be credited to the town, city, village or other portion of the county concerned, for the purpose of reducing pro tanto the amount of the tax to be levied therein.

§ 1004. Contracts for social service information. The commissioner of social services, subject to the approval of the county executive and the board of supervisors, may accept grants for any of its purposes and enter into contracts in regard thereto and may, within the limits of the appropriation therefore, contract with any recognized organization for social service information in the county.

§ 1005. Acquisition of town poor institutions. The board of public welfare may take possession of and acquire title in the name of the county to any property of any town which at the date on which this act becomes effective in the county is being used for, or in connection with, the care of the poor, upon the payment to such town of the reasonable value of such property as fixed by agreement between the board of supervisors and the town board; provided that, in the event that an agreement cannot be reached, the value shall be determined by arbitration, one arbitrator being named by the board of supervisors and one by the town board and a third by these two, and if they cannot agree upon the appointment of the third arbitrator he shall be appointed by the county judge.

§ 1006. Contracts for social service information. The board of public welfare may, within the limits of the appropriation therefor, contract with any recognized organization maintaining a central index of social service information in the county, to supply such information to the county.

(Article X amended by Local Law No. 14-1974, in effect Nov. 27, 1974, Sections 1005 and 1006 not specifically repealed, but subject matter of Section 1006 now contained in Section 1004. Section 1007 repealed by Local Law No. 6-1966, in effect Nov. 4, 1966.)

§ 1007. Contracts for child care services. All contracts with the County of Nassau providing for child care services and all family day care providers certified by the County of Nassau shall be subject to the following terms and conditions.

1. For the purposes of this Section, "personnel" shall include day care employees, family day care providers and members of their households over the age of thirteen years, and Head Start employees.

2. Each person, corporation or other entity under contract with or certified by the County of Nassau to provide child care services shall be responsible for:

- (a) The recruitment of appropriate personnel.**
- (b) Verification of credentials and references.**
- (c) A review of criminal record information.**
- (d) Screening of all current and prospective personnel including, but not limited to:**
 - (i) Fingerprinting**
 - (ii) Review of criminal convictions and pending criminal actions.**
 - (iii) Inquiry with the statewide central register of child abuse and maltreatment; and**
 - (iv) For prospective personnel, inquiry with the applicant's three most recent employers.**
- (e) Selection and hiring of all personnel, both volunteer and paid, necessary to furnish child care services.**

3. (a) Each prospective contractor and family day care provider certified by the County of Nassau shall have all current and prospective personnel fingerprinted in the Nassau County Police Department.

(b) Each person so fingerprinted shall pay a fee of Fifteen (\$15.00) Dollars to the Police Commissioner.

(c) The Nassau County Police Department shall issue proof

of identification to any person fingerprinted pursuant to this section. Said person shall present said proof of identification to the person, corporation or other entity under contract with or certified by the County of Nassau to provide child care services.

4. As a condition of employment and continued employment, each prospective contractor or family day care provider certified by the County of Nassau, shall obtain a written consent from all current and prospective child care services personnel for fingerprinting and criminal record review. Denial of such consent shall be grounds for dismissal or refusal to hire.

5. The County of Nassau or any agency thereof shall require appropriate documentation from the prospective contractor or family day care provider certified by the County of Nassau indicating compliance with this section. The requirements of Subdivisions 2, 3 and 4 shall be incorporated in contracts for child care services entered into with the County of Nassau, and any violation thereof shall be a material breach of the contract sufficient to cause termination.

6. The contractor or family day care provider certified by the County of Nassau shall not dismiss or permanently deny employment to current and prospective personnel who are subjects of pending criminal actions, but may suspend such current personnel or defer employment decisions on such prospective personnel until disposition of the pending criminal action.

Section 2. If any subdivision, paragraph, sentence, clause or provision of this Local Law shall be held wholly or partially invalid by final decree of a court of competent jurisdiction, to the extent that it is not invalid; it shall be valid and no other subdivision, paragraph, sentence, clause or provisions shall on account thereof be deemed invalid.

(Local Law No. 5-1985, in effect June 17, 1985, Amended by Local Law No. 11-1985, in effect November 18, 1985.)

§ 1008. Agreements for foster care and adoptive services. All persons entering into agreements with the County of Nassau to provide foster care and/or adoption services shall be subject to the

following terms and conditions:

1. Definitions.

(a) For the purposes of this Section, "agreement" shall include all foster parent agreements and all adoptive placement agreements.

(b) For the purpose of this Section, "persons" shall include all existing foster care parents, and those applying to be certified as such, including regular, kinship, special study, pre-adoptive and legal risk foster parents and members of their households who are over thirteen (13) years of age. Also included are people applying for adoption only (non-foster care) and members of their households over thirteen (13) years of age.

2. All persons under agreement with the County of Nassau shall submit to:

(a) Fingerprinting;

(b) Review of criminal convictions and pending criminal actions; and

(c) Inquiry to the statewide central register of child abuse and maltreatment.

3. Fingerprinting.

(a) All persons under agreement with the County of Nassau shall be fingerprinted by the Nassau County Police Department.

(b) Each person so fingerprinted shall pay a fee of Fifteen (\$15.00) Dollars to the Nassau County Police Department.

(c) The Nassau County Police Department shall issue proof of identification to any person fingerprinted pursuant to this Section. Said person shall present said proof of identification to the Nassau County Department of Social Services on request.

4. Consent. Each existing and prospective person, as a condition to any agreement with the County of Nassau shall consent to the requirements of Subdivision 2 of this Section. Denial of such consent shall be grounds for cancellation of an existing agreement or refusal to enter a new agreement.

5. Documentation. The County of Nassau or any agency thereof shall require appropriate documentation from all persons

under agreement with the County of Nassau indicating compliance with this Section. The requirements of Subdivision 2, 3 and 4 of this Section shall be incorporated into agreements for foster care and adoptive placement services entered into with the County of Nassau, and any violation thereof shall be deemed a material breach of the agreement sufficient to result in termination by the County of Nassau.

6. Separability. If any subdivision, paragraph, sentence, clause, or provision of this Section shall be held wholly or partially invalid by final decree of a Court of competent jurisdiction to the extent that it is not invalid, it shall be valid and no other subdivision, paragraph, sentence, clause or provision shall on account thereof be deemed invalid.

(Local Law No. 5-1990, in effect July 2, 1990.)

ARTICLE X-A

Nassau County Youth Board

Section 1050. Definitions.

Section 1051. Board established;

Section 1052. Powers and duties.

§ 1050. Definitions. As used in this article:

1. "Board" shall mean the county youth board.
2. "Youth" shall mean any person under twenty-one years of age.
3. "Youth program" shall mean any program designed to accomplish the broad purposes of this article.

§ 1051. Board established.

1. A county youth board is hereby established.

2. The board shall consist of twenty members to be appointed by the county executive, subject to confirmation by the board of supervisors. One member shall be designated as chairman by the county executive. Each member shall be appointed for a term of three years, provided, however, that of the members first appointed seven shall be appointed for one year, seven for two years and six for three years. Vacancies on this board shall be filled for the unexpired term in the same manner as original appointments. In addition to the foregoing, the senior judge of the family court, the county attorney, the director of probation, the executive director of the commission on human rights, the commissioner of labor relations, the commissioner of police, the commissioner of public welfare and the deputy commissioner of public works for recreation and parks shall be ex officio members of the board without vote.

3. The chairman and all members of the board shall serve without salary or compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article.

4. The board of supervisors may appropriate sufficient sums to meet the capital and operating expenses of the board. The county executive shall appoint an executive director, subject to confirmation by the board of supervisors, who shall act as secretary of said board and perform such other duties as shall be assigned to him by the board. The board shall authorize the employment of such additional personnel as it deems necessary within appropriations therefor.

(Subd. 2 amended by Local Law No. 3, 1968, in effect June 14, 1968.)

§ 1052. Powers and duties. The board shall have the following powers and duties.

1. Develop effective policies and programs for the prevention and control of delinquency and crimes by youths.

2. Supplement and aid in coordinating the activities of public, private and religious agencies devoted in whole or in part to the prevention of delinquency and youth crime and serve as a consultant to such agencies.

3. Encourage closer cooperation between employers, labor, schools, churches, recreation commissions, state and local employment bureaus, service clubs, and other public and private agencies so as to stimulate employment for youth and encourage sound youth programs on the basis of community planning.

4. Receive and expend grants from the state, federal or county governments or from private individuals, corporations or associations and establish reasonable bases for allocations of these funds to youth programs so as to serve most effectively the purpose of this article.

5. Devise, analyze, accept or reject plans for the creation or expansion of recreation and youth service projects or other youth programs as defined by laws of the state of New York and make appropriate recommendations to the county executive and the board of supervisors.

6. Obtain, assemble and develop statistical records and data including those that reflect the incidence and trends of delinquency and youthful crimes and offenses in the county. Make necessary studies and recommendations for the guidance, treatment, techniques of and facilities for rehabilitation of adjudicated juvenile delinquents, neglected children, youthful offenders, wayward minors, and youth convicted of crime and conduct public educational forums on youth problems and needs.

7. Appoint such advisory groups and committees as may be necessary to carry out its powers and duties.

8. Submit an annual report to the county executive and board of supervisors.

9. Perform such other duties as may be assigned by the county executive and the board of supervisors.

(Added by Local Law No. 10, 1965, in effect May 1, 1965.)

ARTICLE XI

County Attorney

- Section 1101. County attorney; employees.
1102. General powers and duties.

§ 1101. **County attorney; employees.** There shall be a county attorney who shall be an attorney admitted to practice law in this state. The county attorney shall appoint such deputies, officers and employees of his office as may be provided by ordinance. Within the appropriation therefor and when authorized the the county executive, the county attorney may employ such special counsel as may be necessary.

(Amended by Local Law No. 6, 1964; Local Law No. 6, 1966 in effect November 4, 1966.)

§ 1102. **General powers and duties.** The county attorney shall represent the county and all departments, officers, institutions and agencies thereof, in all litigation, draw all contracts, draw ordinances or resolutions at the request of the county executive or any member of the board of supervisors, and act as legal adviser of the county and all departments, institutions, officers, agencies, or offices thereof, and have such other powers and duties, not inconsistent with the terms of this act, as are now, or may hereafter be, conferred or imposed by law or ordinance. The county attorney upon the request of the governing body of any city, town, village, school district, special district or public authority operating within the county and with which the county has a relationship, may act as the legal adviser or representative thereof on such terms as may be agreed upon between the county executive and the said governing body.

(Amended by L. 1937 Ch. 618 § 25; Local Law No. 2, 1974, in effect February 25, 1974.)

ARTICLE XII

Department of Public Works

- Section 1201. Department established; employees.
1202. General powers and duties.
1203. Entry for survey purposes.
1204. Lighting of highways.

- 1205. Snow removal.
- 1206. Contracts with towns, villages, cities and districts.
- 1207. Water supply and garbage and refuse plans.
- 1208. Construction or acquisition and maintenance of certain works or facilities.
- 1209. Engineers and other employees.
- 1210. Emergency power of supervisors to regulate use of water.
- 1211. Works benefit areas.
- 1212. Regulation of use of works or facilities.
- 1213. Definitions.
- 1214. Public hearings.
- 1215. Necessity for county sewer system in Nassau County.
- 1216. Powers of county.
- 1217. Acquisition of existing facilities.
- 1218. Contracts for sewage disposal.
- 1219. General sewage plan.
- 1220. Approval by state agencies.
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- 1222. County sewer districts.
- 1223. Petitions requiring reconsideration of ordinance establishing or extending districts.
- 1224. Hearing on changes in plan.
- 1225. Construction of sewer facilities as local improvement.
- 1226. Annual assessment rolls.
- 1227. Annual budgets of county sewer districts.
- 1228. Annual levy of taxes or assessments.
- 1229. Review of ordinances.
- 1230. Bonds.
- 1231. Service charges.
- 1232. Statement of water consumption.
- 1233. Collection of service charges.
- 1234. Service outside of districts.
- 1235. Rules and regulations.

§ 1201. Department established; employees. There shall be a department of public works, the head of which shall be the commissioner of public works. The commissioner shall be a

licensed engineer and he shall have all the powers and be subject to all the duties of the county engineer or a county superintendent of highways. The commissioner shall appoint such other officers and employees of the department as may be provided by ordinance. The commissioner may, by written authority, designate any officer or employee of the department to act in his place as a member of the county planning commission or of any other commission, board, body, or committee of which such commissioner is a member ex officio; such written authority shall be subject to such limitations and conditions as shall be expressed therein and shall be filed with the commission, board, body or committee which is the subject thereof. Within the appropriation therefor and when authorized by the county executive, the commissioner of public works may employ such special engineering, architectural or other technical counsel as may be necessary.

(Amended by Local Law No. 1-1949, in effect July 25, 1949.)

§ 1202. General powers and duties. Except as otherwise provided in this act, the department of public works shall:

1. have exclusive charge and supervision of the design, construction, repair, maintenance, cleaning and lighting of all highways, roads, streets and bridges under the jurisdiction of the county;

2. establish grades for highways, roads, streets and bridges under the jurisdiction of the county which shall not be changed except by ordinance adopted by the board of supervisors by a two-thirds vote of the voting strength thereof;

3. have charge and supervision of the design and construction of county buildings, parks and grounds, drains and drainage structures and of such sewers, sewage disposal plants, incinerators, water systems, light systems, and other structures in the nature of public works as the county may construct;

4. repair and maintain such grounds and structures as may be put under its charge by resolution;

(Subd. 4 Amended by Local Law No. 19, 1965, § 3; Local Law No. 3, 1971, § 2, in effect April 6, 1971.)

5. maintain and operate such sewers, sewage disposal plants, water systems, light systems, garbage, ash and refuse collection systems, incinerators, and other structures in the nature of public works as have been, or may be, constructed or purchased by the county, or otherwise brought under its authority;

6. make traffic surveys on any or all highways, roads and streets within the county and make from time to time recommendations to the appropriate authorities with regard to traffic regulations and the location and character of all signs, lights and other devices for the direction of traffic.

§ 1203. Entry for survey purposes. The commissioner of public works and any consulting engineer, deputy, assistant or employee of the department of public works designated by him may enter upon any lands, waters or waterways, public or private, within the county, without hindrance, for the purpose of making any surveys, examinations or investigations necessary or convenient in the exercise or performance of any of the other powers or duties conferred or imposed on the department of public works or any officer thereof by this act or otherwise by law.

§ 1204. Lighting of highways. The county may, as a county charge, provide, both within and without the limits of any city or village, for lighting all county highways, county roads, and state highways, provision for lighting which has not been made by the state, but excepting all state parkways, bridges, viaducts and causeways included within the state park system. It is the intention of this section that the county may provide upon county highways, county roads or state highways within the limits of any city or village such degree of illumination as may be necessary for the safe movement of traffic thereon. Nothing herein shall be taken to prevent any city, village or lighting district from providing additional or ornamental lighting on any such road or highway. It shall be competent for the county and for any city, village or lighting district therein to enter into any contract between the county and any such city, village or lighting district and with any corporation, copartnership or person supplying light within such city, village, or lighting district, for the purpose of giving effect to this section.

(Amended by L. 1937 Ch. 618 § 28, in effect January 1, 1938.)

§ 1205. Snow removal. It shall be the duty of the county department of public works as a county charge to remove snow as rapidly as may be from all county highways and county roads within or without any city or village.

§ 1206. Contracts with towns, villages, cities and districts. The department of public works may perform engineering and other services for any town, village, city or district within the county in relation to the public works of such town, village, city or district, and towns, villages, cities and districts are hereby expressly authorized to enter into contracts with the county for such services; provided that the charge for such services shall be in each case the actual cost of rendering the service as certified by the commissioner of public works.

§ 1207. Water supply and garbage and refuse plans. The board of supervisors may prepare a comprehensive plan embracing the whole county for public water supply and a comprehensive plan for garbage and refuse collection and disposal, and shall further make such amendments to the said plans as may from time to time be necessary. No such plan or amendment thereof shall be adopted except by ordinance after public hearing thereon, notice of which shall be published at least twice at intervals of one week in the official newspapers; the hearing shall take place not less than ten days after the date of the second publication. Prior to the construction of or the letting of any contract for works or facilities contemplated by any such plan, all plans for such works or facilities shall be approved by the state departments now vested with authority to grant such approval.

(Amended by L. 1945 Ch. 897 § 1, in effect April 20, 1945.)

§ 1208. Construction or acquisition and maintenance of certain works or facilities. Whenever any such comprehensive water or garbage and refuse plan, or any amendment thereof, shall have been adopted by ordinance as above provided, no city, town, village, district, municipal, or private corporation, copartnership or person shall construct or reconstruct any works or facilities of the kinds covered by each of the several plans adopted, unless the plans for such construction or reconstruction shall be submitted to and certified by the commissioner of public works as being in

accordance with such plan, including the amendments thereof; provided that the above prohibition shall not apply to ordinary replacements and repairs; and provided further that any city, town, village, district, municipal or private corporation, copartnership or person may apply to the board of supervisors for a permit to construct works or facilities not strictly in conformity with such plan, and if such board finds after public hearing that the proposed construction is immediately necessary in the interest of public health and welfare, it shall grant a permit for the construction of such works or facilities as will as far as practicable conform to such plan. Whenever any such comprehensive plan, including amendments thereof, has been adopted by ordinance as above provided, it shall be lawful for the county to design, construct, acquire by purchase or condemnation, lease, own, operate and maintain any of the works or facilities included in said plan, where necessary, subject to the approval of the governmental agency having jurisdiction, and the term "works or facilities" as used in this article shall mean any water main, pumping station, filtration plant, pipe, conduit, lake, stream, reservoir, dam, incinerator, or any other land, interest in land, right of way, structure, plant or equipment, with all things appurtenant thereto either necessary or convenient for water supply and the collection and disposal of garbage, refuse or other waste matter; provided that the county may not acquire by condemnation any state lands or any water supply or garbage system or any of the works or facilities appurtenant thereto which are the property of a city, town, village, or special district, in existence at the date on which this act becomes effective in the county. It shall further be lawful for the county to contract with any city, village or district for the operation and maintenance by the county of any such works or facilities owned by the city, village or district, or for the operation and maintenance by any city, village or district of any such works or facilities owned by the county.

(Amended by L. 1946, Ch. 566 § 1, in effect April 5, 1946.)

§ 1209. Engineers and other employees. For the purpose of preparing the comprehensive plans provided for in this article and of preparing plans for constructing works and facilities contemplated thereby and of supervising such construction, the county executive may, within the limits of the appropriation

therefor, contract for engineering and other technical services and, subject to the confirmation of the board of supervisors, employ and at pleasure discharge such engineering, professional and other assistants as may be needed and incur such other expenses as may be found necessary; but when the construction of any works or facilities has been completed, the operation and maintenance thereof by the county shall be carried on through the department of public works thereof.

(Amended by L. 1945 Ch. 897 § 3, in effect April 20, 1945.)

§ 1210. Emergency power of supervisors to regulate use of water. Whenever in the opinion of the board of supervisors an emergency exists with respect to the sufficiency of water supply within the county, it may so declare by ordinance and in such ordinance may regulate or limit the use of water throughout the county, including the towns, cities, villages and special districts therein, and may provide for the enforcement thereof. No such ordinance shall become effective in the county until approved by the state water power and control commission.

§ 1211. Works benefit areas. The cost of the construction, acquisition, operation and maintenance of any of the works or facilities referred to in section twelve hundred and eight may be defrayed as follows:

1. The board of supervisors, prior to the awarding of any contract or contracts for the construction, purchase or acquisition of any such works or facilities, may by ordinance fix and determine the area to be benefited thereby. Before fixing and determining any such area, a public hearing thereon shall be held by said board at a place in such area, after notice thereof has been given by publication twice, at intervals of not less than one week, in the official newspapers and in a newspaper having general circulation in such area, such hearing to take place not less than ten days following the second publication. All lots or parcels of land within any such area, when so fixed and determined, are hereby declared to be benefited by the construction of any such works or facilities to be constructed and maintained under the provisions of this article, and shall be subject to an ad valorem tax to be levied by the board of supervisors to pay the whole or any part, as determined by the board of supervisors, of the cost of

operating and maintaining such works or facilities, and to reimburse the county for the payment of the whole or any part, as determined by the board of supervisors, of the principal and interest on bonds, notes and certificates of indebtedness issued to pay the cost of constructing, purchasing or acquiring such works or facilities, and no lots or parcels of land in any such area shall be exempt from such taxes, except such as may be exempt from county taxes under the laws of this state. The ordinance of said board fixing and determining any such area shall describe the same.

2. No ordinance fixing and determining the area to be benefited shall take effect until forty-five days after it has been approved by or passed over the veto of the county executive. Within thirty days of the approval by or passage over the veto of the county executive any resident of the area described in such ordinance may file with the board of supervisors a petition protesting the determination of such area, signed by electors resident in such area equal in number to ten per centum of the vote cast for governor in such area at the last general election at which a governor was elected and also signed by the owners of taxable property situated in such area equal in value to ten per centum of the value of all taxable property situated in such area as the same appeared on the last completed county assessment roll. Any such petition shall show the city or town, election district and place of residence, by street and number or other description sufficient to identify the place, of each resident elector signing such petition and the place of residence or principal place of business, and the assessed value and a description sufficient to locate readily each parcel of property in such area owned by property owners signing such petition. The signatures to the petition need not be appended to one paper but on each separate sheet shall be endorsed or attached the affidavit of the circulator thereof in manner and form as follows:

State of New York

SS:

County of

....., being duly sworn, deposes and says that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his

presence and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Signed

(Signature of circulator)

Subscribed and sworn to before me thisday of....., 19.....

.....
(Notary public or other officer authorized to administer oaths)

Any petition paper not so attested by the circulator thereof shall be invalid. Within fifteen days of the filing of such a petition the officer of board having jurisdiction of elections in such county shall verify the sufficiency of such petition with regard to the signatures of resident electors in the area and the chairman of the board of assessors shall verify the sufficiency of such petition with regard to the signatures of property owners. The officer or board having jurisdiction of elections and the chairman of the board of assessors are hereby empowered to employ such deputies as are necessary to complete the verification of the petition within the time limited herein, and the compensation of such deputies shall be a county charge. If such petition be found sufficient, the ordinance determining the area to be benefited shall take effect only after it has been reconsidered by the board of supervisors and adopted by the affirmative vote of three-fourths of the voting strength thereof.

3. In case the board of supervisors authorizes the construction, purchase or acquisition of such works or facilities, it shall thereupon estimate the cost thereof and make available the necessary funds required therefor by taxation or by the issuance of obligations pursuant to the local finance law. In the event that the actual cost of any work or facility shall exceed the estimated cost, the board of supervisors shall make such additional estimates of cost as it deems necessary and proper and shall make available the necessary funds required therefor in the same manner as in the case of the original estimates of cost. The cost of such works or facilities may include the whole or any part of the cost of forming the works benefit area including the publication of notices, preparation of maps and plans, the holding of hearings and such

other expenses as the board of supervisors may deem properly chargeable thereto, and shall include the proportionate share of the cost of any work or facility theretofore constructed, purchased or acquired for a works benefit area other than the area for which the estimate is made but to be used by such area as a part of its works or facilities, and properly chargeable to said area; provided, however, that in case the board of supervisors authorizes the construction, purchase or acquisition of two or more works or facilities at the same time, parts of which shall be used jointly, the estimates of cost shall include the proportionate share of the cost of such part used jointly by such areas.

(Subdivision 3, § 1211, amended by L. 1943 Ch. 710 § 103, as last amended by L. 1945 Ch. 338, in effect September 2, 1945; amendment required by Local Finance Law § 10.00, 11.00, 20.00, 30.00, 50.00, 51.00, 90.00 and 100.00.)

4. The board of supervisors shall, at any time after a works benefit area has been established, determine the proportionate share of the cost of any works or facilities which shall be borne by each area using or benefited by such works or facilities. Before fixing any such proportionate share or shares, a public hearing thereon shall be held by said board, after notice thereof has been given by publication twice at intervals of not less than one week in the official newspapers and in a newspaper of general circulation in each works benefit area affected, such hearing to take place not less than two weeks following the second publication. In the event that any area theretofore created and for which obligations have been issued shall be entitled, as in this article provided, to have refunded to it a part or portion of the cost of any work or facility, and at the same time shall be chargeable with a part of the cost of any other work or facility, such refund shall be reduced by the proportionate share of the cost of such area for such latter work or facility. In the event that such proportionate share shall exceed such refund, funds shall be made available by the issuance of obligations pursuant to the local finance law or by taxation on account of such area to pay such excess share, any general or special law to the contrary notwithstanding. Such apportionment so made by the board of supervisors shall become final unless within thirty days from the date of such apportionment by said board, an application is made by any person or party aggrieved for a review by certiorari. No review shall be had unless before the order to review is issued the person interested and seeking the review shall give an undertaking approved by the supreme court

or a justice thereof as to form, amount and sufficiency of sureties, that in the event of failure to modify such final determination or order, he, they or it will pay to the board making such final determination or order all costs and expenses incurred by it on account of such proceedings, as such costs and expenses shall be determined by the court. In the event that upon review there shall be any modification by the court of any such determination or apportionment, the court shall direct the modification thereof by order which shall be final and conclusive, and such order shall be recorded by the board of supervisors in the same place and manner as was the determination or apportionment appealed from.

(Subdivision 4, § 1211, amended by L. 1943 Ch. 710 § 104, as last amended by L. 1945 Ch. 338, in effect September 2, 1945; amendment required by Local Finance Law §§ 10.00, 11.00, 20.00 and 30.00.)

5. (a) The board of supervisors may by ordinance provide for paying the whole or any part of the cost of operating and maintaining any garbage disposal works or facilities by charging to each city, village and special district within any works benefit area a proportion of such cost in the ratio that the garbage originating in such city, village, or district and cared for by such works or facilities bears to the total garbage so cared for, measured by weight or by volume as the board of supervisors shall determine. Any charge made by the county pursuant to this section shall be a binding obligation on each such city, village or special district and shall be paid to the county at such times as the board of supervisors may direct in the same manner as other city, village or special district obligations are paid.

(Paragraph a, subdivision 5, amended by L. 1945 Ch. 897 § 4, in effect April 20, 1945.)

b) The board of supervisors may provide for reimbursing the county for the whole or any part of the cost of constructing, purchasing or acquiring, or for paying the whole or any part of the cost of operating and maintaining any works or facilities for the purpose of supplying water, by the sale of such water to any town, city, village, special district, corporation, copartnership or person for consumption or redistribution and may fix the rates to be charged by the county therefor; provided that the receipts from the sale of water in any such works benefit area shall be paid to the county treasurer and shall be applied first to pay the cost of operating and maintaining such works and facilities and secondly to reimburse the county for the payment of principal and interest

on any bonds or other indebtedness issued to pay the cost of constructing, purchasing or acquiring such works or facilities.

6. The amount of any tax to be levied by the county in any works benefit area shall be determined by adding (1) the estimated expenditure for the next ensuing fiscal year to be made by the county for or on account of the principal and interest of any bonds, notes or certificates of indebtedness issued for the benefit or on account of such works benefit area, (2) the estimated expenditure for the next ensuing fiscal year to be made by the county for operating and maintaining the works or facilities constructed or acquired for or used by such works benefit area, including the proportionate share of the cost of operating and maintaining any work or facility used jointly with any other works benefit area, and (3) any deficit arising in the preceding fiscal year from a deficiency in anticipated revenues or from an expenditure not anticipated; and by subtracting from the sum thereof the revenue, if any, anticipated for the next ensuing fiscal year from (1) any charge against a city, village or special district, (2) the sale of any water, service or supply, (3) the proceeds of any sinking fund applicable to the payment during the year of the principal or interest of bonds, notes or certificates of indebtedness issued for the benefit or on account of such works benefit area, and (4) any surplus arising in the preceding fiscal year from revenues in excess of those anticipated or from expenditures less than those anticipated. Separate estimates for each works benefit area as above provided shall be included in the county budget. Taxes levied by the county as above provided upon works benefit areas shall be collected in the same manner as county taxes.

§ 1212. Regulation of use of works or facilities. The board of supervisors may by ordinance make rules and regulations for the protection, preservation and use of any works or facilities or other property in the nature of public works constructed, acquired, owned, leased, maintained or operated by the county. The board of supervisors shall also have power to adopt ordinances regulating the use of land, water and waterways within the county for the purpose of giving effect to the comprehensive plans provided by this article.

§ 1213. Definitions. As used in section* twelve hundred thirteen to twelve hundred thirty, inclusive, of this article, unless a different meaning clearly appears from the context:

1. The term "sewer facility" shall mean any one or more systems, plants, works, instrumentalities, properties, drains or sewers used or useful in connection with the collection, treatment and disposal of sewage, including any land, right-of-way or interest in land or equipment or appurtenances necessary or convenient for the establishment, maintenance or operation of any sewer facility.

*So in original. [Evidently should be "sections".]

2. The term "sewage" shall mean sewage or water-carried wastes created in and carried, or to be carried, away from buildings or structures provided or maintained for human use or occupation.

(Subd. 2 amended by L. 1946 Ch. 530 § 1, in effect April 5, 1946.)

3. The term "construct" shall mean establish, acquire, construct, reconstruct, enlarge, extend, or otherwise improve.

4. The term "district" or the term "county sewer district" shall mean any sewage disposal district or sewage collection district established pursuant to such sections twelve hundred thirteen to twelve hundred thirty, inclusive.

5. The term "sewage disposal facilities" shall mean one or more sewer facilities necessary or convenient for the treatment or disposal of sewage received from the sewage collection facilities of a sewage collection district.

6. The term "sewage collection facilities" shall mean one or more sewer facilities necessary or convenient for the collection of sewage and for the delivery of such sewage into the sewage disposal facilities of a sewage disposal district.

7. The term "sewage disposal district" shall mean a county sewer district established to finance the cost of providing sewage disposal facilities.

8. The term "sewage collection district" shall mean a county sewer district established to finance the cost of providing sewage collection facilities.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1214. Public hearings. Any public hearing held pursuant to section* twelve hundred thirteen to twelve hundred thirty, inclusive, of this article, shall be held either at the regular meeting place of the board of supervisors or at such other place within the county as may be determined by the board. Notice of any such hearing shall be published twice in the official newspapers, and the second of such publications shall be at least ten days prior to the date of such hearing, and there shall be an interval of not less than six days between such two publications. Such notice shall state the time when and place where the hearing will be held. Any plan, estimate or report which shall be the subject of such hearing shall be filed with the clerk of the board of supervisors prior to the first publication of such notice and the notice shall recite the filing of such documents and shall state that they may be examined in the office of the clerk by any interested person. Any such hearing may be adjourned from time to time without the giving of further notice. Any such hearing may be conducted by the board of supervisors or, if duly authorized by the board of supervisors, by any member or members thereof.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

***So in original. [Evidently should be "sections".]**

§ 1215. Necessity for county sewer system in Nassau county. It is hereby declared that Nassau county which is a county which has adopted this act does not have adequate facilities for the collection, treatment and disposal of sewage and that the lack of such facilities seriously threatens the health of all the inhabitants of the county because it will result in contamination of the underground water which is the only practicable source from which the county may obtain potable water and because it causes dangerous pollution of coastal waters of the county; that there are in Nassau county no rivers, streams or natural waterways which could properly be used as outlets for the treated effluent from sewage disposal or treatment plants; that all such treated effluent must be transported to and emptied into the coastal waters of the county; that sewage in the county cannot be collected, treated or disposed of in a proper, efficient and

economical manner except by the establishment of one or more large collection and disposal systems, each of which would embrace territory within many towns, villages and public districts; that it is not practicable for existing towns, villages and public districts to provide such sewer facilities not only because of the magnitude of the facilities required and the lack of necessary financial resources but also because of difficulties in obtaining cooperation among the affected towns, villages and public districts; and that, therefore, in order to preserve the health of the inhabitants of the county and to protect its potable water supply and its coastal waters from contamination and pollution the county must be authorized to provide sewer facilities adequate to serve the needs of the entire county, as provided in this article, and all such sewer facilities so provided will be of general benefit to the entire county and all its inhabitants.

(Amended by L. 1946 Ch. 530 § 2, in effect April 5, 1946.)

§ 1216. Powers of county. The county shall have power to design, construct, lease, own, operate and maintain any sewer facility within or without the county, and, for such purposes, to acquire either by purchase or by condemnation in the manner provided by law any lands and rights or interests in lands, structures, water and riparian rights, and any and all things and rights usually included in the term "real property", needed or convenient for the construction or maintenance or operation of any such sewer facility. The power hereby conferred shall be in addition to and not in substitution for any power conferred by any other law and the limitations and conditions imposed by this article shall not affect or limit any power conferred by any other law. Nothing herein contained, however, shall be deemed or construed to permit the exercise of any of the said rights, powers or privileges within the city of New York or the county of Suffolk.

(Amended by L. 1946 Ch. 566 § 2, in effect April 5, 1946.)

§ 1217. Acquisition of existing facilities. The county shall have power to acquire, either by purchase or by condemnation in the manner provided by law, any sewage collection facility owned, maintained or operated by any municipal or public or district corporation or special district, notwithstanding that such sewage collection facility has already been devoted to and is held for public use. The board of supervisors may, instead of making

any cash payment agreed or required to be made to the municipal or public or district corporation or special district as compensation for such sewage collection facility, agree to pay the principal of and interest on outstanding bonds issued by or on behalf of such municipal or public or district corporation or special district, of a principal amount not exceeding the amount of such cash payment, as such principal and interest shall become due and payable.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1218. Contracts for sewage disposal. (a) The board of supervisors shall have power to contract with any city, town, or village or public improvement district for the operation or maintenance by the county of any sewer facility owned by the city, town, village or public improvement district, or for the operation or maintenance by any city, town, village or public improvement district of any sewer facility owned by the county. The board of supervisors shall have power to contract with any city, town, village or public improvement district for the disposal of sewage delivered into the sewage disposal facilities maintained or operated by the county upon terms and conditions to be determined by the board of supervisors or for the disposal by any city, town, village or public improvement district in the county of Nassau of sewage collected in a sewage collection district which is not within a sewage disposal district.

(Amended by L. 1953, ch. 554; L. 1972, ch. 835, in effect June 2, 1972.)

b. The board of supervisors may require any sewage disposal district to receive into its sewer facilities and dispose of the sewage collected in any sewage collection district not within a sewage disposal district provided the board of supervisors shall, after holding a public hearing in the manner prescribed by and upon notice given pursuant to section twelve hundred fourteen, determine by ordinance the terms and conditions upon which such sewage is to be received and disposed of and the compensation to be paid therefor by such sewage collection district and that it is in the public interest that the sewage collected by such sewage collection district shall be disposed of upon the terms and conditions prescribed and that such terms and conditions and such compensation are fair and reasonable. Such compensation required to be paid by the sewage collection district shall be deemed to be an expense incurred for the maintenance

and operation of the sewage facilities provided by such collection district.

(Amended by L. 1952 Ch. 619, in effect April 9, 1952.)

§ 1219. General sewerage plan. a. The board of supervisors shall succeed to all the powers granted to and duties imposed upon the sanitation commission of the county if one exists at the time this act becomes effective in the county. Any general sewerage plan which shall have been adopted by such sanitation commission or by the board of supervisors of the county prior to the time when this act becomes effective in the county shall be valid and effective for the purposes of this act notwithstanding any error or omission or irregularity in the acts or proceedings done or taken for the adoption of such plan. If a general sewerage plan shall not have been adopted prior to the time this act takes effect in the county, or if the board of supervisors deems it advisable to supersede or amend a general sewerage plan previously adopted, it may, at any time cause the department of public works to prepare and file a new general sewerage plan or an amendment to a previously adopted sewerage plan with the clerk of the board of supervisors and thereafter the board of supervisors may hold a public hearing thereon. If, after holding such public hearing, the board of supervisors shall determine it to be in the public interest, it may, by ordinance adopt such new general sewerage plan or such amendment to a previously adopted general sewerage plan. The board of supervisors may, by an ordinance adopted pursuant to section twelve hundred twenty-two or twelve hundred twenty-four or twelve hundred twenty-five authorize the construction of sewer facilities notwithstanding that such sewer facilities are not provided for by such general sewerage plan or not in accordance with such general sewerage plan.

b. To more adequately meet immediate needs for the collection and disposition of the contents of cesspools in areas which do not have systems for the collection of sewage by lateral mains and to avoid the contaminations and pollutions referred to in section twelve hundred fifteen, the board of supervisors may by ordinance authorize the construction, operation and maintenance of a plant or plants and acquire therefor necessary lands and appliances, including such vehicles as may be required, for the collection and disposal of the contents of cesspools in areas which do not have systems for the collection of sewage by lateral mains

and may appropriate the necessary monies for such acquisition, construction, operation and maintenance, all of which are hereby declared to be county purposes. The board of supervisors may employ such employees as may be necessary for the maintenance and operation of such plant or plants or appurtenant equipment and fix their compensations. If such a plant or plants are constructed the board of supervisors may authorize the county executive to enter into contracts with any corporations, partnerships or individuals for the disposal of the contents of cesspools in areas which do not have systems for the collection of sewage by lateral mains, collected by such corporations, partnerships or individuals. Such plants shall be operated by the department of public works and the contract price for such disposition shall be fixed by the county executive upon recommendation of the commissioner of public works at such amounts as shall, as nearly as can be determined, equal the cost of operation and maintenance of such plants or plants. The terms of any such contract shall be for a period not longer than three years, subject to renewal from time to time upon such terms as may be determined at the time of such renewal and all such contracts or renewals thereof shall expire on December thirty-first. Any expenditure for such a plant or plants whether for acquisition or construction, or for a deficiency in the cost of maintenance and operation thereof shall be a county charge and shall be paid for by taxes levied for the fiscal year in which such expenditure is to be made or such deficiency is determined; however, the board of supervisors may, pursuant to the local finance law, finance in whole or in part any expenditure for such a plant or plants authorized by this subdivision of this section.

(Amended by Local Law No. 2-1949, in effect July 25, 1949.)

§ 1220. Approval by state agencies. Prior to the construction of any sewer facility or the letting of any contract therefor, the plans for such sewer facility shall be approved by the state departments now vested with authority to grant such approval, and such plans, if they involve treatment or final disposal of sewage in the Atlantic ocean or in any bay or inlet thereof, or on any uplands, meadows, marshes and beaches in the county and adjacent to such ocean, bays or inlets, shall also be submitted to each state park commission having jurisdiction over any park in the county. If any such state park commission shall file

with the board of supervisors and the state department of health, within thirty days after the submission of any such plans, a report disapproving any part of the plan, the department of health shall not approve such plan until it has held a public hearing at which the representative of such commission shall be heard and its objections considered.

(Amended by L. 1946 Ch. 530 § 3, in effect April 5, 1946.)

§ 1221. Approval of sewer facilities provided by other agencies. No city, town, village, district, municipal or private corporation, copartnership or person shall construct any sewer facility within the county unless (1) a plan showing the work proposed to be done shall be submitted to and certified by the commissioner of public works either as being in accordance with a general sewerage plan theretofore adopted as provided in section twelve hundred nineteen of this act or as being original replacements to or repairs of an existing sewer facility, or (2) the board of supervisors shall, by ordinance, consent to the doing of such work after holding a public hearing thereon and after finding, upon the evidence given thereat, that the proposed work is necessary to preserve the public health and welfare.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1222. County sewer districts. The board of supervisors may, subject to the conditions and in the manner herein after prescribed, establish one or more sewage disposal districts and sewage collection districts. Any district may, from time to time, be extended to include additional lots or parcels of land. If the board of supervisors shall deem it advisable to establish any district it shall cause the department of public works to prepare and file with the clerk of the board of supervisors a general plan of the sewer facilities proposed to be constructed therein, together with an estimate of the cost thereof, and also a report describing the area deemed benefited thereby in such manner as to identify the lots or parcels of land included in such area. If the board of supervisors shall deem it advisable to extend any district theretofore established it shall cause the department of public works to prepare and file with the clerk of the board of supervisors a general plan of the sewer facilities theretofore provided for such district and also of any additional sewer facilities proposed to be provided for such district, together with an estimate of the cost thereof, and

also a report describing the district as already established and the additional area deemed benefited by the sewer facilities constructed or to be constructed in such district in such manner as to identify the lots or parcels of land included in such additional area. After any such general plan, estimate and reports have been filed the board of supervisors may hold a public hearing thereon. If, after holding such public hearing, the board of supervisors shall determine that it is in the public interest to establish or extend a district as proposed in the report which is the subject of the hearing, and that all property and property owners within the district proposed to be established or extended are benefited by the sewer facilities to be constructed therein and that all the property and property owners benefited by such sewer facilities are included within the limits of the district proposed to be established or extended, the board of supervisors may, by ordinance, establish or extend a county sewer district in accordance with such report, and may, by such ordinance, authorize the construction of the sewer facilities described in the general plan which was filed with such report. If the district established or extended by said ordinance is a sewage collection district and if the board of supervisors shall determine from the evidence given at the public hearing that the benefit which will be conferred upon each lot or parcel of land in the district by the construction of sewer facilities therein will be in proportion to the valuation of such lot or parcel of land, the board of supervisors shall, by said ordinance, determine that the expense of constructing said sewer facilities shall be raised by the levy annually of an ad valorem tax upon all the taxable property in the district; otherwise the board of supervisors shall, by said ordinance determine that the expense of constructing said sewer facilities shall be apportioned to and assessed upon and collected from the several lots or parcels of land within the district in just proportion to the amount of benefit which the construction of such sewer facilities shall confer upon the same.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1223. Petitions requiring reconsideration of ordinance establishing or extending districts. Any ordinance adopted by the board of supervisors pursuant to section twelve hundred twenty-two of this article shall not take effect until forty-five days after it has been approved by or passed over the veto of the county

executive; nor until it has been reconsidered by the board of supervisors and adopted by the affirmative vote of three-quarters of the voting strength thereof if, within thirty days after it has been approved by or passed over the veto of the county executive, there be filed with the clerk of the board of supervisors a petition protesting against the establishment or extension of the sewer district described in the ordinance, signed by electors residing within such district equal in number to ten per centum of the vote cast for governor by voters residing in the district at the last general election at which a governor was elected and also signed by the owners of taxable property situated in the district equal in value to ten per centum of the value of all taxable property situated in the district as the same appears on the last completed county assessment roll. Any such petition shall be in the form and shall be signed and authenticated and its sufficiency determined in the manner, prescribed by subdivision two of section twelve hundred eleven of this article.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1224. Hearing on changes in plan. If the board of supervisors shall deem it advisable either to construct a sewer facility in a manner different than that specified in the general plan considered at the public hearing held in accordance with section twelve hundred twenty-two of this article or to construct in any district theretofore established any sewer facility which is not provided for in such a general plan, the board of supervisors may cause the department of public works to prepare and file with the clerk of the board of supervisors a general plan of such sewer facility, together with an estimate of the cost thereof. After such general plan and estimate have been filed the board of supervisors may hold a public hearing thereon. If, after holding such public hearing, the board of supervisors shall determine that it is in the public interest to construct such sewer facility and that all property and property owners within the district are benefited thereby and that all property and property owners benefited thereby are included within the limits of the district, the board of supervisors may, by ordinance, authorize the construction of such sewer facility. The expense of constructing any such facility shall either be raised by an annual ad valorem tax or shall be apportioned to an assessed upon and collected from the several lots or parcels of land in the district as in the case of the expenses of

sewer facilities constructed pursuant to the ordinance which established the district.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1225. Construction of sewer facilities as local improvement. If, in the judgment of the board of supervisors, any sewage collection facility proposed to be constructed in any sewage collection district will be of especial benefit to any lots or parcels of land in the district, and if the board of supervisors in the ordinance establishing said district determined that the expense of constructing sewer facilities in the district shall be apportioned to and assessed upon and collected from the several lots or parcels of land within the district in just proportion to the amount of benefit which the construction and maintenance of such sewer facilities confer upon the same, the board may cause the department of public works to prepare and file with the clerk of the board of supervisors a general plan of such proposed sewage collection facility, together with an estimate of the cost thereof, and a report describing the tentative area deemed especially benefited thereby in such manner as to identify the lots or parcels of land included in such area. After such general plan and estimate and report have been filed the board of supervisors may hold a public hearing thereon. If, after holding such public hearing, the board shall determine that any of the lots or parcels of land included in such area will be especially benefited by the proposed sewage collection facility, it may, by ordinance, authorize the construction of such sewer facility and direct that the total cost of such sewer facility shall be apportioned to and assessed upon and collected from the several lots or parcels of land especially benefited thereby in just proportion to the amount of benefit which the construction of such sewer facility shall confer upon the same. The ordinance shall describe such lots or parcels of land in such manner as to identify them.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1226. Annual assessment rolls. If the expense of constructing any sewer facility or sewer facilities is required to be apportioned to and assessed upon and collected from the several lots or parcels of land especially benefited thereby, the department of public works shall, immediately after the completion of such sewer facility or sewer facilities, file with the board of assessors a statement in detail showing the actual and complete cost thereof

and the comptroller shall, on or before October first in each year, file with the board of assessors a statement showing the total amount which will be required to reimburse the county for the principal of and interest on bonds issued by the county to finance the construction of such sewer facility or sewer facilities, payable during the ensuing fiscal year. The board of assessors shall assess the amount shown by such statement on such lots and parcels of land in proportion as nearly as may be to the benefit which each lot or parcel of land will derive from the construction of such sewer facility or sewer facilities and shall prepare an assessment roll which shall describe each such lot or parcel of land in such manner that the same may be ascertained and identified and shall show the name or names of the reputed owner or owners thereof and the aggregate amount of the assessment levied upon such lot or parcel of land. Such assessment roll shall be filed with the clerk of the board of supervisors not later than the next succeeding November first. The board of supervisors shall hold a public hearing thereon. Notice of such public hearing shall recite that the assessment roll has been completed and filed with the clerk of the board of supervisors and shall state that at the time and place fixed for such public hearing the board of supervisors will meet and hear and consider any objections which may be made to the assessment roll. After holding such public hearing the board of supervisors may change or amend the assessment roll as it may deem necessary or just and may confirm and adopt the assessment roll as originally proposed or as amended or changed or it may annul the assessment roll and order the board of assessors to proceed anew and to prepare another assessment roll. No action or proceeding shall be maintained to set aside, vacate, cancel, annul, review, reduce or otherwise test or affect the legality or validity of any assessment made by any assessment roll unless such action or proceeding shall be commenced within thirty days after the assessment roll shall have been adopted.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1227. Annual budgets of county sewer districts. The county budget adopted for each fiscal year shall contain a separate section for each county sewer district showing the expenditures which are anticipated to be necessary for such district during such fiscal year and the revenues from sources other than ad valorem taxes which will be available to meet such expenditures. Such

expenditures shall include (a) the amount estimated to be necessary for the payment during such fiscal year of principal of or interest on any bonds issued by or assumed by the county to finance the cost of providing sewer facilities for the district, (b) the amount estimated to be required to be paid by the county during such fiscal year for the maintenance and operation of sewer facilities provided for the district and (c) any deficit arising in the preceding fiscal year from a deficiency in anticipated revenues or from an expenditure not anticipated. Such revenues shall include (1) any amount expected to be received from any other public corporation or source for the use of sewer facilities provided for the district, (2) the amount of any sinking fund applicable to the payment of such principal of or interest on bonds, (3) the amount of any surplus arising in the preceding fiscal year from the revenues in excess of those anticipated or from expenditures less than those anticipated, and (4) the amount necessary to be raised by taxes or assessments to meet such expenditures.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1228. Annual levy of taxes or assessments. The amount stated in any county sewer district budget as the amount necessary to be raised by taxes or assessments for the expenditures of the district shall be raised by the board of supervisors in the following manner, namely: (a) if the district is a sewage disposal district the amount required for principal of and interest on bonds shall be raised by an ad valorem tax levied upon all the taxable property in the district and the balance of the total amount required shall be raised by an ad valorem tax levied upon all the taxable property which is in both the district and some sewage collection district, (b) if the district is a sewage collection district established by an ordinance which determined that the expense of constructing sewer facilities therein should be raised by the levy annually of an ad valorem tax upon all the taxable property in the district, the amount shall be raised by the levy of an ad valorem tax upon all the taxable property in the district, and (c) if the district is a sewage collection district established by an ordinance which determined that the expense of constructing sewer facilities therein should be apportioned to and assessed upon and collected from the several lots or parcels of land within the district, the amount required for the principal of and interest on bonds shall be raised by the levy of assessments in accordance with the annual assessment rolls

adopted by the board of supervisors pursuant to section twelve hundred twenty-six of this article, and the balance of the total amount required shall be raised by an ad valorem tax levied upon all the taxable property in the district. All such taxes and assessments shall be levied by the board of supervisors and collected in the same manner as county taxes.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1229. Review of ordinances. Any interested person aggrieved by any determination made by any ordinance establishing or extending a county sewer district or ordering the construction of any sewer facility therein passed pursuant to the provisions of this article, may review the same pursuant to article seventy-eight of the civil practice act provided that the application therefor is made within thirty days from the date it is adopted. The determination made by any such order shall be final and conclusive unless application has been made for such review within such period of thirty days.

(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1230. Bonds. The board of supervisors may, either before or after establishing a county sewer district, make available the funds required to finance the cost of any sewer facility constructed or to be constructed in the district, either by taxation or by the issuance of obligations of the county pursuant to the local finance law or any other law granting to the county authority to issue bonds or other obligations. The cost of any sewer facility shall include all liabilities incurred or expenditures made by the county for engineering or legal services or the preparation of maps and plans and the publication of notices and holding hearings required for the construction of such sewer facility or the establishment or extension of a county sewer district, and also any interest paid or payable upon bonds or other obligations issued to finance such sewer facility for any period prior to the end of the fiscal year in which the construction of such sewer facility is completed.

(Added by L. 1945 Ch. 897 §5, in effect April 20, 1945; Amended by L. 1948 Ch. 68, in effect March 1, 1948.)

§ 1231. Service charges. The board of supervisors shall have power to charge and collect rents, rates, fees or other charges

(in this section sometimes referred to as "service charges") for direct or indirect connection with, or the use or services of, the sewer facilities maintained in any sewage disposal district or in any sewage collection district. Such service charges may be charged to and collected from any person or corporation contracting for such connection or use or services or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with such sewer facilities, or from or on which originates or has originated sewage which directly or indirectly has entered or may enter into such sewer facilities, and the owner of any such real property shall be liable for and shall pay such service charges to the county at the time when and place where such charges are due and payable. Such service charges shall, as near as the board of supervisors shall deem practicable and equitable, be uniform throughout the sewage disposal district or sewage collection district for which such service charges are made, and may be based or computed either on the consumption of water or in connection with the real property, making due allowances for commercial use of water, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing or sewerage fixtures or facilities on or in connection with real property, or on the number of persons residing or working on or otherwise connected or identified with the real property, or on other factors determining the type, class and amount of use or service of the sewer facilities, or on any combination of any such factors. In the event that a service charge with regard to any parcel of real property shall not be paid as and when due, interest shall accrue and be due to the county on the unpaid balance at the rate of one per centum per month until such service charge, and the interest thereon, shall be fully paid to the county. In the event that any service charge with respect to any parcel of real property shall not be paid as and when due, the commissioner of public works of the county may, in his discretion, enter upon such parcel and cause the connection thereof leading directly or indirectly to the sewer facilities to be cut and shut off until such service charge and any subsequent service charge with regard to such parcel and all interest accrued thereon shall be fully paid to the county treasurer.

(Added by L. 1951 Ch. 807 §1, in effect April 13, 1951.)

§ 1232. Statement of Water Consumption.* Each municipality or public corporation, or other person or persons or corporation, owning or operating any system of water distribution serving three or more parcels of real property in the county shall, from time to time after request therefor by the county treasurer, deliver to the county treasurer a statement or statements showing the amount of water supplied to every such parcel of real property as shown by the records of such municipality or public corporation, or other person or persons or corporation. Such statements shall be delivered to the county treasurer within ten days after request is made for them, and the county treasurer shall pay the reasonable cost of preparation and delivery of such statements. The occupant of every parcel of property the sewage from which is disposed of or treated by the sewer facilities of the county shall, upon request therefor by the county treasurer, furnish to the county treasurer information as to the amount of water consumed by such occupant or in connection with such parcel and the number and kind of water outlets, and plumbing or sewerage fixtures or facilities on or in connection with such parcel and the number of persons working or residing therein.

(Added by L. 1951 Ch. 807 § 2, in effect April 13, 1951.)

*Catchline supplied

§ 1233. Collection of Service Charges.* All service charges charged pursuant to this article twelve shall be payable to the county treasurer. The county treasurer shall annually file with the board of supervisors statements showing the unpaid service charges charged for connection with, or the use or services of, the sewer facilities maintained in each sewage disposal district or sewage collection district and such statements shall contain a brief description of the real property liable therefor and the names of the persons or corporations liable to pay the same and the amount chargeable to each parcel of real property. The board of supervisors shall levy such amounts against the parcels of real property liable therefor and shall state the amounts so levied in a separate column in the annual tax rolls under the name of "sewer service charges". Such taxes so levied shall be paid to the county treasurer and shall be collected in the same manner as other taxes levied for county purposes. All sums received by the county treasurer in payment of such service charges or of such taxes, with respect to each sewage disposal district or sewage collection district, shall be applied to and actually used for payment of all

costs of operation, maintenance and repairs to the sewer facilities in such district and for the payment of the amounts required for interest on and amortization of or redemption of outstanding bonds issued to finance the cost of providing sewer facilities for such district.

(Added by L. 1951 Ch. 807 § 3, in effect April 13, 1951.)

*Catchline supplied

§ 1234. Service outside of districts. The board of supervisors may contract with individuals or corporations owning property not included within a county sewage collection district for the reception into county sewer facilities and the disposal of sewage originating on such property upon such terms and conditions as the board of supervisors shall prescribe. Charges required to be paid pursuant to such contracts shall be collected and enforced in the same manner as provided in this article for the collection and enforcement of service charges and unpaid contract charges shall be subject to the same rate of interest as unpaid service charges. When collected, such contract charges shall be apportioned and credited to the appropriate sewage collection or disposal district or districts.

(Former § 1234 renumbered § 1235 and new § 1234 added by L. 1954, ch. 330, in effect March 30, 1954.)

§ 1235. Rules and regulations. The board of supervisors may by ordinance make rules and regulations preventing the discharge directly or indirectly into the sewer facilities of any sewage disposal district or sewage collection district of any matter or thing which is, or which the board of supervisors deems likely to be, injurious or deleterious to such sewer facilities or to their efficient operation. A violation of such rules or regulations shall be a misdemeanor and shall be punishable by a fine of not more than fifty dollars or by imprisonment for not more than six months, or by both. The board of supervisors may enforce obedience to such rules or regulations by prescribing therein a penalty of not exceeding one hundred dollars for any violation thereof. The board of supervisors may maintain an action or proceeding in the name of the county in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such rules or regulations notwithstanding that such rules or regulations may provide a penalty or other punishment for such violation.

(Former § 1234 renumbered § 1235, L. 1954, ch. 330, in effect March 30, 1954.)

ARTICLE XIII

Department of Civil Service

- Section 1301. Department established.
1302. Organization of commission; employees.
1303. Powers and duties of commission.
1304. Classified service.
1305. Classification within classified service.
1305-a. Non-competitive and labor class employees.
1306. Effect of this act on present employees.
1307. Reclassification; salary standardization.
1308. Roster; certification of payrolls.
1309. Enforcement of this article.

§ 1301. **Department established.** There shall be a department of civil service, of which the head shall be the county civil service commission. The commission shall consist of three members, appointed for terms of six years, except that the first appointments shall be for terms of six, four and two years, respectively. Not more than two members of the civil service commission shall at any one time be members of the same political party. The members of the civil service commission shall hold no other office under the United States, the state of New York, or any county, town, city, village, school district or special district; nor shall they serve on any political committee or take an active part in the management of any political campaign. They may be removed only as provided in the civil service law of the state for municipal civil service commissions.

§ 1302. **Organization of commission; employees.** The civil service commission shall annually elect one of its members chairman. It shall appoint a secretary and chief examiner, and such other officers and employees, within the appropriation therefor, as it shall deem necessary for the performance of its duties. The secretary and chief examiner shall be a person skilled in the principles and methods of personnel administration and shall perform such duties as may be required by the commission.

§ 1303. **Powers and duties of commission.** Except as provided in this article, the county civil service commission shall

have, with reference to the civil service of the county, the powers and duties of a municipal civil service commission as provided in the civil service law of this state, and shall be subject to supervision and control by the state civil service commission as are municipal civil service commissions. The county executive shall have the powers and duties, with reference to the county civil service commission, of the mayor of a city, under the said civil service law, except as provided in this act.

§ 1304. Classified service. All officers and employees of the county and of all departments, offices, institutions and agencies thereof, except special district employees, shall be members of the classified service, except the following:

1. Elective officers;
2. Heads of departments, including the members of all boards and commissions;
3. Election officers;
4. Employees of the board of supervisors and employees in the office of the county executive.

(Subd. 4, added by L. 1937 Ch. 618 § 31, in effect January 1, 1938.)

§ 1305. Classification within classified service. The offices and positions in the classified service of the county shall be arranged in classes and filled in the same manner as now or hereafter provided by the civil service law of this state in the case of offices and positions in the classified service of cities; provided that the classification of offices and positions in force on the date on which this act becomes effective in the county shall continue in force until modified by rules and regulations adopted in due course by the county civil service commission subject to the control and supervision of the state civil service commission.

§ 1305-a. Non-competitive and labor class employees. In addition to such provisions as may limit removal or disciplinary action with regard to employees as set forth in the civil service law of the State of New York and the rules for the classified service of

the county of Nassau as promulgated by the Nassau county civil service commission, no employee of the county of Nassau in the noncompetitive class or labor class of the civil service except for an employee in a position which has been designated by the Nassau county civil service commission as a training position or confidential or requiring the performance of functions influencing policy; who has been in the service of the county continuously for a period of one year from the date of his appointment shall be removed or otherwise subjected to any disciplinary penalty except for incompetency or misconduct shown after a hearing upon stated charges in the manner provided in section seventy-five of the civil service law of the state of New York. Nothing contained herein shall be deemed to limit removal of an employee at the end of, or during the term of probation, as provided by the rule of the Nassau county civil service commission.

(Added by Local Law No. 16, 1965; amended by Local Law No. 4, 1968, in effect June 24, 1968).

§ 1306. Effect of this act on present employees. The status of no person in the classified service of the county on the date on which this act becomes effective in the county, including pension rights, shall be affected by the taking effect of this act. The names of all appointive officers and employees in the service of the cities, towns, and villages in the employ thereof on the date on which this act becomes effective, whose positions are abolished by reason of the transfer to the county of functions formerly performed by said cities, towns, and villages, shall be placed on lists of persons eligible for appointment to similar positions in the service of the county, shall be given preference over all other applicants in filling new county positions created by reason of said transfer of functions, and shall be certified for appointment in the order in which their names appear upon such lists, which order shall have been determined in accordance with the rules of the county civil service commission.

(Amended by L. 1937 Ch. 618 § 32, in effect January 1, 1938.)

§ 1307. Reclassification; salary standardization. It shall be the duty of the county civil service commission, as soon as practicable after the date on which this act becomes effective in the county, to reclassify all offices and positions in the county classified service and recommend to the board of supervisors an

ordinance standarizing salaries and conditions of employment in all departments, offices, institutions and agencies of the county, so that, as near as may be, equal pay may be given for equal work.

§ 1308. Roster; certification of payrolls. It shall be the duty of the county civil service commission to maintain a roster of all officers and employees of the county with their several rates of compensation, and no payroll shall be approved by the comptroller for payment unless there is attached to the same a certificate by the secretary of the commission to the effect that the persons named therein have been, during the period covered by such payroll, duly employed in pursuance of this article at the rates of compensation specified therein. It shall be the duty of every head of a department, office, institution or agency of the county, to report at once to the commission all absences, resignations and other changes in the status of employees.

§ 1309. Enforcement of this article. It shall be the duty of the county civil service commission to make investigations concerning the enforcement and effect of this article, and to do everything in its power to secure observance of the spirit and letter of the civil service law.

ARTICLE XIV

Franchises

- Section 1401. Granting of franchises and consents; hearing.
1402. Transfer of franchises.
1403. Term of franchises.
1404. Adjustment of rates.
1405. Repeal of franchises; audit of grantee's accounts.

§ 1401. Granting of franchises and consents; hearing.
1. No franchise or renewal extension or amendment thereof, for the establishment or location of any public utility shall be granted or made by the county except by ordinance. No such ordinance shall be adopted unless a report in writing thereon has been made by the county executive to the board of supervisors and published

with the ordinance in the official newspapers, nor until a public hearing has been held thereon. The notice of the time of hearing shall be published with the ordinance in the official newspapers.

2. No stage, omnibus line, stage route, motor vehicle line or route, nor any vehicle in connection therewith, and no vehicle carrying passengers upon a designated route or routes within the limits of the county shall be operated wholly or partly upon or along any street, avenue or public place in the county, nor shall a certificate of public convenience and necessity be issued therefor, until the owner or owners thereof shall have procured, after public notice and a hearing, the consent of the board of supervisors to such operation, upon such terms and conditions as said board may prescribe. Such terms and conditions may include provisions relating to description of route, rate of speed, compensation for wear and tear of pavement of routes and bridges, and safeguarding passengers and persons using the streets. Operation upon the streets of the county shall not be permitted until the owner or operator of such vehicles or proposed line or route, if required by the board of supervisors, shall have executed and delivered a bond to the county in an amount fixed by such board and in form prescribed by the county attorney with sureties satisfactory to the comptroller, which bond may be required to provide adequate security for the prompt payment of any sum accruing to the county, the performance of any other obligations under the terms and conditions of such consent, as well as for the payment by such owner of any damages occurring to, of judgments recovered by, any person on account of the operation of such line, route or vehicles. However, no such consent shall be granted by the board of supervisors for a route wholly within a single city or village unless the previous consent in writing by the governing board of such city or village shall have been filed with the board of supervisors. No consent shall be given by the board of supervisors for a route or routes over a city or village street unless the previous consent in writing by such village or city shall have been filed with the board of supervisors. The requirement for consent by a city or village shall not be deemed to restrict the board of supervisors from giving a consent for the operation of any such vehicle over any state, county or town highway or road. Sections sixty-six, sixty-seven, sixty-eight and sixty-nine of the transportation corporations law conferring upon cities, towns and villages the

power to grant consents and terminable permits shall not apply to cities, towns and villages in the county of Nassau.

3. Any public hearing held pursuant to this section shall be held either at the regular meeting place of the board of supervisors or at such other place within the county as may be determined by the board and notice of any such hearing shall be published once in the official newspapers and such publication shall be at least ten days and not more than twenty days prior to the date of such hearing and shall state the time when and the place where the hearing will be held. Any such hearing may be adjourned from time to time without the giving of further notice.

4. The board of supervisors may establish an office of public transportation, the head of which shall be the director of public transportation. The director of public transportation shall perform such duties and have such powers as the board of supervisors may confer on him by ordinance.

(Subdivision 4, previously amended by Local Law No. 3-1969, Local Law No. 2-1971, and Local Law No. 2-1973; herein amended by Local Law No. 5-1974, in effect Jan. 1, 1974.)

5. Existing consents heretofore granted for specific periods of time shall not be deemed affected by this act but renewals thereof or amendments thereto shall only be granted pursuant to the provisions of this act.

(Amended by L. 1950 Ch. 755, in effect September 1, 1950.)

§ 1402. **Transfer of franchises.** No public utility franchise or consent granted under the provisions of this article shall be transferable except with the approval of the county expressed by ordinance; and copies of all transfers and mortgages, or other documents affecting the title or use of any such public utility, shall be filed with the county executive within ten days after the execution thereof. No public utility franchise or consent granted under the provisions of this article shall be transferred indirectly through the acquisition of the capital stock, or a majority thereof, of the grantee by another corporation, except with the approval of the county expressed by ordinance and the filing with the county executive of all documents relating to the purchase of such stock, including a statement of the corporate affiliations of the

purchasing company, within ten days after the said purchase.

(Amended by L. 1950 Ch. 755, in effect September 1, 1950.)

§ 1403. Term of franchises. No new public utility franchise shall be granted by the county for a longer term than thirty years, and no renewal or extension of an existing franchise for a longer term than ten years. Each new franchise and renewal or extension thereof shall contain a stipulation that at specified intervals of not more than ten years after the effective date of such franchise or amendment, the county may terminate the franchise and acquire the property of the utility necessarily used or conveniently useful in the operation thereof within the county, at a price to be determined in the manner set forth in such stipulation which shall not include any allowance for the value of the franchise unless the franchise was purchased from the county, and then only the actual purchase price.

§ 1404. Adjustment of rates. All ordinances granting, renewing, extending, or amending any public utility franchise, shall contain provisions for the adjustment of rates at intervals, to be specified therein, of not more than five years. Such adjustment of rates may be based on the net earnings of the utility, to be determined as set forth in the franchise ordinance, or upon such other suitable basis as the ordinance may provide, but nothing shall be allowed for the value of the franchise unless the franchise was purchased from the county, and then only the actual purchase price. The manner and method of adjustment shall be prescribed in the ordinance.

§ 1405. Repeal of franchises; audit of grantee's accounts. All grants, renewals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the county: 1. to repeal the same by ordinance at any time for misuse or non-use, or for failure to begin construction within the time prescribed in the ordinance or otherwise to comply with the terms thereof;

2. to audit the accounts and records of the company operating the utility or any holding company owning or controlling a majority of its stock, at any time, and to require annual and other reports from each such company.

ARTICLE XV

Districts, Towns, Villages and Cities

Section 1501. Towns, cities, villages, school districts and special districts to continue.

1502. Creation and extension of special districts.

§ 1501. Towns, cities, villages, school districts and special districts to continue. The towns, cities, villages, school districts and special districts of the county, as they exist on the date on which this act becomes effective therein, shall continue to exist and, except as otherwise provided in this act, with their present organization, rights, powers, duties and obligations. Nothing herein contained shall be taken to prevent the incorporation of cities and villages under the laws of the state, nor such changes in their organization, rights, powers, duties and obligations as may be made by general law or, in the case of cities, under the authority of the home rule act.

§ 1502. Creation and extension of special districts. Special districts shall be created and extended hereafter and improvements constructed or services supplied therein in the manner provided by law, subject to the provisions of this act. Upon the presentation of a petition for the creation or extension of a water, sewer, drainage or garbage and refuse collection and disposal district and the construction of improvements or the supplying of services therein, the town board shall take no action thereon but shall direct the town clerk to prepare and certify a copy thereof and to file such copy in the office of the clerk of the board of supervisors of the county. The clerk of the board of supervisors shall submit such copy to the board of supervisors at a regular meeting thereof and such board shall determine by resolution whether the creation or extension of the district and the construction of the improvement or the supplying of the service proposed (a) conform with a comprehensive or general plan therefor, adopted for the county;

(b) are in the best interests of the inhabitants of the county as a whole.

If the board of supervisors shall determine either or both of such questions in the negative, it shall adopt a resolution disapproving the creation or extension of such district. If the board of supervisors shall determine both of such questions in the affirmative, it may adopt a resolution approving accordingly. Any person aggrieved by the action of the board of supervisors in disapproving the creation or extension of such a district may review the same by certiorari provided that application for such order of certiorari is made within thirty days from the date of adoption of the resolution of disapproval by the board of supervisors. Within five days after the adoption of a resolution so approving or disapproving, the clerk of the board of supervisors shall file a certified copy of such resolution with the town clerk of the town affected and the town clerk shall present the same to the town board of the town at the next regular meeting thereof. If the resolution shall disapprove the creation or extension of the district, the town board shall forthwith adopt a resolution denying the petition. If the resolution shall approve, the town board shall act upon said petition in the manner otherwise provided by law. (Section amended by L. 1937 Ch. 618 § 33, in effect January 1, 1938; Subd. (a) amended by L. 1948 Ch. 130, in effect March 6, 1948.)

ARTICLE XVI

Department of Planning

- Section 1601. Department established; planning commission; members; terms; vacancies.
1602. Organization; employees.
1603. Duties of the department.
1604. Method of operation.
1605. Official maps in unincorporated territory.
1606. Zoning powers of towns, cities and villages continued.
1607. Extension of zoning powers of towns.
1608. Power to zone within three hundred feet of boundary restricted.
1609. Filing of ordinances and maps.
1610. Approval of plats; penalty for use of unapproved plat.
1611. Environmental quality review.

§ 1601. Department established; planning commission; members; terms; vacancies. There shall be a county planning department, the head of which shall be a county planning commission which shall consist of five members, all of whom shall be residents of the county, so appointed that there shall be at least one member of the board a resident of each of the several towns. The term of office of each member shall be three years provided that the two members serving on the effective date of this section as hereby amended, whose terms expire on December thirty-first, nineteen hundred fifty-seven. For the purpose of making the above appointments any city heretofore or hereafter created from the territory of any town shall be considered to be part of that town. Vacancies shall be filled by appointment of a resident of the town with respect to which such vacancy has occurred.

(Amended by L. 1955, ch. 848, in effect May 1, 1955.)

§ 1602. Organization; Employees. The county planning commission shall select from its own members, exclusive of the commissioner of public works, a chairman and vice-chairman and shall adopt its own rules of procedure and rules for the conduct of the department not inconsistent with the terms of this article. It shall have power, within the limits of the appropriation made by the board of supervisors, to employ a director of planning and other necessary clerical assistance, and to employ or contract with such city planners, engineers, architects, and other assistants as may be necessary in the performance of the duties of the commission.

(Amended by Local Law No. 8, 1967, in effect May 22, 1967.)

§ 1603. Duties of the department. It shall be the duty of the department of planning, under the general supervision of the county planning commission and operating in the manner prescribed in this article, to

a. Advise and report to the county executive, the board of supervisors, and other departments of the county government with respect to the physical development of the county, to the end that governmental activities in and for the county that are within the jurisdiction of the county government will contribute toward achieving and maintaining a character of development in the county that will be physically harmonious, economically sound,

and socially beneficial.

b. Perform such administrative duties as are set forth in this article and such others as may be assigned to the department from time to time by the county executive or the board of supervisors.

c. Advise and consult with the planning boards and other agencies and officials of the cities, incorporated villages, and towns in the county with respect to such of their activities as relate directly to the physical development of the territories under their respective jurisdictions and invite suggestions from state and federal officials, with the same objective as that set forth in paragraph a of this section.

(Former § 1603 repealed, new § 1603 added by L. 1956, ch. 917, in effect April 20, 1956.)

§ 1604. Method of operation. In the performance of its duties as set forth in section sixteen hundred three the department of planning, under the general supervision of the county planning commission, shall:

a. Study the characteristics of and trends in population, economic activity, land use, and related aspects of physical development in the county, taking into account conditions affecting such characteristics and trends both within the county and having a bearing on the county as a part of the intercommunity composite of the New York metropolitan area.

b. Make such studies of and recommendations and plans relating to such phases of the physical development of the county as may be directed from time to time by the county executive or the board of supervisors.

c. Provide, within its ability to do so within the funds appropriated for its work, such information relating to the physical development of the county as may be requested by other departments or officials of the county government.

d. Maintain information as to the activities of and the regulations in effect in the cities, incorporated villages, and towns in the county that relate directly to the physical development of

the respective territories thereof and, within its ability to do so within the funds appropriated for its work, advise the planning boards and the other officials of such cities, incorporated villages, and towns; either on their request or on the initiative of the department of planning with respect to such activities and regulations and revisions therein.

(Former § 1604 repealed, new § 1604 added by L. 1956, ch. 917, in effect April 20, 1956.)

§ 1605. Official maps unincorporated territory. a. The word "street" when used in this section shall mean and include all types of thoroughfares for public travel, however the same may be designated.

b. The board of supervisors may by resolution establish an official map of all or any part of the unincorporated territory of any town in the county, which map shall show (1) all streets, including rights of way therefore laid out or established for proposed streets or for the widening or realignment of existing streets, and (2) rights of way for storm water drainage or for sewerage, which have theretofore been laid out, adopted, or established, and such map shall be final and conclusive with respect to the locations and widths thereof. Said board thereafter, whenever and as often as it may deem it to be in the public interest, may by adding streets thereto, including proposed streets, the widening, realigning or altering of existing streets and removing closed or abandoned streets therefrom or by (2) adding thereto rights of way for storm water drainage or for sewerage, including proposed rights of way therefore, or moving such rights of way therefrom. The official map established by the board of supervisors and any amendments thereto shall become effective upon the filing of a certified copy of the resolution of the board of supervisors establishing said official map or any amendments thereto in the office of the Nassau planning commission.

c. The layout, widening, realigning or closing of streets by any agency of the county government or by any agency of a town government or by any official or agency of the state of New York or a public authority created pursuant to the provisions of the public authorities law of the state having jurisdiction, shall be deemed to be an amendment of the official map covering unincorporated territory within which such streets are located and

such amendment shall take effect upon the date of the filing in the office of the Nassau County planning commission the map of the layout, widening, realigning or closing of streets and of the ordinance, resolution or order of the agency of the county government or the agency or a town government laying out, widening, realigning or closing the street or streets, or the certificate of such official or agency of the state of New York or such public authority showing such laying out, widening, realigning or closing. The streets, rights of way for storm water drainage or for sewerage shown on the plat of any subdivision approved as provided in this article shall, upon the filing of such plat in the office of the county clerk, become a part of any official map covering any unincorporated territory within which such streets and rights of way are located.

d. No building or other structure or part thereof shall be erected within or be moved to within the bed of any street or any right of way for storm water drainage or for sewerage shown in any official map established under the provisions of this section nor within such distance from the lines of any such streets as may be specified by or pursuant to the regulations applying to the dimensions of yards or otherwise to the location of buildings, as the same are set forth in any zoning ordinance applying to any territory covered by such official map. In such limitation as to the location of buildings and other structures in relation to such streets or rights of way would have the effect of depriving the owner of any land lying within the lines of any such street or right of way shown on any official map established under the provision of this section of the reasonable use of such land or the yeild of a fair-return on the value thereof, the county planning commission upon application by such owner in such form as the commission shall require, shall have the power, acting by a vote of a majority of its members and on a finding setting forth the aforesaid effect and the reasons therefor, to consent to the issuance of a permit for a building or structure or part thereof encroaching on any such mapped street or right of way to an extent that will as little as practicable increase the cost of opening such street or acquiring such right of way. Said commission may impose such reasonable conditions and requirements in connection with such action as will inure the benefit of the public. Upon such consent, such building or other structure may be located in accordance with the

terms thereof, subject to all other applicable provisions of law. Before taking any action as authorized by this section, the county planning commission shall give a hearing at which parties in interest and others shall have an opportunity to be heard. Notice of such hearing shall be published once in the official newspapers at least ten days prior to the date of said hearing. Any such decision by the county planning commission shall be subject to review in the same manner and pursuant to the same provisions as in appeals from the decisions of boards of appeals with respect to the application of the regulations of zoning ordinances.

e. The powers and duties of the board of supervisors and the county planning commission with respect to official maps covering land in unincorporated territory in Nassau county, as specified in this section, shall supersede the powers of town boards and of planning boards and boards of appeals of towns with respect thereto as set forth in the town law.

(Former § 1605 repealed, new § 1605 added by L. 1956, ch. 917, in effect April 20, 1956.)

§ 1606. Zoning powers of towns, cities and villages continued. Except as otherwise provided in sections sixteen hundred seven and eight of this article, the laws of this article, the laws of this state as they now are or may hereafter be conferring on towns, villages and cities and the officers boards and commissions thereof, powers with regard to the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes shall remain in force in such towns, villages and cities.

(Amended by L. 1956, ch. 917, in effect April 20, 1956.)

§ 1607. Extension of zoning powers of town. The powers now or hereafter conferred by law on any town or board or commission thereof with regard to the matters set forth in the preceding section shall also be exclusively exercised thereby within all portions of such town unincorporated as a village at the date on which this act becomes effective in the county, irrespective of the inclusion thereof in a village erected or incorporated after such date, and also within all territory situated in such town and in

a village previously incorporated which at such date does not have a valid zoning ordinance. Such powers may also be exercised by any such town or the appropriate board or commission thereof by a two-thirds vote of such board or commission within all portions of the town within three hundred feet of any public navigable water way, for the purpose of adopting a higher or more restrictive classification therefor.

§ 1608. Power to zone within three hundred feet of boundary restricted. No zoning ordinance or amendment thereto passed by any city, town or village within the county after the date on which this act becomes effective in the county relating to any portion of the said city, town or village within three hundred feet of a town boundary or of a line between a village and the unincorporated area of the town shall take effect in respect to such portion of said city, town or village until the ordinance or amendment has been submitted to the county planning commission and been approved thereby. No zoning ordinance or amendment thereto passed after the date on which this act becomes effective in the county by any village partly or wholly in any town relating to any portion of such village within such town and within three hundred feet of the boundary of such village, shall take effect in respect to such portion of such village until the ordinance or amendment has been submitted to the town board of the town in which such portion of such village is situated and been approved thereby. The ordinance or amendment shall be deemed to have been approved unless within thirty days after the same has been filed with the county planning commission or town board, as the case may be, a resolution disapproving it is adopted by a two-thirds vote of such commission or board, after a public hearing thereon. At least seven days' prior written notice of such hearing shall be given to the clerk of the town, city or village affected. Similar notice shall be given in writing to any state park commission having jurisdiction of any park or parkway situated within three hundred feet of the land affected by the proposed ordinance or amendment.

(Amended by L. 1949 Ch. 707 § 4, in effect May 1, 1949; see also, *We're Associates Company v. Bear*, 35 A.D. 2d 846, 317 N.Y.S. 2d 59 (App. Div. 2nd Dept. 1970.)

§ 1609. Filing of ordinances and maps. At the date on which this act becomes effective in the county, certified copies of

all master plans, zoning ordinances or portions thereof in effect therein, with all accompanying maps and charts, shall be filed with the county clerk, and all amendments to such ordinances, plans, maps or charts thereafter adopted shall likewise be filed with the county clerk.

§ 1610. Approval of plats; penalty for use of unapproved plat. 1. It shall be the duty of every person or corporation, excepting cemetery corporations within the County of Nassau, who as owner or agent of the owner of real property situated in the County of Nassau, subdivides the same into lots, plots, blocks, sites, or units with or without streets, regardless of whether they are subdivided by lot, plot or block designations, units (including shares in a cooperative corporation), or by metes and bounds, to file or cause to be filed in the Office of the Clerk of Nassau County a map or maps of such real property. The foregoing provisions is subject to the following exceptions:

(a) where real property is subdivided into not more than four lots, plots, blocks, sites or units that conform to the applicable planning and zoning regulations or ordinances of the city, town or village, as the case may be, and such subdivision does not involve the laying out of a street or the extension of a previously laid out street, the owner or agent may make written application to the Planning Commission or planning authorities having jurisdiction for a waiver of the filing requirements hereunder upon forms supplied by the appropriate Planning Commission or planning authority. Such a waiver may be granted by such Planning Commission or planning authorities after determining that such subdivision plat is in compliance with this Section and with the zoning and planning regulations of the city, town or village, as the case may be, in which the property is located. The request for a waiver shall be acted upon without a public hearing within fifteen days after the filing of the application unless such a period shall have been extended by consent of the applicant. Where real property is capable of being subdivided into more than four (4) lots, plots, blocks, sites or units that conform to the applicable planning and zoning regulations or ordinances of the city, town or village, as the case may be, and such subdivision does not involve the laying out of a street or the extension of a previously laid out street, the Planning Commission or planning authorities having

jurisdiction may, in the sole discretion of such Planning Commission or planning authorities deny such waiver application and require the filing in the Office of the Clerk of Nassau County a map or maps of such real property, subject to appropriate conditions as in the judgment of such Planning Commission or planning authorities as may be required in the interest of the public health, safety and general welfare; or

(b) where a subdivision map has been filed prior to January twelfth, nineteen hundred forty-five, and alterations made thereon do not involve any change, or extensions of previously laid out streets and where the only alterations are changes in lot boundaries which are made solely for the purpose of conforming to applicable zoning regulations, it shall not be necessary to file such altered map or obtain a waiver therefor; or

(c) where there is a conversion of an existing structure into units, which structure: (1) was in existence and legally occupied prior to August 5, 1987; and (2) where title to said units is to be held in a condominium, cooperative or mixed form of ownership; and (3) the use thereof is in compliance with this section and with the zoning and planning regulations of the city, town or village, as the case may be, in which the structure is located.

As used in this section, the terms "subdivide" and "subdivision" shall be defined as the partition or division of any lot, plot, block, site and/or unit into two or more lots, plots, blocks, sites and/or units or any combination thereof.

As used in this section, the term "units" shall include space used or to be used for either residential, commercial, mixed or other use whether title is held in fee simple, a condominium, cooperative, or mixed form of ownership. It shall be unlawful, after a map or maps of such property has been filed to subdivide said property in a manner other than as shown on said map unless said map has been amended and approved in accordance with the provisions of subdivision six of this section.

2. No plat of a subdivision of land partly or wholly within the county shall be filed until it shall have been approved by each Planning Commission and/or planning authority having

jurisdiction over that area and the approval thereof entered on the plat by the Chairman, Director or such agent as may be authorized by the Planning Commission and/or planning authority thereof. For the purpose of this section the County Planning Commission shall be a planning authority with jurisdiction over all portions of the county outside of cities and villages or within a city or village and within three hundred feet of the boundary thereof and the planning board or Commission of any city or village or, if there be no planning board or Commission, the Board of Zoning Appeals of such city or village shall be the planning authority of such city or village, with jurisdiction over all portions of such city or village and over all territory outside of such city or village and within three hundred feet of the boundaries of such city or village. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat, however, the filing of an approved plat shall constitute an irrevocable offer of dedication by the owner of the land to the municipality having jurisdiction, of streets, roads or highways shown on said plat and of land thereon as widened areas of existing streets, roads or highways and provided further, that where such an approved plat so filed shall amend or supersede in whole or in part the layout of streets, roads or highways shown on a previously filed plat, such offer of dedication as to streets, roads or highways or widened areas thereof shown on such superseded plat and not shown on such amending plat shall be deemed withdrawn.

3. The Board of Supervisors shall by ordinance establish and amend regulations for the subdivision of land under the jurisdiction of the County Planning Commission. The Planning Commission shall by resolution recommend such regulations and amendments to the Board of Supervisors. Before adopting such a resolution the Planning Commission shall hold a public hearing on the proposed regulations and any amendments thereto upon at least seven days prior notice of the time and place of such hearing given by publication in the official newspapers of the county. The failure of the Board of Supervisors to enact such an ordinance shall not prevent the exercise by the Planning Commission of the powers conferred by this section. Such regulations may require that the land shown on a plat shall be of such a character that it can be used safely for building purposes without danger to health or

peril from fire, flood or other menace and may provide for the proper arrangement and width of streets in relation to other existing or planned streets and to any master plan adopted by a city, town or village, for adequate convenience and suitable open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light, and air, and for the avoidance of congestion of population, including minimum width and area of lots.

4. As conditions precedent to the approval of a plat, such regulations may provide: (a) the extent to which streets, roads, highways and other public places shown upon the plat shall be graded and improved, (b) for the installation of sidewalks and curbs upon existing highways, roads or streets which intersect or bound the plat (c) the extent to which water, sewer and other utility mains, piping, fire alarms, or other facilities, sidewalks, curbs, gutters, street signs and lighting standards shall be installed in accordance with standards, specifications and procedure of county and town highway officials, (d) where lots or plots are to back on highways, roads or streets existing or shown on the plat, the extent and nature of planting or screening which shall be installed and (e) that suitable monuments be placed at such block corners and other points as may be required by the Planning Commission. No such improvements shall be commenced or utilities installed pending final approval of the plat by the Nassau County Planning Commission and/or the planning authority or authorities having jurisdiction thereof and filing in the Office of the County Clerk. Prior to the final approval of the plat the Planning Commission may accept a bond with surety and/or cash security by certified check to secure to the county, city or village, as the case may be the actual construction and installation of such improvements or utilities and the reasonable cost of inspection on behalf of the Planning Commission during such construction, at a time and according to specifications fixed by the Planning Commission and in accordance with the regulations. If any public utility company whose facilities are proposed to be installed shall file with the Commission satisfactory assurance that such utility company will make the installations necessary for the furnishing of its services within the time satisfactory to the Planning Commission, the Commission in its discretion may waive the bond as to the utility to be furnished. The term of such bond may be extended by the Planning Commission with the consent of the

parties thereto after a public hearing held upon notice as provided in subsection five of this section with respect to the approval of plats for the subdivision of land. Additional notice shall be given at the same time, and in the same manner, to the owners of all property shown on the plat. If the Planning Commission shall decide at any time during the term of the said bond and/or cash security that the extent of building development which has taken place in the subdivision is not sufficient to warrant all the improvements covered by such bond, and/or cash security or that required improvements have been installed as provided in this section and in sufficient amount to warrant reduction in the face amount of said bond, the Planning Commission after public hearing upon the same notice as required for the consideration of a plat may modify its requirements for any or all such improvements and the face amount of such bond and/or such cash security and/or surety may thereupon be either reduced or increased as in its judgment of the special circumstances and conditions of the particular plat may be required in the interest of the public health, safety and general welfare by an appropriate amount so that the new face amount will cover the cost in full of the amended list of improvements required by the Planning Commission and any security deposited with the bond may be reduced, increased or modified proportionately. Upon the completion of the improvements covered by said bond and/or cash security to the satisfaction of the Commission and, should the municipality having jurisdiction determine that it intends to accept dedication made pursuant to subdivision two of this section, upon the acceptance by the municipality thereof, the Commission may, after a public hearing held upon notice as provided in this section with respect to the reduction of the face amount of such bonds, recommend the release of said bond and/or cash security and/or surety to the Board of Supervisors. In the event that any required improvements have not been installed as provided in this section within the term of such performance bond and/or cash security, the county executive upon recommendation of the Commission may thereupon declare that said performance bond and/or cash security to be in default. The county, city or village, as the case may be, is hereby granted the power to enforce such bond, and/or cash security by all appropriate legal and equitable remedies. Upon the receipt of any sums of money collected upon said bond and/or cash security the

county shall install such improvements as were covered thereby and are commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such monies so received. In the event that any improvements have been commenced or are being installed in violation of this section or the provisions of the resolution of the Planning Commission approving the plat and/or not in accordance with the specifications of the Planning Commission's regulations as established by ordinance of the Board of Supervisors, the county, city or village, as the case may be, in addition to other remedies, may institute any appropriate action or proceeding to restrain, correct and/or abate such violation. Where under this section it is required that a plat shall be approved by both the county Planning Commission and the planning authority of any city or village or villages each such planning authority may require a bond and/or cash security covering the improvements as to the land within the jurisdiction of such authority under the law governing such planning authority, or the Planning Commission and such planning authority may agree to accept one bond and/or cash security as to their respective interests therein. Except as to the requirement for joint approval of a plat this section shall not be deemed to supersede or change any provision of law relating to the approval of plats of subdivisions in any city or village as to the land within such city or village.

It is intended by this article to grant to the county Planning Commission the powers necessary for guiding and accomplishing a coordinated, adjusted and harmonious development of the county which will in accordance with present and future needs, best promote health, safety, and the general welfare, as well as efficiency and economy in the progress of development. The Planning Commission may vary, subject to appropriate conditions, such requirements of the regulations established as provided in this section as in its judgement of the special circumstances and conditions relating to a particular plat are not requisite in the interest of the public health, safety and general welfare. When making its determination as to the improvements to be required the Planning Commission shall take into consideration the prospective character of the development and the allowed density of population under the applicable zoning ordinance. The Planning Commission shall also hear and decide

all matters upon which it is required to pass under such regulations.

5 (a) Definitions. When used in this sub-section the following terms shall have the respective meaning set forth herein except where the context shows otherwise:

(a) Preliminary plat — a preliminary plat is a drawing prepared in a manner prescribed by regulation, showing the layout, building units, parking areas, common open space and recreational facilities of a proposed subdivision including but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all existing and proposed facilities including preliminary plans and profiles, at suitable scale and in such detail as regulation may require.

(b) Final plat — a final plat is a drawing prepared in a manner prescribed by the regulations showing a proposed subdivision, containing in such additional detail as shall be provided by the regulations all information required to appear on a preliminary plat and the modifications if any, required by the Planning Commission at the time of approval of a preliminary plat of such proposed subdivision if such preliminary plat has been approved.

(c) Preliminary plat approval — approval by the Nassau County Planning Commission of a preliminary plat is the approval of the layout of proposed subdivision as set forth in a preliminary plat, but subject to approval of the plat in final form in accordance with the provisions of subdivision 6(d) of this section.

(d) Final plat approval — final approval of a plat in final form is the signing of a final plat by a duly authorized agent of the Planning Commission after a resolution granting final approval to the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the Office of County Clerk or register in the county in which such plat is located.

(e) Utilities — Utilities servicing a plat, lot, plot, block, site or unit shall include water, sewer, lighting, fire alarms, electric

power, cable television, gas, as well as mains, conduits, piping, or other facilities related thereto.

(B) All plats shall be submitted to the Nassau County Planning Commission and/or the planning authority or authorities having jurisdiction for approval. In the case of the Nassau County Planning Commission, the owner or applicant shall submit a preliminary plat for consideration. Such a preliminary plat shall be clearly marked "preliminary plat" and shall conform to the definition provided in this section. Within forty-nine days after receipt of a complete application for preliminary approval together with such preliminary plat, the Director of the Commission shall schedule and the Planning Commission shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the county at least seven days before such hearing. The Planning Commission may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. Within forty-nine days after the date of such hearing, the Planning Commission shall approve with or without modification or disapprove such preliminary plat, and the ground of a modification if any, or the ground for disapproval shall be stated upon the records of the Planning Commission. Notwithstanding the foregoing provisions of this subdivision the time in which the Planning Commission must take action on such plat may be extended by mutual consent of the owner or applicant and the Planning Commission. When so approving a preliminary plat the Planning Commission shall state in writing such modifications if any, as it deems necessary for submission of the plat in final form. Within seven days of the approval of such preliminary plat it shall be certified by an authorized agent of the Planning Commission as granted preliminary approval and a copy filed in the Commission's office and a certified copy mailed to the owner. In the event that the Planning Commission fails to take action on a preliminary plat within the forty-nine day period prescribed therefor, such plat shall be deemed granted preliminary approval. The certificate of the authorized agent of the Planning Commission as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein

required. Within twelve months of the approval of the preliminary plat the owner must submit the plat or section of a plat in final form together with a complete application for final approval (including such approvals by the county Department of Health and Department of Public Works, as well as such other municipal or governmental agencies as may be required.) If such plat is not so submitted, approval of the preliminary plat may be revoked by the Planning Commission.

(C) Within forty-nine days of the submission of a plat in final form for approval to the Planning Commission a hearing may be held by the Planning Commission, which hearing shall be advertised at least once in a newspaper of general circulation in the county at least seven (7) days before such hearing. When the Planning Commission deems the final plat to be in substantial agreement with a preliminary plat approved under subdivision 5(A) (c) of this section and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Commission may waive requirement for such public hearing. The Planning Commission shall by resolution conditionally approve, conditionally approve with modification, disapprove, or grant final approval and authorize the signing of such plat within forty-nine days of its receipt by the director of the Planning Commission if no such hearing is held, or in the event such hearing is held, within forty-nine days after the date of such hearing. Notwithstanding the foregoing provision of this subdivision, the time in which the Planning Commission must take action on such plat may be extended by mutual consent of the owner and the Planning Commission. In the event the Planning Commission fails to take action on a final plat within the time prescribed therefor, the plat shall be deemed approved.

Upon the adoption of a resolution of conditional approval of such final plat the Planning Commission shall empower a duly authorized agent to sign the plat subject to completion of such requirements as may be stated in the resolution. Within fourteen (14) days of such resolution the plat shall be certified by an authorized agent of the Planning Commission as conditionally approved and a copy filed in the Commission's office and a certified copy mailed to the owner including a certified statement

of such requirements which when completed will authorize the signing of the conditionally approved final plat. Upon completion of such requirements the plat shall be signed by the Chairman, Director or said duly authorized agent of the Planning Commission. Conditional approval of a final plat shall expire within one hundred eighty days after the date of the resolution granting conditional approval unless such requirements have been certified as completed.

(D) Notwithstanding the foregoing provisions of this section, the Planning Commission may extend the time in which a conditionally approved plat in final form must be submitted for signature, if in its opinion such intention is warranted by the particular circumstances thereof, but such extension(s) shall not exceed two additional periods of ninety days each.

(E) The signature of the duly authorized agent of the Planning Commission constituting final approval by the Planning Commission of a plat showing lots, blocks, sites, or units with or without streets or highways, or the approval by the Planning Commission of the development of a plat or plats already filed in the Office of the County Clerk or the approval by reason of the failure of the Planning Commission to take action thereon within the time prescribed, shall expire within ninety days from the date of such approval, unless within such ninety day period such plat shall have been duly filed or recorded by the owner in the Office of the County Clerk. The Planning Commission may, however, extend the time for the filing of a plat which was approved by the Planning Commission for two additional periods, not exceeding ninety days each.

6(A) The subdividing owner, or his agent, shall present at the office of the Planning Commission, upon forms provided by the Commission and in duplicate, the application for the consideration of the preliminary layout, together with prints of the preliminary layout as may be required accompanied by the required fee. The Director of the Commission will notify the applicant of the date and time of the public hearing before the Commission at which the application will be considered. The applicant shall also send notice of such public hearing, on forms supplied by the Commission, to the adjoining property owners,

(the addresses to be obtained from the last completed tax roll), and shall file with the Director of the Commission, at least seven (7) days prior to the public hearing, an affidavit executed by the applicant, or his agent, on a form supplied by the Commission, stating the name and address of each person to whom notice was sent and the date when such notice was sent. In addition, the applicant shall be required to post copies of such notice in such places and in such manner as may be prescribed by the Commission.

(B) The preliminary layout, street profiles, drainage plan, and plat and all procedures relating thereto shall, in all respects comply with the provisions of this section, the regulations of the Commission, the appropriate building, zone, ordinance, and all other applicable regulations, except where variations therefrom may be specifically authorized by the Commission.

(C) The applicant, or his duly authorized representative, should be prepared to attend any designated meeting to discuss the preliminary layout. Presentation of a preliminary layout shall be deemed a submission of the plat for approval.

(D) The applicant shall, within twelve months after approval of the preliminary layout, present at the office of the Commission, upon forms provided by the Commission and in duplicate the application for the consideration of the final plat, the estimate of the cost of public improvements and utilities, and the consent of the mortgagee(s) to the filing of the plat, together with a certificate of title of an approved title company and in form satisfactory to the Commission certifying record title in the name of the applicant, and also prints of the final plat as may be required accompanied by the required fee. Said application shall be filed with the Commission at least twenty-one (21) days before a regular meeting of the Commission. The Director of the Commission may then schedule a hearing at a regular meeting of the Commission, if required.

(E) The applicant shall be required to file with the Commission a surety company bond and/or cash security in an amount determined by the Commission and in accordance with a form supplied by the Commission to secure to the county the

actual construction and installation of such improvements required by the Commission at the time of such final approval and at a time fixed by the Commission and in accordance with the requirements of the Commission under these regulations. As to utilities required by the Commission at the time of such final approval, the Commission may, in its sole discretion, accept assurance in writing from each utility supplier whose facilities are proposed to be installed. When such a written assurance is acceptable, it shall be addressed to the Commission and state in substance or effect that such utility supplier will make the installations necessary for the furnishing of its services within the time therein specified satisfactory to the Commissioner. There shall also be included in determining the amount of such bond and/or cash security the reasonable cost of inspection of any such improvements by the Commission, the estimated cost for employing private security to guard any storm water drainage or storage basins required to be installed by the Commission, the cost of liability insurance, and the estimated cost of installation of necessary utilities.

(F) After completion of the foregoing procedure to the satisfaction of the Commission, and by the determination by the Commission to approve the plat, the approval of the Commission shall be endorsed thereon, together with the date thereof, over the signature of the Chairman, Director, or an authorized agent, designated by resolution of the Commission. Prior to such endorsement, the applicant shall file with the Commission the required number of prints of the street profiles and drainage plan, as approved by the Commissioner of Public Works.

(G) Within ninety (90) days following the endorsement of final approval by the Commission, the plat, together with one (1) duplicate tracing shall be filed with the County Clerk. A required number of duplicate tracings of the plat shall be presented at the office of the Commission. Notwithstanding the foregoing, the Planning Commission may extend the time for filing and recording such plat, if in its opinion such intention is warranted by the particular circumstances thereof for not more than two additional periods of ninety days each.

(H) The County Clerk shall notify the county Planning

Commission in writing of the filing of any plat approved by such Planning Commission identifying such plat by its title, date of filing and official file number.

7. Except as hereinbelow provided, whoever, being the owner or agent of the owner of any real property, structure or unit advertises for sale or transfers, sells, agrees to sell or negotiates to sell or offers for sale any lot, block, site, unit (inclusive of shares in a cooperative corporation) or interest in land shown upon a plat by reference to or exhibition of, or by other use of a plat of a subdivision, before such plat has been approved by the Nassau County Planning Commission as provided in this section and filed in the Office of the Nassau County Clerk, or whoever, being the owner or agent of the owner of any real property, structure or unit located within a subdivision, commences construction of any improvements without the approval of the Nassau County Planning Commission, shall forfeit and pay a penalty as fixed by county ordinance, which penalty shall not be less than one thousand (\$1,000.00) dollars for each and every lot, block, site or unit shown upon the map of said subdivision heretofore submitted to the Nassau County Planning Commission for approval as required by the provisions of this section. The description of such lot, parcel or unit by metes or bounds in the instrument of transfer or document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The county, city, town or village concerned may enjoin such construction, advertising, offering, transfer or sale or agreement by action for injunction and/or may recover by a civil action.

Notwithstanding the foregoing provisions of this section, the owner or agent of the owner of any land, structure or unit which is the subject of a plan of cooperative or/and condominium development, which plan has been accepted for filing by the Office of the Attorney General of the State of New York and approved for purposes of offering and/or advertising to the public, may offer or advertise such land, structure or unit for sale, provided that:

(1) an application for final subdivision approval has been filed with the Planning Commission and/or planning authority

having jurisdiction thereof; and

(2) that any payments received by the owner or agent of the owner of such land, structure or unit shall be deposited in an escrow account in accordance with the terms and provisions of such plan as accepted by the Attorney General of the State of New York, together with such other safeguards as the Planning Commission and/or planning authority having jurisdiction may impose in the interests of protecting the general welfare; and

(3) all contracts or subscription agreements by which said lots, plots, blocks, sites or units are offered or are advertised shall contain a boldly printed notice, in plain English, to the effect that said contracts and/or subscription agreements are expressly subject to the final approval of the subdivision by the planning authority having jurisdiction thereof, which approval may result in the changing, alteration or modification of the proposed subdivision.

8. Except as provided in subsection 1 (b) or (c) hereof, the County Clerk shall not file a plat of subdivision or accept a deed for recording which deed describes less than any plot, block, site or unit and the Department of Assessment shall not create a tax lot which describes less than any plot, block, site or unit without the approval of the Planning Commission and/or the planning authority having jurisdiction thereof as heretofore provided. If the County Clerk files a plat of subdivision without the approval of the Planning Commission and/or the planning authority having jurisdiction thereof as heretofore provided, he shall be deemed guilty of a misdemeanor and shall be fined not less than \$100.00 nor more than \$500.00.

(Subd. 1 amended by L. 1949, ch. 705; Subd. 2 amended by L. 1947, ch. 866; Subds. 1 and 2 amended by L. 1956, ch. 917; Local Law No. 8, 1989; Subd. 3 amended by L. 1950, ch. 198, Subds. 3 and 5 amended by Local Law No. 4, 1965; Local Law No. 11, 1967; Subds. 3 and 5 amended by Local Law No. 3, 1970; Subd. 5 amended by Local Law No. 8, 1989; Subd. 6 amended by L. 1951, Ch. 783 § 2; Subds. 7 and 8 added by Local Law No. 8, 1989, in effect September 25, 1989.)

§ 1611. **Environmental quality review.** (See Editor's note) 1. (a) Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this section shall have the same meaning as those defined in section 8-0105 of

the environmental conservation law and part six hundred seventeen of title six of the New York codes, rules and regulations.

(b) "county" shall mean the county of Nassau.

(c) "commission" shall mean the Nassau County planning commission.

2. The Commission shall serve as the agent of the Board of Supervisors with the responsibility for implementing the provisions of this section and shall promulgate such administrative rules and regulations as may be necessary to carry out this responsibility and shall submit reports to the Board of Supervisors so that said Board may consider same in connection with its decision whether to carry out or approve an action pursuant to said law and the New York codes, rules and regulations.

(Subd. 2 of a § 1611 amended by Local Law No. 4-1986, in effect February 24, 1986.)

3. No decision to carry out or approve an action, other than an action listed in the rules and regulations of the Nassau county planning commission as a type II action shall be made by the county executive, board of supervisors or by any department, board, commission, officer or employee of the county until there has been full compliance with all requirements of this section and part six hundred seventeen of title six of the New York codes, rules and regulations provided, however, that nothing herein shall be construed as prohibiting:

(a) the conducting of contemporaneous environmental engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the county to approve, commence or engage in any such action, or

(b) the granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this section and part six hundred seventeen of title six of the New York codes, rules and regulations have been fulfilled.

4. Consistent with part six hundred seventeen of title six of the New York codes, rules and regulations, those actions listed as type I, i.e., those likely to have a significant effect on the environment, and type II, those actions deemed not to have a significant effect on the environment, are contained within these rules and regulations, as may be adopted and/or amended by the Nassau county planning commission.

5. For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the commission setting forth the name of the applicant; the location of the real property affected, if any; a description of the nature of the proposed action; and the effect it may have on the environment. In addition, applicant shall include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the statement shall be filed simultaneously with the application for the action. Such statement shall be upon a form prescribed by resolution by the commission and shall contain such additional, relevant information and procedures as shall be required. Such statement shall be accompanied by drawings, sketches and maps, together with any other relevant, explanatory material as may be required.

6. Upon receipt of a complete application and a statement, the director shall cause a notice thereof to be posted in a conspicuous place in the office of the county clerk describing the nature of the proposed action and stating that written views thereon of any person shall be received by the commission no later than a date specified in such notice.

7. (a) A written determination on such application shall be rendered within fifteen calendar days following receipt of a complete application and statement provided, however, that such period may be extended by mutual agreement. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The commission and/or its staff may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in

making a determination on the application.

(b) To the extent practicable, other time limitations provided by statute or local law, ordinance or regulation of the county shall be coordinated with the time limitations provided in this section.

8. Every application for determination under this section shall be accompanied by fees, as determined and set forth in the rules and regulations of the Nassau county planning commission, to defray the expenses incurred in rendering such determination. Such fees shall bear as reasonable relationship to the direct costs incurred in the processing and review of said application and to such other costs as may be provided for in the rules and regulations of the Nassau county planning commission.

9. If the commission determines that the proposed action is not an exempt action, not an action listed as a type II action in the rules and regulations of the Nassau county planning commission, and that it will not have a significant effect on the environment, the commission shall prepare, file and circulate such determination, as provided in section 617.7 (b) of title six of the New York codes, rules and regulations, and thereafter the proposed action may be processed without further regard to this section. If the commission determines that the proposed action may have a significant effect on the environment, the commission shall prepare, file and circulate such determination, as provided in 617.7 (b) of title six of the New York codes, rules and regulations, and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this local law and part six hundred seventeen of title six of the New York codes, rules and regulations.

10. Following a determination that a proposed action may have a significant effect on the environment, the commission shall, in accordance with the provisions of part six hundred seventeen of title six of the New York codes, rules and regulations:

(a) in the case of an action involving an applicant, immediately notify the applicant of the determination, and shall require the applicant to prepare an environmental impact report in the form of a draft environmental impact statement or

(b) in the case of an action prepared by a governmental agency, shall require that agency to prepare a draft environmental impact statement.

If the applicant decides not to submit an environmental impact statement, the commission shall notify the applicant that the application will not be further processed until said environmental impact statement is submitted and that no approval will be issued.

11. Upon completion of a draft environmental impact statement, prepared at the request of the commission, a notice of completion containing the information specified in section 617.7 (d) of title six of the New York codes, rules and regulations shall be prepared, filed and circulated, as provided in section 617.7 (e) and (f) of title six of the New York codes, rules and regulations. In addition, it shall be published in the official newspapers of the county and a copy thereof shall also be posted in a conspicuous place in the office of the county clerk. Copies of the draft environmental impact statement and the notice of completion shall be filed, sent and made available, as provided in section 617.7 (e) and (f) of title six of the New York codes, rules and regulations.

If the commission determines to hold a public hearing on a draft environmental impact statement, notice thereof shall be filed, circulated and sent in the same manner as the notice of completion and shall be published in the official newspapers of the county at least ten days prior to such public hearing. Such notice shall also state the place where substantive written comments on the draft environmental impact statement may be sent and the date before which such comments shall be received. The hearing shall commence no less than fifteen calendar days nor more than sixty calendar days of the filing of the draft environmental impact statement, except as otherwise provided where the commission determines that additional time is necessary for the public or other agency review of the draft environmental impact statement or where a different hearing date is required as appropriate under other applicable law.

12. If, on the basis of a draft environmental impact statement

or a public hearing thereon, the commission determines that an action will not have a significant effect on the environment, the proposed action may be processed without further regard to this section.

13. Except as otherwise provided herein, the commission shall require the preparation of a final environmental impact statement in accordance with the provisions of part six hundred seventeen of title six of the New York codes, rules and regulations. Such final environmental impact statement shall be prepared within forty-five days after the close of any hearing or within sixty days after the filing of the draft environmental impact statement, whichever last occurs, provided, however, the commission may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification.

14. A notice of completion of a final environmental impact statement shall be prepared, filed and sent in the same manner as provided in section ten herein and shall be sent to all persons to whom the notice of completion of the draft environmental impact statement was sent. Copies of the final environmental impact statement shall be filed and made available for review in the same manner as the draft environmental impact statement.

15. No decision to carry out or approve an action which has been the subject of a final environmental impact statement by the county executive, board of supervisors or by any department, board, commission, officer or employee of the county shall be made until after the filing and consideration of the final environmental impact statement. The commission shall make a decision whether or not to approve the action within thirty calendar days of the filing of the final environmental impact statement.

16. When the commission decides to carry out or approve an action which may have a significant effect on the environment, it shall make the following findings in a written determination:

(a) consistent with social, economic and other essential considerations of state policy, to the maximum extent practicable,

from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects, including the effects disclosed in the relevant environmental impact statement; and

(b) all practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects.

17. For public information purposes, a copy of the determination shall be filed and made available as provided in part six hundred seventeen of title six of the New York codes, rules and regulations.

18. The commission shall maintain files open for public inspection of all notices of completion, draft and final environmental impact statements and written determinations prepared or caused to be prepared by the commission.

19. Where more than one agency is involved in an action, the procedures of sections 617.4 and 617.8 of part six hundred seventeen of title six of the New York codes, rules and regulations shall be followed.

20. Actions undertaken or approved prior to the date specified in article eight of the environmental conservation law for local agencies shall be exempt from this section and the provisions of article eight of the environmental conservation law and part six hundred seventeen of title six of the New York codes, rules and regulations, provided however that, if after such dates, the county executive, board of supervisors or appropriate department, board, commission, officer or employee having jurisdiction modifies an action undertaken or approved prior to that date, and the commission determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this section and part six hundred seventeen of title six of the New York codes, rules and regulations.

(Editor's notes: A typographical error exists in the arabic section number noted in the local law. There, it is noted as "\$ 1161" when it should be "\$ 1611". The Original § 1611 relating to "BUILDING IN STREETS; PERMITS; HEARINGS; REVIEW" was repealed by L. 1956, ch. 917, in effect April 20, 1956. Present § 1611 added by Local Law No. 1-1977, in effect June 1, 1977.)

ARTICLE XVII

Fire Prevention

- Section 1701. County fire commission.
1702. Organization of commission.
1703. Duties of commission.
1704. County fire marshal.
1705. Powers of marshal.
1706. Fire prevention ordinances.
1707. New fire districts.

§ 1701. **County fire commission.** There shall be a county fire commission constituted as follows: As soon as possible after the date on which this act becomes effective in the county the board of supervisors shall divide the county into not less than five battalion districts and shall assign each fire department and independent incorporated fire company to the district in which it is located. Thereafter on a date to be fixed by the board of supervisors by ordinance each volunteer fire department and independent incorporated fire company in the county shall hold an annual meeting for the election of delegates to the battalion district committee. Each such department and company shall be entitled to three delegates to serve for terms of three years, but those first elected shall be elected for terms of three, two and one years respectively; provided that where more than one independent incorporated fire company serves one fire district, there shall be only three delegates from such district; and provided further that the governing body of any city or village maintaining a paid fire department may likewise appoint three members of the battalion district committee. The election of delegates by a volunteer fire department other than an independent incorporated fire company shall be subject to disapproval for cause assigned and after hearing by the governing body of the city, village or district to which such department belongs. Vacancies shall be filled by each department and independent incorporated fire company for the unexpired balance of the term. It shall be the duty of each battalion district committee to coordinate as far as possible the service of the several departments and independent incorporated fire companies included in it and to encourage good fire-fighting practice therein. Each battalion district committee

shall choose annually, on a date to be fixed by the board of supervisors by ordinance, and at other times in case of vacancy, a chairman. The chairman of the several battalion district committees shall constitute the county fire commission.

§ 1702. Organization of commission. The members of the county fire commission may receive a per diem compensation, to be fixed by ordinance of the board of supervisors, for each day spent in the performance of their duties and they shall receive actual traveling and other expenses necessarily incurred in the performance of their duties. They shall choose annually from their own number a chairman, vice-chairman and secretary. They shall make rules for the conduct of their own proceedings and shall keep a minute-book of their proceedings.

(Amended by Local Law No. 2-1946 § 1, in effect June 10, 1946.)

§ 1703. Duties of commission. It shall be the duty of the county fire commission:

1. To study the needs of fire protection in the county and to make from time to time recommendations for the improvement of fire protection to the departments and independent incorporated fire companies and to the cities, villages and fire districts, respectively;

2. To prepare and present to the board of supervisors comprehensive fire prevention ordinances;

3. To arrange with the several battalion districts and the departments and independent incorporated fire companies involved for interdepartmental cooperation in all aspects of fire-fighting and particularly in the matter of "cover up" running cards and other methods of securing the best utilization of the fire-fighting strength available;

4. To recommend the standardization of equipment, such as hose couplings and threads, hydrant markings, etc:

5. To study the extension of fire protection to all portions of the county;

6. To make annually to the county executive a report of its activities and recommendations which shall be published in the same manner as the reports of other departments.

§ 1704. County fire marshal. a. There shall be a county fire marshal, to be appointed by the county fire commission as a result of competitive examination to be given by the civil service commission, who shall have had five years of service as a volunteer fireman in the county. He shall receive such compensation as may be provided by ordinance. The county fire commission shall likewise appoint, subject to the civil service provisions of this act, such other employees and assistants of the fire prevention department as may be provided by ordinance. Such employees and assistants, except those whose duties are purely clerical, shall each have had at least five years of service as a volunteer fireman in the county.

b. The county fire marshal, the assistant county fire marshals and fire inspectors employed by the county shall have the authority to issue appearance tickets as such are defined in article one hundred fifty of the criminal procedure law. Such authority shall only be exercised upon the successful completion of a training procedure designated by the fire marshal. The appearance tickets may be issued and served when the issuer has reasonable cause to believe a person has committed a misdemeanor or has committed a petty offense in his presence, provided that an appearance ticket shall only be issued for an offense defined in ordinances, or regulations authorized by such ordinances, which pertain to the prevention of fires.

(Subd. b. added by L. 1974. c. 459.)

§ 1705. Powers of marshal. The county fire marshal shall have power:

1. To act as the executive officer of the county fire commission;

2. To enforce the fire prevention ordinance or ordinances which may be adopted by the board of supervisors;

3. To investigate in cooperation with the police department all cases of suspected arson;

4. To designate, in writing, an assistant fire marshal to perform the duties of the fire marshal during his absence or disability, and the acts so performed by such assistant fire marshal shall have the same effect in law as if performed by the fire marshal.

(Subd. 4 added by Local Law No. 3-1952, in effect October 6, 1952.)

§ 1706. Fire prevention ordinances. The board of supervisors shall have power to establish by ordinance fire prevention regulations based on the recommendations of the county fire commission which shall have effect throughout the whole county including the cities and villages therein; provided that any city or village may adopt fire prevention regulations of greater severity than those contained in such ordinance, and provided further that the said cities and villages shall have exclusive jurisdiction to determine within their limits the areas in which any regulation requiring fire proof or fire resistant construction shall be applicable.

§ 1707. New first districts. No new fire district shall be created except upon the recommendation of the county fire commission.

ARTICLE XVIII

County Debt Commission

- Section 1801. Vote on creation of debt commission.
1802. Definitions.
1803. Members, terms, meetings.
1804. Duties.
1805. Application to issue evidences of indebtedness; hearing; referendum.
1806. Review by certiorari.
1807. Effect on this article.

§ 1801. Vote on creation of debt commission. At any

general election following the adoption of this act there may be submitted to the electors of the county in the manner hereinafter provided the question, "Shall there be a county debt commission?", and if a majority of the votes cast thereon be in the affirmative, the subsequent provisions of this article shall become effective in the county. If a majority of the votes cast thereon be in the negative, the same proposition may be submitted at any subsequent general election, but not more frequently than once in two years. Such question may be submitted by ordinance of the board of supervisors and shall be so submitted if a petition praying its submission and signed by resident electors of the county qualified to vote at the last preceding general election equal in number to five percent of the total vote cast in such county for the office of governor at the last general election at which a governor was elected is filed with the officer or board having jurisdiction of elections in such county not less than sixty days prior to the general election at which it is to be submitted.

§ 1802. **Definitions.** As used in this article, 1. "Taxing district" shall mean and include the county and every city, town, village, school district, special district, improvement district, public district, works benefit area or unit of government wholly therein which may by law issue or on whose behalf may by law be issued evidences of indebtedness; provided that if any school district be partly but not wholly within the county, that portion thereof which is in the county shall, solely for the purposes of subdivisions three, four and five of this section, also be a taxing district.

2. "Self-supporting public utility" shall mean any public utility owned and operated by any taxing district which for each of the three completed fiscal years immediately preceding shall have paid, out of the earnings of the said utility, all operating costs including the maintenance of its plant and facilities in good repair, interest upon its indebtedness and such installments of principal or payments to the sinking fund as may be legally required in each such year, together with such other charges as may be required by law.

3. "Assessed valuation" of any taxing district shall mean the valuation, as fixed by the county board of assessors on the latest

verified assessment roll, of all property within such taxing district and upon which taxes or assessments may be levied by or on behalf of such taxing district.

4. "General debt" of any taxing district shall mean the amount of bonds, notes and certificates of indebtedness outstanding and unpaid issued by or on behalf of such taxing district except bonds, notes and certificates of indebtedness issued for the purpose of providing a self-supporting public utility or issued in anticipation of the collection of taxes actually levied or to be levied in the same year and payable out of the collections of such taxes in such year, less the amount of any sinking funds available for the payment of any such bonds, notes or certificates of indebtedness; provided that "general debt" of a taxing district which is a portion of a school district partly but not wholly within the county as provided in subdivision one of this section shall mean a portion of the total general debt of such school district as so defined bearing the same relation to such total general debt as that portion of the latest total tax levy of such school district which was levied in such taxing district bears to such total tax levy.

5. "Overlapping debt" of any taxing district shall mean the general debt of such taxing district, together with the general debt of any other taxing district or districts wholly included within the territorial limits of such taxing district, and a share of the general debt of any other taxing district situated partly within and partly without such taxing district in proportion to that part of the assessed valuation of such other taxing district which is situated within such taxing district.

6. "Overlapping debt limit" of any taxing district shall mean an amount equal to fifteen percent of the assessed valuation thereof.

§ 1803. **Members, terms, meetings.** There shall be a county debt commission, to consist of five members not more than three of whom at any time shall belong to one political party. They shall be appointed for terms of ten years, except that the first appointments shall be for terms of ten, eight, six, four and two years, respectively. The county treasurer shall be ex officio secretary of the commission and shall assign from his staff such clerical and other assistance as shall be necessary in the

performance of its duties. Special meetings of the commission may be called at any time by the secretary upon twelve hours' actual notice effected by any means of communication or upon written notice delivered at the place of residence of each member not less than twenty-four hours before the time of the proposed meeting.

§ 1804. Duties. It shall be the duty of the commission to gather accurate data concerning the amount, purpose and maturities of bonds, notes and certificates of indebtedness issued and outstanding of all taxing districts and of sinking funds pledged for their payment on the date on which this act becomes effective in the county and to maintain a register for each taxing district, upon which shall be entered each subsequent issue of bonds, notes or certificates of indebtedness by the taxing district, the payments into and out of all sinking funds, and all payments of principal of serial bonds, notes and certificates of indebtedness. It shall be the duty of the chief financial officer and, if there be no such officer, of the governing body of each taxing district to report promptly to the commission each payment of principal or interest and each item of additional indebtedness incurred. It shall be the duty of the board of assessors, immediately on the completion of each verified assessment roll, to certify to the commission the assessed valuation of each taxing district and the total amount thereof, if any, within each other taxing district.

§ 1805. Application to issue evidences of indebtedness; hearing; referendum. Whenever any bonds, notes or certificates of indebtedness proposed to be issued by or on behalf of any taxing district, unless the proceeds thereof are to be used wholly and exclusively for the purpose of retiring existing indebtedness, shall, when added to the existing overlapping debt of such taxing district, exceed the overlapping debt limit thereof, the governing body of such taxing district shall make application in writing to the county debt commission. The said commission shall fix a time not later than twenty days after the filing of such application when it will hear all interested parties. Notice of such hearing shall be published twice in the official newspapers and in a newspaper of general circulation in such taxing district, and the hearing shall take place not less than ten days after the second publication. Within thirty days after such hearing the county debt commission shall make and file with the governing body of the taxing district

making the application a report shall certify that such issue of bonds, notes or certificates of indebtedness is for a necessary purpose, and that the financial conditions of the taxing district is such as to justify such increase in its indebtedness, no such bonds, notes or certificates of indebtedness shall be issued; provided that the governing body of the taxing district may submit the question of such issue at a subsequent general or special election in such taxing district, and may issue such bonds, notes or certificates of indebtedness if two-thirds of the votes cast on such question shall be in favor of such issue.

§ 1806. **Review by certiorari.** Any such governing body may within thirty days after the receipt of such report of the county debt commission apply to a court of competent jurisdiction for a writ of certiorari for the purpose of reviewing such report, and if the court shall order the modification thereof, such order shall be final and conclusive; costs shall not be allowed against the debt commission unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making its report.

§ 1807. **Effect of this article.** Nothing in this article shall be taken to alter, amend or repeal any limitation of the indebtedness of any taxing district which now or hereafter may be provided by law, but the provisions of this article shall be deemed to be in addition to all such limitations.

ARTICLE XIX

County Clerk

Section 1901. Election; compensation.
1902. Powers and duties.

§ 1901. **Election; compensation.** There shall be a county clerk who shall be elected from the county at large. He shall receive a compensation to be fixed by ordinance.

(Amended by Local Law No. 3-1946 § 3, in effect December 16, 1946.)

§ 1902. **Powers and duties.** The county clerk shall appoint

such deputies, officers, and employees of the department as may be provided by ordinance. The county clerk shall, except where inconsistent with this act, have and exercise all the powers and duties now or hereafter conferred or imposed by any law applicable to the county on the county clerk, and such other duties as may be provided by ordinance.

ARTICLE XX

Sheriff

- Section 2001. Department of Sheriff.
2002. Powers and duties.
2003. Division of correction; powers and duties; officers and employees.
2004. Correctional Center, Board of Visitors.

§ 2001. Department of sheriff. Appointment; compensation. There shall be a department of sheriff the head of which shall be the sheriff who shall be appointed by the county executive subject to the confirmation of the board of supervisors. This department shall be a department of the county government. The sheriff shall receive a compensation to be fixed by ordinance. (Amended by Local Law No. 14, 1965, § 1, in effect January 1, 1968.)

§ 2002. Power and duties. The sheriff shall appoint such deputies, deputy under-sheriffs, officers and employees of the department as may be provided by ordinance. All such deputies, officers and employees, except the appointed under-sheriff, deputy under-sheriffs, deputy and the commissioner of correction shall be hired by competitive examinations under the provisions of the Civil Service Law. The sheriff is not required to continue the employment of any employee now employed except where such employee may already be in the competitive class of the classified service. All employees of the sheriff presently employed shall be considered qualified to take the open competitive examination to be given for his position or a similar or corresponding position. Except where inconsistent with this act, the sheriff shall have and exercise all the powers and duties now or hereafter conferred or imposed by any law applicable to the County on the sheriff and

such other duties as may be provided by ordinance.

(Amended by Local Law No. 14-1965, in effect January 1, 1966 and Local Law No. 4-1978, in effect March 13, 1978; Local Law No. 11-1990, in effect August 28, 1990.)

§ 2003. Division of correction; powers and duties; officers and employees. a. There shall be a division of correction within the department of sheriff, the head of which shall be the commissioner of correction who shall be appointed by the sheriff and shall be in the exempt part of the classified civil service. b. The commissioner of correction, subject to the supervision and control of the sheriff, shall have charge of, and be responsible for:

1. The care, custody and transportation of felons, misdemeanants, violators of local laws and all others committed to its charge, or held within the county for any cause in criminal proceedings.

2. Management of the county jail with regard to the care and custody of persons held therein and charged to the division.

3. Such other and further duties as are necessary to the care and custody of persons under the division's control.

4. Such further duties as may be provided by ordinance.

(Amended by Local Law No. 14, 1965, § 3, in effect January 1, 1968.)

§ 2004. Nassau County Correctional Center Board of Visitors; membership; appointment, compensation and expenses; power and duties.

a. There shall be within the Division of Correction a Nassau County Correctional Center Board of Visitors. It shall consist of five members, including a chairperson, each of whom shall be appointed by the County Executive subject to confirmation by the Board of Supervisors. As far as may be practicable, the members shall possess a working knowledge of the correctional system.

b. All members of the Board shall be Nassau County residents.

c. All members of the Board shall be voting members.

d. The term of office of each member shall be three years, except that members first appointed shall be appointed as follows: two for a term of one year; two for a term of two years; and one for a term of three years. Upon expiration of the term of office of any member, his successor shall be appointed for a term of three years. Any appointed member of the Board may be removed by the County Executive for cause after an opportunity to be heard in his defense. Any member chosen to fill a vacancy created other than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Vacancies caused by the expiration of term or otherwise shall be filled in the same manner as original appointments.

e. Members shall serve without compensation. The Board of Supervisors may appropriate sufficient sums to meet the expenses actually and necessarily incurred by members of the Board in the performance of their duties hereunder.

f. The Board and each member thereof shall have the following powers and duties:

1. To investigate, review or take such other action as shall be deemed necessary or proper with respect to inmate complaints or grievances regarding the correctional center as shall be called to their attention in writing.

2. To have access to the correctional center and all books, records and data pertaining to the correctional center which are deemed necessary for carrying out the Board's powers and duties.

3. To obtain from correctional center personnel any information deemed necessary to carry out the Board's powers and duties.

4. To request and receive temporary office space in the correctional center for the purpose of carrying out the Board's powers and duties.

5. To report periodically to the sheriff, and where appropriate, to make such recommendations to the sheriff as are necessary to fulfill the purposes of this section.

6. To advise the sheriff in developing programs for improving correctional center services and duties and for coordinating the efforts of correctional center officials in respect to improving conditions of inmate care, treatment, safety, rehabilitation, recreation, training and education.

7. To meet on a regular basis at a time and place designated by the Chairman of the Board.

(Local Law No. 9-1990, in effect August 28, 1990.)

ARTICLE XXI

Miscellaneous Officers

Section 2102. Commissioner of Consumer Affairs.

2103. Park and recreation commission: powers and duties.

2103-a. Department of recreation and parks.

2104. Hospitals and sanatoria.

2104-a. Division of Purchase established.

2104-b. Duties, purchase of supplies, materials and equipment.

2105. Employment of Volunteer Workers.

2106. Judicial officers; school officers.

2107. Department of mental health.

2108. Repealed.

2109. Department of Commerce and Industry.

2110. Department of Senior Citizen Affairs.

2111. Repealed.

(Amended by Local Law No. 16-1991, in effect January 1, 1992.)

§ 2101. Medical examiner; qualifications; powers and duties.

(Repealed by Local Law No. 3-1976, in effect January 1, 1976.)

§ 2102. Commissioner of Consumer Affairs. There shall be a commissioner of consumer affairs, who shall be appointed by the county executive subject to confirmation by the board of supervisors. Except where inconsistent with this act, he shall have

all the powers and duties heretofore or hereafter conferred or imposed upon sealers of weights and measures by the laws of the state, and such other powers and duties as may be prescribed by ordinance.

(Amended by Local Law No. 9, 1967, § 1, in effect June 9, 1967.)

§ 2103. Park and recreation commission; powers and duties. The board of supervisors may by ordinance create a park and recreation commission, to consist of five members appointed for terms of five years, except that the first appointments shall be for terms of five, four, three, two and one years respectively. When such a park and recreation commission is created, it shall have supervision and control of the construction, maintenance, repair and operation of all parks, playgrounds, athletic fields and recreation centers, including all buildings, structures, equipment and appurtenances of such parks, playgrounds, athletic fields and recreation centers, as may be undertaken by the county. When such park and recreation commission has been created, the department of public works shall no longer have supervision and control of the construction, maintenance and repair of parks; provided that the department of public works shall at all times furnish such engineering services as may be required by the park and recreation commission. The park and recreation commission shall appoint such assistants and employees as may be provided by ordinance. The county is hereby authorized to acquire by gift, purchase, lease or permit, own, construct, operate, maintain and repair parks, playgrounds, athletic fields and recreation centers anywhere within the county outside of cities and villages and inside any city or village with the approval of the governing body thereof, with the buildings, structures, equipment, and appurtenances thereof, including public baths, swimming pools and auditoriums, and to make the cost thereof a county charge. The county may contract with any city, village, or district situated therein concerning the operation of any park, playground, athletic field or recreation center whether owned by the county or by such city, village, or district. The board of supervisors shall have power by ordinance to regulate the use of parks, playgrounds, athletic fields, and recreation centers owned or operated by the county and to provide for the enforcement thereof.

§ 2103-a. Department of recreation and parks. 1. There

shall be a department of recreation and parks, the head of which shall be the commissioner of recreation and parks who shall be appointed by the county executive, subject to confirmation by the board of supervisors. The commissioner shall appoint five deputies who shall act for and in the place of the commissioner, and other officers and employees of the department as may be provided by ordinance.

(Amended by Local Law No. 1-1990, in effect January 22, 1990.)

2. Except as may otherwise be provided in this county government law, the department shall have supervision and control over:

a. the operation, maintenance and repair of all county parks, museums, playgrounds, athletic fields and recreational facilities;

b. county recreation programs and recreational activities relating thereto.

3. Park security officers shall have the authority to issue appearance tickets as such are defined in article one hundred fifty of the criminal procedure law. The appearance tickets may be issued and served upon a person when a park security officer has reasonable cause to believe that a person has committed a misdemeanor or has committed a petty offense in his presence.

(Added by Local Law No. 3, 1971 § 1; subd. 1 of 2103-a amended by Local Law No. 1, 1973 in effect January 8, 1973; subd. 3 of § 2103-a added by L. 1973, ch. 836 in effect October 1, 1973; subd. 1 of 2103-a amended by Local Law No. 5-1976, in effect, June 13, 1976; subd. 1 of 2103-a amended by Local Law No. 3-1986 in effect on February 24, 1986.)

§ 2104. **Hospitals and sanatoria.** 1. The governing boards of any hospitals or sanatoria operated by the county shall be and continue as at present organized, with the powers and duties now provided by law; provided that all supplies and equipment for the said hospitals, except medical supplies and equipment up to five hundred dollars in case of emergency, shall be purchased through the county purchasing agent and that said boards shall in all respects be subject to the budget and other financial provisions of this act and, further provided, that all contracts in connection with the construction or reconstruction of new buildings or the repair, maintenance or operation of existing buildings, when

recommended by said boards shall be advertised and made and the work pursuant thereto done in the same manner as provided in this act for other county buildings. Vacancies in such boards, by reason of expiration of term, shall be filled by appointment of the county executive, subject to confirmation by the board of supervisors, for the term now provided by law. Other vacancies shall be filled in the same manner, but for the unexpired balance of the term only.

(Amended by L. 1948 Ch. 196, in effect March 10, 1948.)

2. The chief executive officer of the Nassau County Medical Center shall be known as the executive director of the Nassau County Medical Center and he shall have and exercise all the powers and duties now or hereafter conferred or imposed by any law applicable to the superintendent of a public general hospital and such other duties as may be provided by ordinance.

(Added by Local Law No. 3-1977 in effect April 18, 1977.)

§ 2104-a. **Division of Purchase established.** 1. Within the Nassau County Medical Center there shall be a Division of Purchase, the head of which shall be the Director of Purchase, who shall be appointed by the County Executive subject to confirmation by the Board of Supervisors.

§ 2104-b. **Duties: Purchase of Supplies, Materials and Equipment.** The Director of Purchase or his designee shall make purchases and all contracts for supplies, materials, equipment and services in connection with the operation, renovation and maintenance of the Nassau County Medical Center. Said purchases shall be made in accordance with all state and county statutes and laws and may involve purchases from any consortium which services the medical community with supplies, materials and equipment; provided that the Board of Supervisors may by resolution except from the operation of this section the purchase of meats, medicines, surgical instruments and other therapeutic agencies to be used in any county hospital or facility and may by two-thirds vote of the voting strength thereof exempt such further purchases as the Director of Purchase or his designee may recommend in writing. The Director of Purchase shall be authorized to make purchases from any such consortium of medical supplies, materials and equipment for the Patterson

Home and the Department of Health.

In the event that any single purchase or contract other than a purchase or contract from the State of New York or a lawfully constituted consortium shall involve an expenditure of more than ten thousand dollars, it shall be made from or let by sealed bids or proposals, after public notice published at least once in the official newspaper at least five days prior to the day on which such sealed bids or proposals are to be opened, to the lowest bidder who shall give security for the performance of this contract, if required by the Director of Purchase or his designee; provided that, in case of an emergency, upon the recommendation in writing by the Director of Purchase or his designee setting forth the nature of the emergency, the County Executive may authorize the Director of Purchase or his designee to immediately purchase in the open market the necessary materials, supplies, equipment or services in connection with the operation, renovation and maintenance of Nassau County Medical Center notwithstanding that the emergency purchase may involve the expenditure of more than ten thousand dollars.

(Amended by Local Law No. 12-1991, in effect January 1, 1992.)

§ 2104-c. The provisions of Section 2401-a and 2402-b shall cease to be of any force or effect on June 30, 1995.

(New § 2104 subds. a, b, and c added by Local Law No. 1, 1989, in effect March 6, 1989; amended by Local Law No. 2-1991, in effect May 10, 1991; Local Law No. 3-1992, in effect April 30, 1992; Local Law No. 15-1992, in effect October 29, 1992; Local Law No. 1-1993, in effect May 6, 1993; Local Law No. 5-1993, in effect February 3, 1994; Local Law No. 2-1994, in effect July 7, 1994.)

§ 2105. Employment of volunteer workers. a. The head of each county department, when authorized by the County Executive, may accept the services of volunteer workers in connection with programs, agencies and commissions established for the benefit of the county.

b. Volunteer workers shall be county employees for the purpose of receiving benefits pursuant to the workers' compensation law, and shall be indemnified, defended and held harmless by the county against any claim, demand, suit or judgment for property damages, personal injury, including death, and any other liability which may be assessed against volunteer workers by reason of alleged negligence or other act committed by

volunteer workers who were acting in the discharge of their duties within the scope of their employment or authorized volunteer duties. Within the appropriation therefor and when authorized by the department head, such volunteer workers may be granted maintenance and reimbursement for actual expenses necessarily incurred in the performance of their authorized volunteer duties.

(Former § 2105 repealed by L. 1954, ch. 305; new § 2105 added by Local Law No. 6, 1966, § 2, in effect November 4, 1966; Subds. a and b of § 2105 amended by Local Law No. 2-1986, in effect February 24, 1986.)

§ 2106. Judicial officers; school officers. Nothing in this act except as specifically provided therein, shall be taken to affect the election, appointment, powers and duties of the county judge, district attorney, surrogate or any other existing judicial officers, elective or appointive, other than justices of the peace and coroners; provided that all officers including those enumerated in this section shall be governed by the provisions of this act and of the local finance law relating to the budget, to finance and purchasing and to civil services.

Nor shall anything in this act be taken to affect the administration of education, or the rights, powers and duties of school officers, principals, teachers, janitors and other employees, other than as specifically provided herein with regard to the assessment and collection of taxes and the functions of the county debt commission.

(Amended by L. 1943 Ch. 710 § 105, amended by L. 1945 Ch. 338, and amended by Local Law No. 10, 1982, in effect December 6, 1982.)

§ 2107. Department of Mental Health, Mental Retardation and Developmental Disabilities. 1. There shall be a department of county government known as the Department of Mental Health, Mental Retardation and Developmental Disabilities, the head of which shall be the Commissioner of Mental Health, Mental Retardation and Developmental Disabilities. The commissioner shall be appointed by the county executive, subject to confirmation by the board of supervisors, and shall be the chief executive officer and director of the department. The commissioner shall be a psychiatrist or other professional person who shall meet the standards set by the commissioner of mental hygiene of the State of New York. The commissioner shall exercise the policy-making functions granted a local government

unit by article eleven of the mental hygiene law. Except as may otherwise be provided in this act, the commissioner shall appoint such deputies who shall act for and in the place of the commissioner, and other officers or employees of the department at such salaries or compensation as may be provided by ordinance.

(Subdivision one added by Local Law No. 4-1974, and amended by Local Law No. 11-1974, in effect Oct 7, 1974; Local Law No. 8-1984, in effect June 11, 1984.)

2. Powers and duties. The department shall have the following powers and duties:

a. review services and local facilities for the mentally disabled of the area which it serves and their relationship to local need; determine needs of the mentally disabled of such area; and encourage programs of prevention, diagnosis, care, treatment, social and vocational rehabilitation, special education and training, consultation, and public education of mental disabilities.

b. after consultation with the county executive, develop a program of services for the county of Nassau, establish long range goals for the county government in its program for the mentally disabled, and develop intermediate range plans and forecasts, listing priorities and estimated costs.

c. plan with the department of mental hygiene of the state of New York and its facilities for the delivery of services to the mentally disabled.

d. seek to assure that under the goals and plans required pursuant to this subdivision, all population groups are adequately covered; that sufficient services are available for all the mentally disabled within its purview; that there is coordination and cooperation among county providers of services; that the county of Nassau program is coordinated and integrated with the programs of the department of mental hygiene of the state of New York; and that there is continuity of care among all providers of services.

e. Submit annually to the department of mental hygiene of the state of New York for its approval and subsequent state aid, a report of long range goals and specific intermediate range plans as

modified since the preceding report, along with either a local services plan or a unified services plan pursuant to article eleven of the mental hygiene law for the next fiscal year of the county government of Nassau county.

f. have the power, upon the approval of the county executive and the board of supervisors, to enter into contracts for the provision of services and the construction of facilities and have the power, when necessary, to approve construction projects. Such powers shall be exercised pursuant to the county government law and administrative code of Nassau county.

g. establish procedures for the execution of a local services plan or a unified services plan as approved by the county executive and the board of supervisors and the commissioner of mental hygiene of the state of New York, including regulations to guide the provision of services by all organizations and individuals within its program.

h. make policy for and exercise general supervisory authority over or administer local services and facilities provided or supervised by it, whether directly or through agreements, including responsibility for the proper performance of the services provided by other facilities of the county government and by voluntary and private facilities which have been incorporated into its comprehensive program.

i. further programs for special education and training, including career incentive and manpower and development; have the power to conduct or to contract, pursuant to the county government law of the county of Nassau, for such research as may be useful to discharge its administrative duties and for the promotion of scientific knowledge of the mental disabilities; to serve as a center for the promotion of community and public understanding of mental disabilities and of services necessary for their care and treatment; to seek the cooperation and to cooperate with other public health and social services agencies, public and private, in advancing the program of local or unified services.

j. submit an annual report to the county executive and the board of supervisors and the community mental health, mental

retardation and alcoholism services advisory board.

k. perform such other duties in accordance with the mental hygiene law as may be assigned by the county executive or the board of supervisors.

l. provide local or unified services and facilities directly; or to contract, pursuant to the county government law of the county of Nassau, for the provision of those services by another department, division, commission, council, board or subdivision of the county government of Nassau county, or by other units of local or state government, by voluntary agencies, or by professionally qualified individuals.

3. Community mental health, mental retardation, and alcoholism services advisory board. a. A community mental health, mental retardation, and alcoholism services advisory board is hereby established to advise the commissioner of mental health on matters concerning mental health, mental retardation, and alcoholism. The board shall consist of fifteen members appointed by the county executive and confirmed by the board of supervisors. Whenever practicable at least one member shall be a licensed physician and one member shall be a certified psychologist; and otherwise at least two members shall be licensed physicians, such members to have demonstrated an interest in the field of services for the mentally disabled. The other members shall represent the community interest in all the problems of the mentally disabled and shall include representatives from community agencies for the mentally ill, the mentally retarded, and developmentally disabled, and those suffering from alcoholism and substance abuse. A member shall be designated by the county executive as chairman. The community services board shall have separate subcommittees for mental health, mental retardation and developmental disabilities, and alcoholism or, at the discretion of the board of supervisors, alcoholism and substance abuse. Each separate subcommittee shall be composed of persons who have demonstrated an interest in the field of services for the particular class of mentally disabled and shall include former patients, parents or relatives of such mentally disabled persons and community agencies serving the particular class of mentally disabled. Each separate subcommittee shall

advise the community services board and the director of community services regarding the exercise of all policy-making functions vested in such board or director, as such functions pertain to the field of services for the particular class of mentally disabled individuals represented by such subcommittee.

b. A person's public office or employment shall not bar appointment as a member of the board or a subcommittee thereof, nor shall membership serve as a bar to other public office or employment; provided, however, that no employee of the department or of a department facility may hereafter be appointed as a member of the board or a subcommittee thereof.

c. On the initially constituted board, and insofar as practicable, on subcommittees thereof, one-third of the members shall be appointed for a two year term, one-third for a three-year term and the remainder for a four-year term. All terms shall begin to run from the first day of the year of the appointment. Vacancies shall be filled for unexpired terms. No person may serve as a member of the board or a subcommittee for more than two terms consecutively.

d. The board of supervisors shall reimburse board members for the reasonable expenses incurred in the performance of their duties and may also provide by ordinance per diem compensation, but only their reasonable expenses shall be reimbursed as an operating cost.

e. The board of supervisors may remove a board or subcommittee member for cause, after written notice of charges and an opportunity for the member to be heard.

4. Liability of county government. The county of Nassau shall save harmless and protect officers and employees of the department and of the board from financial loss arising out of any claim, suit, or judgement by reason of alleged negligence or other act resulting in accidental bodily injury or harm to any person, provided such officer, employee or board member at the time of the accident or injury was acting in the discharge of his duties within the scope of his employment under this article. No action shall be maintained under this section unless a notice of claim shall

have been made and served both in compliance with the general municipal law and the county government law and the administrative code of Nassau county.

(Subdivision two, three and four added by Local Law No. 4-1974, in effect February 25, 1974. Subd. three further amended by Local Law No. 6, 1979 in effect July 9, 1979. Original section 2107, as added by Local Law No. 1-1955, repealed by Local Law No. 4-1974.)

§ 2108. Department of labor.

(Added by Local Law No. 1, 1963 in effect January 21, 1963; amended by Local Law No. 2, 1965, in effect January 22, 1965; Repealed by Local Law No. 16-1991, in effect January 1, 1992.)

§ 2109. Department of commerce and industry.

1. There shall be a department of commerce and industry, the head of which shall be a commissioner of commerce and industry, who shall receive such compensation as may be provided by ordinance. The commissioner of commerce and industry shall have the power to appoint such officers and employees as may be provided by ordinance.

2. The commissioner of commerce and industry, in addition to such other powers and duties as may be prescribed by ordinance of the board of supervisors, shall have the following powers and duties:

(a) To confer with and advise the county executive, the board of supervisors, and planning commission on all matters concerning the commercial and industrial development of the county.

(b) To advertise the commercial and industrial advantages and opportunities of the county within the means provided by any appropriations made therefor by the board of supervisors.

(c) To collect data and information as to the type of commerce and industries best suited to the county.

(d) To develop, compile and coordinate information regarding available areas suitable for commercial and industrial development.

(e) To study and recommend means of encouraging the

orderly development of areas suitable for commercial and industrial development and to promote suitable improvement of such areas of the county.

(f) To aid the county executive, the board of supervisors, and planning commission in the attraction of new commerce and industries and in the encouragement of expansion by existing industries and business.

(g) To cooperate with all community groups which are dedicated to orderly commercial, industrial and economic expansion of the county, and to furnish them such aid and advice as is deemed appropriate.

(h) To cooperate with all commercial establishments, industries and businesses in the county in the solution of any community problems which they might have, and to encourage the managements of such concerns to have a healthy and constructive interest in the county's welfare.

(i) To periodically survey the county to determine whether the county furnishes such services and facilities as are conducive to industrial and economic expansion.

(j) To issue publications and reports designed to promote the county's commercial and industrial growth and development.

(k) To recommend to the county executive and the board of supervisors policies and procedures in carrying out the purpose of this section.

(l) To submit an annual report to the county executive and the board of supervisors.

(m) To engage in such activities as will promote the economic well being of the county.

3. The commission shall not have any powers or duties which conflict with or supersede the powers and duties of other county commissions, agencies or boards.

4. County to cooperate. All officers and division heads of the county shall cooperate with the commissioner and render all reasonable assistance.

(Added by Local Law No. 1, 1964, in effect February 17, 1964.)

§ 2110. Department of Senior Citizen Affairs. 1. There shall be a department of county government known as the department of senior citizen affairs, the head of which shall be the commissioner of senior citizen affairs who shall be appointed by the county executive, subject to confirmation by the board of supervisors. The commissioner shall receive such compensation and shall appoint a deputy who shall act for and in the place of the commissioner and may appoint such other officers and employees as may be provided for by ordinance.

(Subdivision one, added by Local Law No. 6-1972; amended by Local Law No. 3-1974, in effect January 1, 1974; amended by Local Law No. 4-1990, in effect March 26, 1990.)

2. The department of senior citizen affairs shall have the following powers and duties:

(a) to advise and assist the county executive in developing programs designed to help meet the needs of senior citizens;

(b) to coordinate county programs and activities relating to senior citizens;

(c) to stimulate community interest in the problems of senior citizens;

(d) to promote public awareness of resources available to senior citizens, and to refer the public to the the appropriate departments and agencies of the state and federal governments for advice assistance and available services in connection with particular problems;

(e) to cooperate with and assist cities, towns and villages within the county in the development of local programs for senior citizens;

(f) to consult and cooperate with schools and universities, colleges and institutions in the county for the development of

courses of study for persons engaged in public and private programs for senior citizens.

(Subdivision two added by Local Law No. 6, 1972, in effect May 5, 1972.)

§ 2111. Office of employment and training.

(Added by Local Law No. 4-1975 [known as Local Law No. 3-1975 for purposes of filing with Secretary of State], in effect February 7, 1975; Amended by Local Law No. 6-1977; in effect June 27, 1977; Repealed by Local Law No. 16-1991, in effect January 1, 1992.)

ARTICLE XXI-A

Department of General Services

- Section 2150. Department established; officers and employees.**
2151. Departmental divisions.
2152. Powers and duties.

§ 2150. Department established; officers and employees.

There shall be a department of county government known as the department of general services, the head of which shall be the commissioner of general services. The commissioner of general services shall be appointed by the county executive, subject to confirmation by the board of supervisors. Except as otherwise provided in this act, the commissioner of general services shall appoint such deputy commissioners and other officers and employees of the department at such salaries or compensation as may be provided by ordinance. Such deputies shall act for and in the place of the commissioner of general services in such order as may be designated by him. Such deputies shall also, as assigned, be responsible for the planning of space requirement, management, assignment and use of county owned buildings and grounds and maintenance of all county buildings; the dissemination of management information in the area of data processing, telephone and radio communications, records, mail services, printing, reproduction and graphic art; accounting, personnel management; the maintenance and repair of all motor vehicles owned by the county other than vehicles under the jurisdiction of the police department, and the commissioner of public works as the county superintendent of highways, and one of such deputies shall be responsible for all purchases and all contracts for supplies, materials, equipment of every nature for the county and services in

connection with the operation, renovation and maintenance of county facilities and equipment for any county department, institution, office or agency for which the county may in any event be liable.

Section 2150: (Local Law No. 4 1980 in effect June 9, 1980.)

§ 2151. Departmental divisions. 1. Within the department of general services there shall be the following divisions:

- (a) division of property management;
- (b) division of management information;
- (c) division of administration;
- (d) division of purchase and supply;
- (e) division of motor vehicles;
- (f) division of energy resources;

and such additional divisions as the board of supervisors may hereafter create by ordinance.

§ 2152. Powers and duties. 1. The commissioner of general services shall administer the various functions of the department and, in relation thereto, shall coordinate the operations of the several divisions. Long range planning for the various divisions within the department shall be under the jurisdiction of the commissioner and recommendations for the implementation of such planning may be made by the commissioner to the county executive and to the board of supervisors.

2. The division of property management shall be responsible for the planning of space requirement, management, assignment and use of county owned buildings and grounds as may be put under its charge by resolution and the cleaning, heating, ventilating, repairs and maintenance of all county buildings. The division shall contain bureaus of facilities planning; building maintenance; building services; real estate and insurance, property control and disposal and security.

3. The division of management information shall be responsible for the dissemination of management information in the areas of data processing, telephone and radio communications, records, mail services, methods and procedures,

printing, reproduction and graphic arts. The division shall contain bureau of systems and programs, computer operations, data preparation and key punch communications, records and mail services, office systems and printing and graphics.

4. The division of administration shall contain the bureaus of accounting, energy resources, personnel and management.

5. The division of motor vehicles shall be responsible for the maintenance and repair of all motor vehicles owned by the county, other than vehicles under the jurisdiction of the police department, and the commissioner of public works as the county superintendent of highways and motor vehicles under the jurisdiction of county sewer district shall prepare replacement schedules of vehicles, exercise supervision of the county garages under its jurisdiction and assign all vehicles. The division shall contain bureaus of vehicles maintenance and equipment inventory.

6. The division of purchase and supply shall be responsible for county purchases of materials, supplies, equipment, services in connection with the operation, renovation and maintenance of county facilities and equipment and the development of programs of planning and inspection with respect to materials, supplies, equipment and services in connection with the operation, renovation and maintenance of county facilities and equipment for county departments. The division shall contain bureaus of purchase contract administration, specifications and catalog, warehouses and inspection.

Subdivision 6 of Section 2152; (Local Law No. 4 in effect June 9, 1980.)

7. The division of energy resources shall be responsible for:

a. The establishment of energy efficiency standards for all existing and/or new county owned and rented facilities.

b. The monitor and audit of such facilities for compliance with standards established by this division.

c. The establishment and maintenance of a liaison with local, state and federal agencies, for participation in energy related

legislation and programs.

d. The establishment and maintenance of a liaison with private energy related industries for monitoring their compliance with local, state and federal laws and regulations as effecting their responsibility to the people in Nassau county.

e. The preparation of programs and collateral materials utilized to encourage the conservation of fossil fuels, and the use of alternate sources of energy in Nassau county.

(This Article XXI-A added by Local Law No. 19, 1965; amended by Local Law No. 9, 1971 § 1; 2150 Amended by Local Law No. 7-1973 § 1 in effect October 1, 1973; subd. 2 of § 2151 repealed by Local Law No. 7-1973 § 2 in effect October 1973; subd. 1 of § 2152 amended by Local Law No. 7-1973, § 3 in effect October 1, 1973; subd. 4 of § 2152 amended by Local Law No. 7-1973 in effect October 1, 1973; subd. 4 of § 2152 amended by Local Law No. 2-1975 in effect February 24, 1975; § 2150 amended by Local Law No. 9-1977, in effect October 17, 1977; § 2151 amended by Local Law No. 9-1977, in effect October 17, 1977; subd. 7 of § 2152 added by Local Law No. 9-1977, in effect October 17, 1977.)

ARTICLE XXI-B

Department of Drug and Alcohol Addiction

Section 2160. Declaration of policy.

2161. Department established.

2162. Powers and duties.

2163. Rules and regulations.

§ 2160. **Declaration of Policy.** The board of supervisors finds and determines that critical health problems exist within the county of Nassau resulting from the excess use of alcohol and the use and abuse of addictive drugs in its many forms and it is imperative that a comprehensive program be organized for a direct assault upon the public health problem resulting from such use. The essential purpose of the Nassau county department of drug and alcohol addiction will be to develop and to implement a comprehensive program for the education, treatment and rehabilitation of alcoholics and narcotics addicts in Nassau county by utilizing modern methods for the care and rehabilitation of such persons and for research into the causes and means of prevention of alcoholism and drug addiction.

§ 2161. Department established; officers and employees. There shall be a department of county government known as the department of drug and alcohol addiction, the head of which shall be the commissioner of the department of drug and alcohol addiction. The commissioner shall be appointed by the county executive subject to confirmation by the board of supervisors. Except as may be otherwise provided in this act, the commissioner shall appoint such deputies who shall be in the exempt class of the civil service and shall act for and in the place of the commissioner, and other officers and employees of the department at such salaries or compensation as may be provided by ordinance.

§ 2162. Powers and duties. The department shall have the following powers and duties:

(1) Develop and administer effective policies and programs for the prevention, control and treatment of alcoholism and drug abuse and addiction, and the rehabilitation of alcoholics and drug addicts and make appropriate recommendations to the county executive and the board of supervisors.

(2) Receive and expend grants from the state, federal or county governments or from private individuals, corporations or associations for the purpose of actively implementing the stated purpose of this article.

(3) Supplement and aid in coordinating the activities of public and private agencies devoted in whole or in part to the prevention of alcoholism and drug abuse and addiction, and serve as a consultant to such agencies.

(4) Develop programs, personnel and facilities, walk-in and residential treatment centers in conformity with and in coordination with other county agencies having an interest in the field including, without limitation, the mental health board, the board of health, Nassau county medical center, the police department and the department of probation.

(5) Perform research and develop a body of current information, statistics, records and data with regard to alcoholism and drug abuse and addiction within the county of Nassau.

(6) Develop and coordinate educational programs and stimulate countywide efforts to control alcoholism and drug abuse and addiction. The department is authorized to examine and to evaluate all existing and future activities, operations and programs conducted by all county agencies in the area of alcoholism and drug abuse and addiction and serve as a clearing house for all county agencies in regard to their programs of education relating to alcoholism and drug abuse and addiction and the prevention thereof.

(7) Submit an annual report to the county executive and board of supervisors.

(8) Perform such other duties as may be assigned by the county executive or the board of supervisors.

§ 2163. **Rules and regulations.** The department may, with the approval of the board of supervisors, establish rules and regulations for the administration of any walk-in or residential treatment center within its jurisdiction. For those able to pay for treatment received in these county facilities, the department may recommend to the board of supervisors the enactment of an ordinance establishing a fee schedule for such treatment.

(The Article XXI-B added by Local Law No. 5, 1972; § 2161 amended by Local Law No. 5, 1973, § 1 in effect May 23, 1973; Legislative Intent - Local Law No. 5, 1973, § 2 provided: "It is the intention of the board of supervisors in adopting this local law to provide for the continued exercise, without interruption, of the functions, powers, duties and responsibilities of the department of drug and alcohol addiction, and to redesignate the director of the department of drug and alcohol addiction to be the commissioner of the department of drug and alcohol addiction.")

ARTICLE XXII

General Provisions

Section 2201. Taxation.

2202. Pecuniary interest of officers, employees or agents in execution of contracts prohibited.

- 2203. Pecuniary interest of officers, employees or agents in sales of tax liens or sales of property acquired by tax lien procedure or condemnation proceedings prohibited.
- 2204. Examination of persons offering to sell property to the county.
- 2205. Fees not to be retained by officers.
- 2206. Execution of contracts.
- 2206-a. Nassau County Veterans Memorial Coliseum.
- 2207. Repealed.
- 2208. Use of patented articles by county.
- 2209. Requiring use of patented articles.
- 2210. Ordinances to receive judicial notice.
- 2211. Official newspapers.
- 2212. Members of appointive boards and commissions; compensation; absence from meetings; vacancies.
- 2213. Power to administer oaths and issue subpoenas.
- 2214. Transfer of records.
- 2215. Elective officer's salary not to be changed during term.
- 2216. Continuity of government.

§ 2201. The board of supervisors may provide by ordinance a plan, not inconsistent with the terms of this act, for the assessment of property for tax purposes, the making of appropriations, the period for which appropriations are made, the levy of taxes, the collection of taxes, the accrual of penalties, the sale of tax liens and the foreclosure thereof with reference to the dates at which each of the steps above set forth shall take place. Until the passage of such an ordinance the provisions of the laws of this state relating to taxation applicable to the county in force on the date on which this act becomes effective therein and not inconsistent with this act shall govern. Notwithstanding any inconsistent provision of law, general, special or local, the county treasurer, with the approval of the board of supervisors and the state comptroller, may install a tax record card system for recording taxes and assessments for benefit returned to his office and the collection thereof. Such system when installed and the entries and notations thereon shall constitute a system of reference to such taxes and assessments for benefit and thereafter no entries and notations relative to such taxes and assessments for benefit

shall be required in the books returned to the county treasurer by the receivers of taxes. Such system of reference shall be a public record.

(Amended by Local Law 1951 Ch. 607, in effect April 6, 1951.)

§ 2202. Precuniary interest of officers, employees or agents in execution of contracts prohibited. No officer, employee or agent of the County, whether he be such by election, appointment or contract shall directly or indirectly, either on his own behalf or for another person or corporation, make or participate in making, including the preparation of specification or plans, or in any way influence the action of any other officer or employee or agent in relation to the making, or be a member of the Board of Supervisors or any other board or commission whose consent or approval is necessary to the making, of any contract or agreement for the purchase, lease or sale by the County of any real estate, article commodity or service in which contract or agreement said officer or employee or agent is interested directly or indirectly as principal or agent or as an officer of or owner of stock in a corporation. If any such officer or employee or agent shall willfully violate the provision of this section, such contract or agreement shall be voidable, and such officer or employee or agent shall be guilty of a misdemeanor and upon conviction thereof shall forfeit his office or employment or agency and shall be further punished by a fine of not more than one thousand dollars or by both such fine and imprisonment. The provisions of this section shall not apply to the making of a contract with the county to serve as a foster parent or to act as an attending physician or dentist at the Nassau County Medical Center and provide medical services to patients at the Nassau County Medical Center or to act as a physician for any county department or agency.

(Amended by Local Law No. 3, 1964, in effect August 19, 1964; Local Law No. 14, 1984, in effect August 6, 1984; Local Law No. 1, 1987, in effect June 8, 1987.)

§ 2203. Pecuniary interest of officers, employees or agents in sales of tax liens or sales of property acquired by tax lien procedure or condemnation proceedings prohibited. Any officer or employee or agent of the county, whether he be such by election, appointment or contract, who directly or indirectly, either on his own behalf or for another person or corporation,

except in his official capacity as a representative of the county, shall bid at or who shall be financially interested in a tax lien sale or the sale or purchase of any tax lien certificate, or shall be financially interested in the public or private sale or purchase of any property acquired by the county as a result of any tax collection procedure, or who shall be financially interested in any condemnation proceeding to which the county or any subdivision thereof is a party shall be guilty of a misdemeanor and upon conviction thereof shall forfeit his office or employment or agency and shall be further punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months or both such fine and imprisonment. Any such sale or purchase of a tax lien or a tax lien certificate or of property or condemnation proceeding shall be voidable on the application of the comptroller to a court of competent jurisdiction.

(Amended by L. 1945 Ch. 547 § 2, in effect April 4, 1945.)

§ 2204. Examination of persons offering to sell property to the county. The county attorney may require any person offering to sell to such county real property located within the county, or any agent of such person, or any officer or agent of a corporation offering to sell such real property to such county to be sworn before him or a deputy county attorney and to answer orally as to the persons interested in the property, the price paid by the owner for the property, the interest of any other person, firm or corporation, as broker, agent, or other intermediary, in effecting the proposed sale to the county and as to any other facts and circumstances affecting the propriety of the purchase of said property by the county, and the fair market value thereof. Any other person having knowledge of any relevant and material fact or circumstance affecting the propriety of the proposed purchase by the county or the fair market value of the property to be acquired, may likewise be examined under oath. Wilful false swearing before the county attorney is perjury and punishable as such; and in a prosecution for perjury, it shall be no defense that such false swearing did not aid in effecting a sale of the property to such county, or in fixing the price paid therefor.

§ 2205. Fees not to be retained by officers. No officer of the County government shall have or receive to his own use any fees perquisites or commissions or any percentage; but every such

officer, except as provided in this act or otherwise by law, shall be paid by a fixed salary, and all fees, percentages and commissions received by any such officer shall be the property of the County. All sums received or collected by any department, institution, office or agency of the County, including sums received as above, shall be paid without deduction to the County treasurer at such times and under such conditions as he may prescribe, but in no instance less frequently than once a week, and a detailed report, certified to be correct by the head of such department, institution, office or agency, shall be made in such times as the comptroller shall prescribe stating when and from whom and for what use such moneys were received. A person who willfully certifies to a false statement in such a report shall be guilty of a misdemeanor. No officer or employee of the County shall be entitled to receive any salary as long as there remains in his possession any money belonging to the County other than cash-drawer balances authorized by the comptroller.

(Amended by L. 1948 Ch. 131, in effect March 6, 1948, and Local Law No. 11-1982, in effect December 6, 1982.)

§ 2206. Execution of Contracts. All contracts except for the purchase of supplies, materials, equipment and services in connection with the operation, renovation and maintenance of county facilities or equipment shall be made and executed by the county executive. Notwithstanding the aforesaid provisions of this section, maintenance contracts applicable to the Department of Public Works shall be made and executed by the county executive and the county executive may delegate to any of his deputies the authority to make and execute, on behalf of the county, contracts which are the subject of this section provided he shall file with the clerk of the board of supervisors a written authorization indicating therein the extent of such delegation. Any such authorization shall remain in effect during the term of the county executive or until the county executive files a written revocation with the clerk of the board of supervisors. Whenever any such contract involves the expenditure of more than twenty thousand dollars, except contracts for personal services, the contract shall be let to the lowest responsible bidder by sealed bids or proposals made in compliance with public notice published at least once in the official newspapers at least five days prior to the day on which sealed proposals are to be opened except that such contract may

be awarded to a bidder other than the lowest responsible bidder, as aforesaid, where such other bidder maintains a place of business in the County of Nassau or in an adjoining municipality and submits a bid not exceeding ten percent more than the otherwise lowest responsible bidder. The bids or proposals shall be opened publicly by the county executive, one of his deputies or such other person, as the county executive may designate, in the presence of the comptroller or his designee, provided that if the comptroller or his designee after due notice fails to attend, the county executive or his designee may proceed as if he were present. The successful bidder must give security for faithful performance of his contract, the adequacy and sufficiency of which shall be approved by the comptroller. No bid shall be accepted from, or a contract awarded to, any person who is in arrears to the county upon debt or contract or who has defaulted as surety or otherwise upon any obligation to the county. No contract shall be executed by the county executive or one of his deputies in the name of the county until the same has been approved as to form by the county attorney. A copy of each contract when executed shall be filed with the clerk of the board of supervisors and the comptroller together with a copy of any ordinance, other than the annual appropriation ordinance, upon which the right to make such contract rests. Notwithstanding the foregoing provisions of this section or any general, special or local law to the contrary, in the case of emergency, the county executive, by written declaration setting forth the nature of the emergency, may dispense with the requirements for public notice and the taking of bids notwithstanding that the contract may involve the expenditure of more than twenty thousand dollars.

(Amended by L. 1947, Ch. 720; L. 1954 ch. 545, in effect April 7, 1957; Local Law No. 2, 1976, in effect February 26, 1976; Local Law No. 11, 1979, in effect September 10; Local Law No. 7, 1980, in effect July 23, 1980; Local Law No. 3, 1984, in effect February 2, 1984; Local Law No. 3, 1988, in effect August 4, 1988; Local Law No. 12-1991, in effect January 1, 1992; Local Law No. 6-1992, in effect May 21, 1992.)

§ 2206-a. Nassau County Veterans Memorial Coliseum.

1. Legislative intent and declaration of policy. The county of Nassau has constructed on land owned by it at Mitchel Field, an arena and exhibition hall to be known as the Nassau County Veterans Memorial Coliseum. The coliseum will be the site of a wide variety of activities including athletic games, contests, spectacles, entertainment events, trade shows and exhibitions. The

successful use and operation of the coliseum requires the proper management and administration in such proprietary areas as promotion, booking, contract negotiations, ticket sales, crowd management, labor relations, building and equipment maintenance and the granting of various concessions. In order to insure the necessary efficient and economical operation of the coliseum, it is deemed essential to provide a greater amount of flexibility in dealing with the problems in the aforementioned areas. To provide such an efficient and economic operation is deemed to be in the best interests of the people of the county of Nassau.

2. Any contract, lease, rental agreement, license permit, concession or other authorization entered into for the purposes of furthering the use and operation of the Nassau County Veterans Memorial Coliseum may grant to the person, firm or corporation contracting with the county, right to use, occupy or carry on activities in, the whole or any part of such coliseum, grounds, parking areas and other facilities of the coliseum, (a) for any purpose or purposes which are of such a nature as to furnish to, or foster or promote among, or provide for the benefit of, the people of the county, recreation, entertainment, amusement, education, enlightenment, cultural development or betterment, and improvement of trade and commerce, including professional, amateur and scholastic sports and athletic events, theatrical, musical or other entertainment presentations and meetings, assemblages, conventions and exhibitions for any purpose including business or trade purposes, and other events of civic, community and general public interest and/or (b) for any business or commercial purpose incidental to the operation of such coliseum, grounds, parking areas and facilities, or to the equipment thereof. It is hereby declared that all of the purposes referred to in this subdivision are for the benefit of the people of the county and the improvement of their health, welfare, recreation and prosperity, for the promotion of competitive sports for youth and prevention of juvenile delinquency, and for the improvement of trade and commerce and that such purposes are and shall continue to be deemed county and public purposes.

3. Contracts for services to be performed at the Nassau County Veterans Memorial Coliseum. The operation of the

coliseum requires specialized services and manpower in such areas as crowd management, promotion, booking, ticket sales, security, and building and equipment maintenance, suited to the individual needs of the various events.

The county of Nassau is therefore hereby authorized and empowered to enter into contracts for the specialized services and manpower required to prepare for and maintain the operational functions of the coliseum during the performance of an event, trade show or exhibition and to provide for the security of persons and property in connection therewith.

No such contracts shall be deemed to be contracts for public work or purchase within the meaning of the general municipal law.

Payment for such services shall be made pursuant to contract and in the manner provided by the Nassau county government law.

4. Nassau County Veterans Memorial Coliseum operating account.

The county executive is hereby authorized to established a bank account in a bank or banks designated by the county treasurer in the manner provided by law, for the deposit of receipts from the sale of tickets at the coliseum such moneys to be deposited within said account within one business day after receipt thereof. Disbursements from such account shall be made by the county officer or officers designated by the county executive. Disbursements shall be made and limited to persons or firms entitled to receive all or a portion of the proceeds from the sale of tickets, refunds required to be made in connection therewith and payment to the treasurer of the county of Nassau of all moneys due to the county of Nassau. Such moneys due to the county of Nassau shall be paid to the county treasurer in the manner provided by law at such times and under such conditions as he may prescribe but in no instance less frequently than once a week. The account established hereunder shall be subject to audit by the comptroller of the county of Nassau, who shall keep an exact and detailed account of all monies actually received into and

disbursed from said account.

5. Agreements for specialized equipment or materials at the Coliseum. Notwithstanding any general or special law to the contrary, the county of Nassau is hereby authorized and empowered to enter into agreements for the lease or use of electronic equipment designed to provide an animated scoreboard, instant replay, advertising and messages in the Nassau County Veterans Memorial Coliseum. Such agreement may provide that the county shall have an option to purchase such equipment during the terms thereof.

(Added by L. 1972, ch. 882, in effect June 8, 1972.)

6. Use of Nassau County Veterans Memorial Coliseum. Notwithstanding the provisions of any other law, general, special or local, the board of supervisors of the county of Nassau may, from time to time, by ordinance, establish rules and regulations, empowering the county executive, acting in behalf of the county of Nassau, to enter into contracts, leases or rental agreements with or grant licenses, permits, concessions or other authorizations to any person, firm or corporation upon such terms and conditions and for such consideration as may be agreed upon by the county executive and such person, firms or corporation whereby such person, firm or corporation is granted the right to use, occupy or carry on activities in the whole or any part of such coliseum, grounds, parking areas and other facilities for any purpose or purposes referred to in subdivision two (a) of this section.

(Added by L. 1972, ch. 883 in effect June 8, 1972; a proposed subdivision 6 was not enacted into law.)

§ 2207. Publicity of records. Repealed.

(Repealed by L. 1990, Ch. 902, in effect March 6, 1990.)

§ 2208. Use of patented articles by county. Except for repairs no patented pavement shall be laid and no patented article shall be advertised for, contracted for or purchased except under such circumstances that there can be a fair and reasonable opportunity for competition, the conditions to secure which shall be prescribed by ordinance; provided, that the board of supervisors by a vote of two-thirds of the voting strength thereof may in a particular case authorize the purchase and use of

patented pavement or other patented article as to which competition cannot be secured.

(Amended by L. 1947 Ch. 302 § 1, in effect March 22, 1947.)

§ 2209. Requiring use of patented articles. No officer of the county government shall order any householder or freeholder to use any patented article on any building or in any public street or buildings, except under such circumstances that there can be a fair and reasonable opportunity for competition, the conditions to secure which shall be prescribed by the board of supervisors by ordinance.

§ 2210. Ordinances to receive judicial notice. A code or other volume containing the ordinances or resolutions of the county published by authority of the board of supervisors shall be prima facie evidence in all courts of justice of the authenticity of such ordinances or resolutions. All courts in the county shall take judicial notice of county ordinances.

§ 2211. Official newspapers. The member or members of the board of supervisors representing, respectively, the two political parties whose candidate for governor received the highest and next highest number of votes in the county at the last general election at which a governor was chosen, or a majority of such members representing, respectively, each of such political parties, shall on or before January fifteenth in each year designate in writing a newspaper published daily and having an average daily paid general circulation of not less than fifty thousand within the county, to be an official newspaper of the county for the ensuing year or until its successor is designated, and such designation shall be filed with the clerk of the board of supervisors. If there be no member of the board of supervisors representing either of such political parties, the designation of an official newspaper which would have been made by such member or members shall be made by the chairman of the county committee of such party in like manner and with like effect as a designation by the members of the board of supervisors representing such party. All notices, other than notices relating to the sale of property for taxes which shall be published as now or hereafter provided by law, required to be published by this act or otherwise by law, shall be published in the official newspapers designated as provided above and in

such other publications as the county executive may, from time to time, determine unless otherwise provided by the local finance law.

(Amended by L. 1943 ch. 710 § 106; L. 1945 ch. 338; Local Law No. 16, 1973 in effect December 31, 1973; amended by Local Law No. 1-1986, in effect January 6, 1986.)

§ 2212. Members of appointive boards and commissions compensation; absence from meetings; vacancies. Unless otherwise provided in this act the appointive members of every board and commission may receive a per diem compensation, to be fixed by ordinance of the board of supervisors, for each day spent in the performance of their duties and they shall receive actual traveling and other expenses necessarily incurred in the performance of their duties. Any appointive member absent from four consecutive regular meetings of such board or commission, unless excused by resolution thereof, shall be deemed to have vacated his office. Vacancies occurring in such office otherwise than by the expiration of the term shall be filled for the unexpired balance of the term.

(Amended by Local law No. 2-1946 § 2, in effect June 10, 1946.)

§ 2213. Power to administer oaths and issue subpoenas. The county executive, the county comptroller, the county fire marshal, the commissioner of accounts and such members of his staff as he may designate, members of the county civil service commission and its secretary, members of the county board of assessors, the chairman of the county planning commission, the county medical examiner and his deputies and any other officers who may be designated by ordinance shall have the power to administer oaths and affirmations and to compel the attendance of witnesses and the production of books and papers, and any person disobeying a valid subpoena thereof, or who wilfully refuses to make oath or affirmation when requested to do so thereby, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than three months, or by both such fine and imprisonment.

§ 2214. Transfer of records. All books, records, papers and accounts of any office, officer or board abolished by this act shall be transferred at the direction of the county executive to the appropriate office, officer or board as provided in this act.

§ 2215. Elective officer's salary not to be changed during term. The salary of any elective officer shall not be increased or diminished during the term for which he was elected, provided, however, that the salary of an officer elected for a term longer than three years may, by ordinance, be once increased after he shall have served two years of such term and may once more be increased after he shall have served three years of such term.

(Amended by L. 1953, ch. 358, in effect March 28, 1953, Local Law No. 4, 1984, in effective April 9, 1984.)

§ 2216. Continuity of Government. 1. **Public Policy.** Because of the existing possibility of an attack upon the United States of unprecedented size and destructiveness, including the inevitable hazards of radioactive contamination; and in order, in the event of such an attack, to assure the continuation of effective, legally constituted leadership, authority and responsibility in the offices of the government of this county, it is found and declared by, the Board of Supervisors of Nassau County to be necessary to provide emergency interim officers who can exercise the powers and discharge the duties of the key executive, administrative, legislative and judicial offices of this County in the event that the incumbents thereof (and their deputies, assistant or other subordinate officers authorized, pursuant to law, to exercise all of the powers and discharge the duties of such offices) are all killed, missing, disabled or for some other cause, unable to perform the duties and functions of their offices during and immediately after an enemy attack; and in the interest of the public safety, welfare and the protection of property and pursuant to Section 29a of the New York State Defense Emergency Act and Section 60 of the General Municipal Law; it is the public policy of the County of Nassau, hereby declared by the Board of Supervisors of Nassau County, to provide for the continuity of government of Nassau County in the event of enemy attack or public disaster as set forth hereinafter. Nothing in this law shall be construed as a determination of whether the officers listed herein are officers of the County for purposes other than under Section 29a of the New York State Defense Emergency Act.

2. **Definitions.** As used in this local law, unless the context otherwise clearly indicates, the following terms shall mean and include:

(a) "Unavailable" shall mean either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.

(b) "Attack" shall mean any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner, by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes.

(c) "Duly authorized deputy" shall mean a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

(d) "Emergency Interim Successor" shall mean a person designated pursuant to this ordinance for possible temporary succession to the powers and duties, but not the office, or a County officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

3. Designation, Status, Qualifications and Terms of Emergency Interim Successors.

(a) **Elective Officers.** Within thirty (30) days following the effective date of this ordinance and thereafter within thirty (30) days after first entering upon the duties of his office, the County Executive, each member of the Board of Supervisors, the County Clerk, the County Comptroller, the County Sheriff, the President of the Board of Assessors, the District Attorney, the Surrogate of Nassau County, the County Judges, the Judges of the Family Court, the Judges of the District Courts of Nassau County, shall, in addition to any duly authorized deputy, designate such number

of emergency interim successors to his office and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three (3) such duly authorized deputies or emergency interim successors or combination thereof for the office. Nothing herein, however, shall in any way modify or supersede the provisions of Section 205 of the County Government Law of the County of Nassau (County Charter), specifying the authority of the County Executive to appoint a Deputy County Executive and the authority of the Vice Chairman of the Board of Supervisors to act in the event of the latter's incapacity.

(b) **Appointive Officers.** Each appointive officer, including the heads of the various County Departments, within the time specified in Subsection (a) of this Section, in addition to any duly authorized deputy, designate for such appointive officers, such number of emergency interim successors to these officers and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three (3) duly authorized deputies or emergency interim successors or combination thereof. Where such a body of officers consists of members having overlapping terms, such body of officers shall review and as necessary, revise the previous designations of emergency interim successors by such Board within thirty (30) days after a new member elected or appointed to such body of officers first enters upon the duties of his office as a member of such body of officers.

(c) **Review of designation.** The incumbent in the case of those elective officers specified in subsection (a) of this Section, and the County Executive in the case of those appointive officers specified in subsection (b) of this Section, shall review and, as necessary promptly revise the designations of emergency interim successors to insure that at all times there are at least three such qualified emergency interim successors or duly authorized deputies or any combination for each officer specified.

(d) **Qualifications.** No person shall be designated or serve as an emergency interim successor unless he may, under the constitution and statutes of this State and the charter or ordinance of this County, hold the office of the person to whose powers and duties he is designated to succeed, but no provisions of any

Ordinance prohibiting an officer or employee of this County from holding another office shall be applicable to an emergency interim successor.

(e) Status of Emergency Interim Successor. A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided, that he must be replaced if removed. He retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.

4. Assumption of Powers and Duties of Officer by Emergency Interim Successor. If, in the event of an attack, any officer named in subsections (a) and (b) of this Section 1 of this Ordinance and any duly authorized deputy is unavailable, his emergency interim successor highest in rank in order of succession who is not unavailable shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

5. Recording and Publication. The name, address and rank in order of succession of each duly authorized deputy shall be filed with the County Clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the County Clerk the successor's name, address and rank in order of succession. The County Clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors and it shall be open to public inspection.

6. Formalities of Taking Office. At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office

to which they may succeed.

7. Quorum and Vote Requirements. In the event of an attack, (1) quorum requirements for the Board of Supervisors shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of an ordinance, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

8. Separability Clause. If any section, subsection, sentence, clause, phrase or portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Added by Local Law No. 11, in effect October 28, 1963)

ARTICLE XXIII

Elections

Section 2301. Present laws to continue.

2302. Time of election and term of elective officers: vacancies.

2303. Submission of propositions: verification of petitions.

2304. Special elections on propositions.

2305. False signatures to petitions.

§ 2301. Present laws to continue. All elections shall be conducted as near as may be in the manner provided by the laws of this state applicable to the county as the same are or may hereafter be.

§ 2302. Time of election and term of elective officers: vacancies. Commencing with the general election to be held in November, nineteen hundred eighty-five and every fourth year thereafter, the county clerk shall be elected for a term of four years. Commencing with the general election to be held in November, nineteen hundred seventy-three and every fourth year

thereafter, the county executive and the county comptroller shall be elected for a term of four years. The chairman of the county board of assessors and the district court judge in the first judicial district shall be elected for a term of six years at the general election next succeeding such adoption and in every sixth year thereafter. The remaining district court judges shall be elected for terms of six years. A vacancy occurring in any office mentioned in this section otherwise than by the expiration of the term shall be filled by appointment of a person resident in the area from which such office is required by this act to be filled by election. Vacancies in the office of the county executive shall be filled by the board of supervisors, and in any other such office by the county executive, subject to confirmation by the board of supervisors. Any such appointee shall hold office until and including the thirty-first day of December next succeeding the first annual election after the occurrence of such vacancy at which such vacancy can be lawfully filled by election; at such annual election a successor shall be elected to hold office for the unexpired balance of the term if any.

Amended by L. 1952, ch. 230; L. 1953, ch. 352; L. 1959, ch. 739, § 1; L. 1973, ch. 330; Local Law No. 5, in effect May 14, 1973.)

§ 2303. Submission of propositions; verification of petitions. Wherever by this act provision is made for the submission of any proposition to the qualified electors of the county or any town, city, village or district therein, the proposition shall, except as otherwise provided in this act, be submitted as near as may be in conformity with the law governing the submission of propositions to the electors in force in the county or in the town, city, village or district affected at the time this act becomes effective in the county. Whenever by this act provision is made for the filing of a petition praying the submission of any proposition to the qualified electors of the county or any town, city, village or district therein, the signatures to such petition need not be appended to one paper but on each sheet making up such petition shall be endorsed or attached the affidavit of the circulator thereof in manner and form as follows, and any paper not so attested shall be invalid:

State of New York

SS:

County of

..... being duly sworn, deposes and says that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Signed
(Signature of circulator)

Subscribed and sworn to before me this
day of, 19.....
(Notary public or other officer authorized to administer oaths)

It shall be the duty of the officer with whom such petition is directed to be filed to verify the sufficiency of such petition within fifteen days of the filing with him of such petition and if he finds the petition insufficient, he shall forthwith notify the person or persons filing such petition of the particulars of its insufficiency. At any time within fifteen days of the notice of the finding that the petition is insufficient, the petition may be amended by filing a supplementary petition signed and filed as provided for the original petition. The officer with whom such petition is directed to be filed shall within five days examine the amended petition and if he finds it insufficient he shall file it in his office and notify the person filing the petition and no further action shall be had on such petition. The finding of insufficiency shall not, however, prejudice the filing of a new petition for the same purpose. The officer with whom a petition is filed is hereby empowered to employ such deputies as may be necessary for the purpose of verifying the petition within the time limited herein and the compensation of such deputies shall be a charge of the unit of government with whose officer the petition is filed. Nothing in this act shall be taken to limit the right of any person under any other act to question the sufficiency of the petition before any court nor to limit the right to appeal from the decision of any officer as to the sufficiency of any petition.

§ 2304. Special elections on propositions. Whenever in this act the board of supervisors, town board or governing body of any other unit of government in the county is authorized or required to submit any proposition at a special election, such submission shall be by ordinance setting forth the proposition to be submitted the county town or towns, city or cities, village or villages, district or districts in which such question is to be submitted, and the date of such special election which shall not be less than thirty nor more than sixty days after the passage of such ordinance. Such election shall be conducted as near as may be in the manner now or hereafter prescribed by law for the conduct of county, town, city, village or district elections, as the case may be. The officer, officers or board charged by law with the conduct of regular elections in such county, town or towns, city or cities, village or villages, district or districts, as the case may be, shall perform like duties and with similar effect in relation to such special elections.

§ 2305. False signatures to petitions. Anyone who knowingly affixes to any petition required or authorized by this act to be filed a name not his own or affixes his own name when not entitled so to do or misstates any information required to be included in said petition shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment for not more than six months or both such fine and imprisonment.

ARTICLE XXIV

District Court; Organization and Jurisdiction

- Title**
- 1. Organization (§ § 2401-2422.)**
 - 2. Civil jurisdiction (§ § 2423-2426.)**
 - 3. Criminal Jurisdiction (§ § 2427-2446.)**
 - 4. Definitions; general provisions (§ § 2447-2449.)**

TITLE 1

Organization

Section 2401. District court; establishment.

- 2402. Justices of the peace abolished; powers and jurisdiction of police justices transferred.
- 2403. Repealed.
- 2404. Salaries of judges.
- 2405. Districts and number of judges therein.
- 2406. Board of judges.
- 2407. Repealed.
- 2408. Procedure for traffic violations.
- 2408-a. Disposition of fines and penalties.
- 2409. Time and place of holding court.
- 2410. Repealed.
- 2411. Repealed.
- 2412. Access to court houses; expenses of court, how paid.
- 2413. Repealed.
- 2414. Repealed.
- 2415. Court clerks; appointment, compensation; removal.
- 2416. Court clerks; duties.
- 2416-a. Enforcement officer.
- 2417. Repealed.
- 2418. Repealed.
- 2419. Repealed.
- 2420. Repealed.
- 2421. Repealed.
- 2422. Repealed.

(Amended by Local Law No. 9-1982, in effect December 6, 1982.)

§ 2401. District court; establishment. There shall be in the county a district court, which shall be governed by the uniform district court act.

(Amended by L. 1963, ch. 568, in effect September 1, 1963.)

§ 2402. Justices of the peace abolished; powers and jurisdiction of police justices transferred. All the powers, duties and jurisdiction of the justices of the peace in the several towns of the county are hereby transferred to the district court of the county and the judges thereof, and the office of justice of the peace in the several towns of the county is abolished. All the powers duties and jurisdiction of police justices of villages in the

county, except as hereinafter provided, are hereby also transferred to the district court of the county and the judges thereof. The police justices of villages in the county shall have jurisdiction of violations of the ordinances and other regulations of the village and of violations of the vehicle and traffic law committed within the limits of the village, except in cases in which the charge is operating a motor vehicle or motor cycle while in an intoxicated condition.

§ 2403. Qualification and duties of judges; oath of office.
(Repealed by L. 1963, ch. 568, in effect in September 1, 1963.)

§ 2404. Salaries of Judges. The salary of the president of the board of judges shall be thirty-two thousand five hundred dollars a year and the salary of each other judge shall be thirty thousand dollars a year, together with such additional compensation as the board of supervisors may provide by local law, and such salaries shall be a county charge.

The increase in compensation of the judges of the district court of Nassau County, as provided by this act, shall apply to the present incumbents of such offices and to their successors in office.

(Amended by L. 1950, ch. 165; L. 1957, ch. 996; L. 1962, ch. 35; L. 1963, ch. 763; L. 1969, ch. 882; L. 1972, ch. 556, in effect May 24, 1972. Present incumbents in office L. 1969, ch. 882, § 2 provided; "The increase of compensation of the judges of the district court of Nassau County, as provided by this act, shall apply to the present incumbents of such offices and to their successors in office.")

Section 1 of Local Law No. 15-1973 in effect January 1, 1974 provided: "In addition to the compensation as provided for under section twenty-four hundred four of the county government law of Nassau county, as amended by chapter five hundred fifty-six of the laws of nineteen hundred seventy-two, the president of the board of judges of the district court of the county of Nassau shall receive a further compensation in the sum of five thousand dollars, making a total compensation of thirty-seven thousand five hundred dollars, and each other judge of the said district court shall receive a further compensation in the sum of five thousand dollars, making a total compensation of thirty-five thousand

dollars for each such other judge.”

Section one of Local Law No. 17-1972 as last amended by Local Law No. 9-1974, further provided: “Effective July first, nineteen hundred seventy-four in addition to the compensation as provided for under this section twenty-four hundred four of the county government law of Nassau county, as amended by chapter five hundred fifty-six of the laws of nineteen hundred seventy-two, the president of the board of judges of the district court of the county of Nassau shall receive a further compensation in the sum of twelve thousand dollars, making a total compensation of forty-four thousand five hundred dollars and each other judge of the said district court shall receive a further compensation of forty-two thousand dollars for each such other judge.”

§ 2405. Districts and number of judges therein. The county shall be divided into judicial districts as follows: The county as a whole shall constitute the first judicial district in which one district court judge shall be elected. The town of Hempstead shall be the second judicial district, the town of North Hempstead the third judicial district and the town of Oyster Bay the fourth judicial district. There shall be fourteen district court judges elected in the second district, five in the third district and six in the fourth district. For the purpose of electing such judges and for the purpose of determining the boundaries of such districts, any city heretofore or hereafter created from the territory of any town shall be considered to be part of that town.

The compensation of the judges of the district court authorized on the effective date of this act shall be the same as the existing judges of the district court.

(Amended by L. 1952, ch. 230; L. 1959, ch. 739; L. 1964, ch. 177; L. 1974, ch. 275, in effect April 30, 1974, except that additional judges shall be elected in November, 1974.)

§ 2406. Board of Judges. 1. The judges of said court shall constitute the board of judges of the court. The judge elected from the first district shall be the president. The meetings of the board shall be public except when such board shall be in executive session, and so far as is practicable shall be held at regular intervals, and all its proceedings shall be recorded by its secretary and shall be preserved. A majority of the members of the board shall constitute a quorum.

2. The president of the board of judges shall preside and shall be entitled to vote at all meetings of the board.

3. The board of judges shall designate a clerk of the court to act as secretary of the board and from time to time substitute another. Such secretary shall serve without additional compensation. All necessary disbursements of the board of judges and the secretary thereof shall be a county charge and paid as other county charges.

(Amended by L. 1963, ch. 568, in effect September 1, 1963.)

§ 2407. Rules of Court.

(Repealed by L. 1963, ch. 568, in effect September 1, 1963.)

§ 2408. Procedure for traffic violations. 1. The board of judges shall have power to provide, by resolution, a procedure to govern the payment of fines by any person accused of violating any provision of any law, ordinance, rule or regulation relating to vehicular or pedestrian traffic, without appearing in person, except in cases of speeding, reckless driving, leaving scene of an accident or any charge of a misdemeanor or felony or any charge which may for reasons of public policy require the personal appearance of the accused, for such period of time as shall be deemed in the public interest; to fix the fine to be paid in each class of case within the minimum and maximum amount set by law, ordinance, rule or regulation; to designate the place or places where such fines may be paid; to prescribe the form of the summonses to be used and the manner in which the plea of guilty shall be made; and the manner in which the money shall be paid.

2. Such procedure may provide that any person pleading "guilty", or that a person pleading "not guilty" and asking that a day be set for trial, may do so through a representative or by mail and may further provide that the clerk of the court set such day for trial.

3. No resolution providing such procedure shall be effective until a certified copy thereof shall have been filed with the county clerk, whereupon, or upon such subsequent date prescribed in said resolution, any traffic violations bureau heretofore established by the board of judges pursuant to the general municipal law shall be

deemed abolished and the powers of such bureau shall devolve upon the board of judges and matters pending in such traffic violations bureau shall be disposed of in accordance with the procedure provided pursuant to this section.

4. Whenever any summons is issued involving any provision of any law, ordinance, rule or regulation relating to motor vehicle parking and procedure or such violation is provided under this section, the member of the police force or any other peace officer serving said summons in lieu of inserting in the summons, the name of the person summoned may insert therein, in the space provided for the insertion of the name of the persons summoned, the words "Registered owner of motor vehicle bearing license," said words to be followed by the license designation or identification as shown by the license plates on said motor vehicle parked in violation of law, ordinance, rule or regulation as aforesaid, and said summons may be served upon said registered owner by a member of the police force or other peace officer by affixing the summons to said motor vehicle in some conspicuous place where it is likely to be seen by an operator thereof. An operator of the motor vehicle, for the purposes of this section if not the owner thereof, shall be deemed to be the agent of such registered owner to receive said summons served in the manner aforesaid, and service made in the manner provided shall be deemed to be lawful service upon the registered owner of the motor vehicle to which the summons is affixed. For the purpose of the service of the summons herein provided the requisition records of the motor vehicle department of the state in which the motor vehicle is registered shall be conclusive evidence as to the registered owner of the motor vehicle. When a summons is issued and served as authorized in this section, the information sworn to may charge the violation in the same manner and any further proceedings authorized in this section may be had and recorded in the name of the "Registered owner of motor vehicle bearing license," said words to be followed by the license designation or, identification as shown by the license plates.

(Former § 2408 repealed by L. 1939, ch. 274; new § 2408 added by L. 1952, ch. 276; amended by L. 1953, ch. 509, in effect April 4, 1953.)

§ 2408-a. Disposition of fines and penalties. All fines and penalties imposed and collected by any judge of a court of special sessions or magistrate's court shall be paid over to the county

treasurer and be credited by him to the general county fund, except as follows:

1. Fines and penalties collected in cases arising out of the violation of the ordinances or regulations of any town, city or village shall be paid at least monthly into the treasury of such town, city or village.

2. Fines and penalties which by any general state law are payable to the state of New York or to any department, commission or agency thereof shall be paid as in such general state law provided at least monthly.

3. Fines and penalties collected for violation of the conservation law and of laws and ordinances in relation to the use of the public highways by motor vehicles, trailers and motorcycles shall be disposed of as now or hereafter required by law except as provided in subdivision four of this section and except further that fines and penalties collected in cases arising out of the violation of the ordinances of the Long Island state park commission adopted pursuant to law, shall be paid over to the county treasurer and credited to the general fund for the use of such county.

4. Fines and penalties, which by general state laws, but for this section, would be required to be paid to a town or any officer of a town, shall be paid instead to the county treasurer and credited to the general fund for the use of such county.

(Added by L. 1963, ch. 568, in effect September 1, 1963.)

§ 2409. County to provide place of holding court. It shall be the duty of the county to provide suitable places for holding court.

(Amended by L. 1963, ch. 568, in effect September 1, 1963.)

§ 2410. Criminal and civil contempt.

(Repealed by L. 1939 ch. 274, in effect April 12, 1939.)

§ 2411. Seals.

(Repealed by L. 1963, ch. 568, in effect September 1963.)

§ 2412. Expenses of court, how paid. It shall be the duty of

the county to supply and pay for whatever may be necessary for the transaction of the business of said court and the judges thereof and to supply all proper accommodations, books, stationery and furniture and to pay all authorized salaries, compensations and expenses and disbursements: and the proper authorities shall annually include in the budget such sums as may be necessary to pay the same.

(Amended by L. 1963, ch. 569, in effect September 1, 1963.)

§ 2413. Process; where service may be made.

(Repealed by L. 1939 Ch. 274, in effect April 12, 1939.)

§ 2414. Conformity to supreme court practice.

(Repealed by L. 1939 Ch. 274, in effect April 12, 1939.)

§ 2415. Court clerks; appointment; compensation; removal. The appellate division of the supreme court for the second judicial department, in consultation with the board of judges, shall appoint one court clerk for each judicial district and, subject to the civil service provisions of this act, such additional court clerks, deputy court clerks, stenographers and other assistants and employees in the clerk's office as may be provided by ordinance. Court clerks and deputy court clerks shall at the time of their appointment be residents of the district for which they are appointed and removal of any of them from the district for which he was appointed shall vacate the office. All the officers and employees provided by this section shall receive compensation to be fixed by ordinance, which salaries together with other expenses of their offices as provided by the annual budget shall be a county charge. Any court clerk or deputy court clerk may be removed by the appellate division for cause, provided that written charges are first filed with the appellate division and that such court clerk or deputy court clerk be given due notice thereof and be afforded an opportunity to be heard; and the appellate division may, in its discretion suspend such court clerk or deputy court clerk from the performance of his official duties pending a hearing upon the charges. Upon charges being preferred against a court clerk or deputy court clerk by a judge of the district court, the appellate division shall forthwith cause notice of suspension of such court clerk or deputy court clerk to be served upon him, and such court clerk or deputy court clerk shall

thereupon remain suspended until the hearing and determination of the charges.

(Amended by L. 1963, ch. 568, in effect September 1, 1963, and by Local Law No. 9, 1982, in effect December 6, 1982.)

§ 2416. Court clerk; duty to account for fees. The court clerk in each district shall collect and receive all the fees, and account for and pay the same into the county treasury at such times as the county treasurer may prescribe, which account shall contain the title of each case and the amount of fees received therein; and the salary of such clerk shall not be paid until he shall have so accounted and paid. He shall perform no service until he shall have received the legal fees therefore (sic).

(Amended by L. 1963, ch. 568, in effect September 1, 1963.)

***§ 2516-a. Enforcement officer.** The sheriff of Nassau County is hereby designated the enforcement officer for the district court of Nassau County as defined in the uniform district court act. The territorial jurisdiction of the sheriff of Nassau County when acting as the enforcement officer for the district court of Nassau County shall be throughout the County of Nassau and as elsewhere provided by law.

(Amended by Local Law No. 9, 1982, in effect December 6, 1982.)

*As appears in original, probably should be § 2416-a.

§ 2417. Bond of marshal. Repealed.

(Repealed by Local Law No. 9, 1982, in effect December 6, 1982.)

§ 2418. Action on marshal's bond. Repealed.

(Repealed by Local Law No. 9, 1982, in effect December 6, 1982.)

§ 2419. Filing of transcript of judgement with county clerk; reducing bond. Repealed.

(Repealed by Local Law No. 9, 1982, in effect December 6, 1982.)

§ 2420. Reducing bond on payment. Repealed.

(Repealed by Local Law No. 9, 1982, in effect December 6, 1982.)

§ 2421. Appellate division to compel renewal of marshal's bond. Repealed.

(Repealed by Local Law No. 9, 1982, in effect December 6, 1982.)

§ 2422. Powers, duties and liabilities of marshals and deputy marshals. Repealed.

(Repealed by Local Law No. 9, 1982, in effect December 6, 1982.)

TITLE 2

Civil Jurisdiction

- Section 2423. Repealed.**
2424. Repealed.
2425. Repealed.
2426. Repealed.

§ 2423. Civil jurisdiction.

(Repealed by L. 1963, ch. 568, in effect September 1, 1963.)

- Section 2424. Venue.**
2425. Practice and procedure.
2426. Appeals.

(The above sections 2424-2426 inclusive repealed by L. 1939 Ch. 274, in effect April 12, 1939.)

TITLE 3

Criminal Jurisdiction

§ 2427. Courts of special sessions, jurisdiction.

(Repealed by L. 1963, ch. 568, in effect September 1, 1963.)

- Section 2428. Right of removal.**
2429. Indictment as effecting removal.
2430. Magistrates.
2431. Children's court.
2432. Procedure in courts of special sessions.
2433. Further powers of courts of special sessions.
2434. Sentence; suspension of sentence; probation.
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- 2438. Jury trial, duties of marshal.
- 2439. Jurors' fees.
- 2440. Subpoenas.
- 2441. Correction of technical errors.
- 2442. New trial.
- 2443. Certificates of conviction.
- 2444. Appeals.
- 2445. Records.
- 2446. Disposition of fines and penalties.

(The above sections 2428-2446 inclusive repealed by L. 1939 Ch. 274, in effect April 12, 1939.)

ARTICLE XXIV

District Court, Organization and Jurisdiction

The following table shows the distribution of the charter sections repealed by the District Court Act (L. 1939 Ch. 274).

Charter Section	District Court Act Section	Charter Section	District Court Act Section	Charter Section	District Court Act Section
2408	264	2430	233	2439	246
2410	263	2431	234	2440	247
2413	262	2432	240	2441	248
2414	261	2433	235	2442	249
2424	2	2434	241	2443	250
2425	3	2435	242	2444	251
2426	4	2436	243	2445	252
2428	231	2437	244	2446	253
2429	232	2438	245	2448 (last sent.)	265

TITLE 4

Definitions; General Provisions

- Section 2447. Repealed.
- 2448. Repealed.
- 2449. Repealed.

§ 2447. Definitions.

(Repealed by L. 1963, ch. 568, in effect September 1, 1963.)

§ 2448. Presumption of regularity.

(Repealed by L. 1963, ch. 568, in effect September 1, 1963.)

§ 2449. Pending actions and proceedings.

(Repealed by L. 1963, ch. 568, in effect September 1, 1963.)

ARTICLE XXV

District Court; Civil Procedure

The following table shows the distribution of the sections repealed by the District Court Act (L. 1939 Ch. 274).

Charter Section	District Court Act Section	Charter Section	District Court Act Section	Charter Section	District Court Act Section
2501	10	2557	83	25109	153
2502	11	2558	84	25110	154
2503	12	2559	85	25111	155
2504	13	2560	86	25112	156
2505	14	2561	87	25113	160
2506	15	2562	90	25114	161
2507	16	2563	91	25115	162
2508	17	2564	92	25116	163
2509	18	2565	93	25117	164
2510	19	2566	94	25118	170
2511	20	2567	95	25119	171
2512	21	2568	96	25120	172
2513	30	2569	97	25121	173
2514	31	2570	98	25122	174
2515	32	2571	99	25123	175
2516	33	2572	100	25124	176
2517	34	2573	101	25125	177
2518	35	2574	102	25126	178
2519	36	2575	103	25127	179
2520	37	2576	104	25128	180
2521	38	2577	105	25129	181
2522	39	2578	106	25130	182
2523	40	2579	107	25131	190
2524	41	2580	108	25132	191
2525	42	2581	109	25133	192
2526	43	2582	110	25134	193
2527	44	2583	120	25135	194
2528	45	2584	121	25136	195
2529	46	2585	122	25137	196
2530	47	2586	123	25138	197

2531	48	2587	124	25139	198
2532	49	2588	125	25140	199
2533	50	2589	130	25141	200
2534	51	2590	131	25142	201
2535	52	2591	132	25143	202
2536	53	2592	133	25144	203
2537	54	2593	134	25145	204
2538	55	2594	135	25146	205
2539	56	2595	136	25147	206
2540	57	2596	137	25148	207
2541	60	2597	138	25149	208
2542	61	2598	139	25150	209
2543	62	2599	140	25151	210
2544	63	25100	141	25152	211
2545	64	25101	142	25153	212
2546	65	25102	143	25154	213
2547	66	25103	144	25155	220
2548	67	25104	145	25156	221
2549	68	25105	146	25157	222
2550	69	25106	150	25158	223
2551	70	25107	151	25159	224
2552	71	25108(1)	152(a)	25160	225
2553	72	as last amended by		26161	226
2554	80	L. 1938. Ch. 176 §1		25162	227
2555	81	25108(2)(3)		25163	228
2556	82	152(c)		25163	228

ARTICLE XXVI

Application of Act; When and How Operative and Effective

- Section 2601. Act alternative form of government for certain counties.
- 2602. Submission and adoption of alternative form of government.
- 2603. Manner of submission.
- 2604. Submission of this alternative form not exclusive of others.
- 2605. Effect of adoption of this alternative form.
- 2606. Invalidity as to part not to affect validity of remainder.
- 2607. When to take effect.

§ 2601. Act alternative form of government for certain counties. This act provides an alternative form of government, in accordance with the provisions of section twenty-six of article

three of the constitution of this state, for counties, except counties wholly included in a city, which shall have, at the time of the adoption of such alternative form of government therein, a population of not less than three hundred thousand nor more than four hundred thousand, and not in excess of three towns; and any such county may adopt such alternative form of government as provided by the constitution and by this act.

§ 2602. Submission and adoption of alternative form of government. The foregoing alternative form of government shall not become operative in the county unless and until adopted at a general election held in such county in an even numbered year by receiving a majority of the total votes cast therein in (1) the county, (2) every city containing more than twenty-five per centum of the population of the county according to the last preceding federal census, and (3) that part of the county, if any, outside of such cities. The question on the adoption of such alternative form of government shall be as follows: "Shall the alternative form of government for the county of (insert name of county) provided by chapter (insert chapter number of this act) of the laws of nineteen hundred, thirty-six be adopted and become operative in such county." Electors residing in such county who then are qualified to vote therein for members of assembly shall be qualified to vote on such question in the election districts in which they severally reside.

§ 2603. Manner of submission. 1. Such alternative form of government shall be submitted for adoption as above provided to the electors of each such county at the general election to be held therein in the year nineteen hundred thirty-six.

2. Such alternative form of government, if not adopted at the general election in nineteen hundred thirty-six, may be submitted for adoption as above provided by resolution of the board of supervisors of the county to the electors thereof at any general election held therein in an even numbered year. Such a resolution, if any, shall be adopted in the year of such election and a copy, duly certified by the clerk of such board, shall be filed with the board of elections of the county at least sixty days prior to such election.

3. If a petition be filed with the board of elections of such county not less than sixty days prior to such a general election in an even numbered year, signed by qualified electors of the county to a number equal to five per centum of the total vote cast in such county for governor at the last preceding election for governor, verified or authenticated in the manner provided in the election law with respect to designating petitions, requesting that the question of the adoption of such alternative form of government be submitted at such election, it must be so submitted. All papers severally containing such request and signed and so verified or authenticated, when bound together and offered for filing, shall constitute one petition.

4. The board of elections of the county shall cause a notice of the referendum on such alternative form of government to be published in one or more daily newspapers of general circulation in the county twice a week for a period of three consecutive weeks immediately preceding the election. The board of elections shall provide the ballots, blanks and supplies for such referendum. The question shall be submitted, the votes counted, returns made and results canvassed and certified, so far as practicable, in the manner provided by law for the submission in the county of questions decided by the voters of the state; and the board of elections, inspectors and clerks of elections, and other officers shall have and perform the duties imposed on them regarding the submission of such questions. The results shall be canvassed and certified by the board of county canvassers of a general election. The expense of submitting such question shall be a county charge.

§ 2604. Submission of this alternative form not exclusive of others. Nothing contained in this act shall hinder or prevent the submission in such a county of any other alternative form of government under any other act, providing other alternative forms of government pursuant to section twenty-six of article three of the constitution. No such act, however, by a provision thereof giving preference in the submission of an alternative form of government thereunder over other alternative forms provided therein, or otherwise provided, based on priority in the adoption of a resolution or the filing thereof or of a petition, shall be construed or held to prevent the submission also at the same election of the alternative form provided by this act. If such other alternative form of

government be so submitted in such county at the same election that the alternative form herein provided be submitted, the alternative form which receives the majority vote cast therein provided by section twenty-six hundred and two hereof and which also receives the greater number of affirmative votes in the county at large shall be deemed to have been adopted.

§ 2605. Effect of adoption of this alternative form. If the alternative form of government provided by this act is adopted in a county, as above provided, it shall take effect immediately for the purpose of nominating and electing at the next general election the elective officers provided therein and for all other purposes shall take effect on the first day of January of the next ensuing even numbered year. Whenever such alternative form is adopted in a county it may thenceforth be cited in all legal proceedings relating to said county as "the county government law of (here insert the name of the county)." Whenever such alternative form is adopted in a county, the terms thereof shall be of effect therein, anything in any general law of this state passed prior to such adoption to the contrary notwithstanding. All special, local, and private acts and parts of such acts relating to a county in which such form becomes effective, or the towns, cities, villages or districts thereof inconsistent with the terms of such adopted form are hereby repealed as of the date when such form becomes effective to the extent that the same shall be inconsistent therewith. All such acts or parts of acts relating to a county in which such form becomes effective and the towns, cities, villages and districts thereof not inconsistent with the terms of this act or of such adopted form are specifically continued in force; provided that nothing herein contained shall be taken to limit the powers of local legislation and administration conferred by such form on such county.

(Amended by L. 1937 Ch. 618 § 38, in effect January 1, 1938.)

§ 2606. Invalidity as to part not to affect validity of remainder. The invalidity of any provision, article, title, section, clause, phrase or word in such alternative form of government, as proposed or as adopted, or of this act, shall not affect the validity of any other provision, article, title, section, clause, phrase or word.

§ 2607. when to take effect. This act shall take effect immediately.

COUNTY GOVERNMENT LAW OF NASSAU COUNTY

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LOCAL LAW NO. 11 - 1994

A LOCAL LAW to amend the County Government Law of Nassau County, Otherwise Known as the Nassau County Charter (Ch. 879, L. 1936, as amended), by establishing in the place and stead of the Board of Supervisors, a County Legislature consisting of nineteen (19) legislative districts, and various other proposals, as provided herein.

(Became a law on September 8, 1994 with the approval of the Deputy County Executive. Passed by the Board of Supervisors on September 8, 1994.)

BE IT ENACTED by the Board of Supervisors of the County of Nassau as follows:

Section 1. Statement of Legislative Purpose.

In an action entitled *George Jackson, et al. v. Nassau County Board of Supervisors, et al.*, CV 91-3720 (ADS), U.S. District Judge Arthur D. Spatt declared the present structure of the government of Nassau County and its system of weighted voting to be unconstitutional. By Order dated June 30, 1993, Judge Spatt established guidelines and recommendations for the adoption of an alternative form of government which would conform to the "one person, one vote" principles embodied in the U.S. Constitution. This local law is intended to place before the voters of Nassau County, in a public referendum to be held at the November, 1994 general election, the form, powers, structure and districts of a new County Legislature consisting of nineteen (19) single member districts in the place and stead of the present six (6) member Board of Supervisors, together with the creation of a legislative budget review office, redistricting advisory commission, minority affairs council, coordinating agency for Spanish Americans, line item veto, stronger ethics requirements and various other proposals, as set forth herein. Such alternative form of county government shall maintain a separation of powers between the legislative branch and the executive branch thereof.

Section 2. The Table of Contents of the County Government Law of Nassau County is hereby amended to read as follows:

TABLE OF CONTENTS

Article

I. The County Legislature (§§ 101-114.)

I-A. Local laws. (§§ 150-162.)

**I-B. The Office of Legislative Budget Review
(§§ 180-184.)**

II. Executive. (§§ 201-207.)

- III. Budget. (§§ 301-309.)
- IV. Comptroller. (§§ 401-405.)
- V. County treasurer. (§§ 501-503.)
- VI. Department of assessment. (§§ 601-609.)
- VII. Division of purchase. (§§ 701-705.)
- VIII. Department of police. (§§ 801-804.)
- IX. Department of health. (§§ 901-906.)
- X. Department of Social Services (§§ 1001-1007.)
- X-A. Nassau County Youth Board (§§ 1050-1052.)
- XI. County attorney (§§ 1101-1102.)
- XII. Department of public works (§§ 1201-1235.)
- XIII. Department of civil service. (§§ 1301-1309.)
- XIV. Franchises. (§§ 1401-1405.)
- XV. Districts, towns, villages and cities (§§ 1501-1502.)
- XVI. Department of planning. (§§ 1601-1611.)
- XVII. Fire prevention. (§§ 1701-1707.)
- XVIII. County debt commission. (§§ 1801-1807.)
- XIX. County clerk (§§ 1901-1902.)
- XX. Sheriff. (§§ 2001-2003.)
- XXI. Miscellaneous officers. (§§ 2102-2112.)

XXI-A. Department of general services. (§§ 2150-2152.)

**XXI-B. Department of drug and alcohol addiction
(§§ 2160-2163.)**

XXII. General provisions. (§§ 2201-2219.)

XXIII. Elections. (§§ 2301-2305.)

**XXIV. District court; organization and jurisdiction,
(§§ 2401-2449.)**

XXV. Repealed: see Uniform District Court Act.

**XXVI. Application of act; when and how operative and
effective. (§§ 2601-2607.)**

**Section 3. The following enumerated provisions of certain
Articles and Sections of the County Government Law of Nassau
County are hereby added, or amended, to read as follows:**

ARTICLE I The County Legislature

- Section**
- 101. County a municipal corporation; powers.**
 - 102. The County Legislature.**
 - 103. Specific powers.**
 - 104. The County Legislature; terms; qualifications.**
 - 105. Procedure; emergency actions; special meetings;
publicity of agendas.**
 - 106. Presiding officer; deputy presiding officer;
alternate deputy presiding officer; minority leader.**
 - 107. Approval of ordinances and resolutions by
county executive.**
 - 108. Vacancies.**
 - 109. Compensation.**
 - 110. Employees.**

111. Committees.
112. Legislative districts.
113. Temporary districting advisory commission; appointment; terms; vacancies; powers and duties; hearings; and approval of plan.
114. The County legislature to adopt plan.

§ 102. The County Legislature. The legislative power of the county shall be vested in the county legislature which, except as otherwise provided in this act with respect to the powers and duties reserved to the county executive, shall have and exercise all the powers and duties of the county together with all the powers and duties which now are, or may hereafter be conferred or imposed on the county legislature by laws applicable to such county not inconsistent with this act. The county legislature shall also have such other powers and duties as are provided by this act. Whenever the term "board of supervisors" appears in any provision of the County Government Law of Nassau County, or the Nassau County Administrative Code, or any local law, ordinance or resolution heretofore adopted by the Nassau County board of supervisors, it shall be deemed to mean and refer to the county legislature. Whenever the term "vice-chairman of the board of supervisors" appears in any provision of the County Government Law of Nassau County, or the Nassau County Administrative Code, or any local law, ordinance or resolution heretofore adopted by the Nassau County Board of Supervisors, it shall be deemed to mean and refer to the presiding officer of the county legislature. Whenever a masculine pronoun appears in any provision of the County Government Law of Nassau County, or the Nassau County Administrative Code, or any local law, ordinance or resolution heretofore or hereinafter adopted, it shall be deemed to be gender neutral.

§ 103. Specific powers. In addition to all powers conferred by the preceding section or by other provisions of this act, the county legislature shall have power to:

1. create, organize and abolish departments, bureaus, offices and employments, not inconsistent with the terms of this act, and fix, on

the recommendation of the county executive, the compensation of all officers and employees of the county, except as otherwise provided in this act;

2. exercise powers of local legislation as provided in section two of article nine of the constitution of the state of New York;

(Subd. 2, amended by L. 1945 Ch. 42 § 1, in effect February 28, 1945.)

3. fix the amount of the bond to be given by any official or employee of the county, conditioned on the faithful performance of his duty, and make the premium on such bonds a county charge;

4. employ such expert legal, financial or other technical advisors as may be from time to time necessary in relation to the performance of any of the functions of local government in the county, including the investigation of the operation of such government or any part thereof other than the county legislature;

5. adopt, amend and repeal ordinances for the purpose of making effective any of the provisions of this act and to carry out all powers conferred upon the county or the county legislature by any other law, and provide for the enforcement thereof by appropriate penalties not exceeding a fine of one thousand dollars or imprisonment for not more than one year or both such fine and imprisonment;

(Amended by Local Law No. 3 - 1985, in effect March 25, 1985.)

6. make rules and regulations, by ordinance, covering the use of, parking on, and traffic in and through, any county-owned or county-leased property, except as to any roads or other property under the jurisdiction and control of the state of New York or any of its agencies and to provide that upon conviction for the violation of any one or more of such rules, regulations or ordinances a person so offending may be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days or by both such fine and imprisonment, and to further provide that the violation of any speed limitation shall constitute a misdemeanor;

7. make appropriations, levy taxes and incur indebtedness for the purpose of carrying out any of the powers and duties conferred or

imposed on the county or any officer, board, commission or other authority thereof, by this act or otherwise by law.

(Subd. 6 renumbered to be subd. 7 and new subd. 6 added by Local Law No. 2, 1954, in effect May 17, 1954, amended by Local Law No. 6, 1968 in effect November 18, 1968)

§ 104. County Legislature; terms; qualifications.

1. The county legislature shall consist of nineteen legislators, one to be elected from each county legislative district.

2. The office of county legislator shall be a part-time office and, except as hereinafter otherwise provided, no county legislator shall be precluded from engaging in any other occupation or employment. Notwithstanding the foregoing, no county legislator shall hold any other public office or be an employee of the county.

3. The term of office of all county legislators shall be two years and shall begin on the first day of January next following their election, except as provided in section one hundred eight of this act.

4. Each county legislator shall be a qualified voter of the county, shall have been a resident of the county for at least one year immediately preceding the commencement of such person's term of office, and, except as otherwise provided in subdivision three of section one hundred twelve, shall reside in the county legislative district which such person represents at the time of such person's nomination for office and during such person's entire term of office.

5. Each county legislator shall have one vote.

(Subdivision two amended; Subdivision three repealed; Subdivision three, four and five added by Local Law No. 5-1975, in effect January 1, 1976 upon the approval of the electors in the November, 1975, general election. Local Law No. 6-1975, providing for a county legislature, defeated at said general election. Local Law No. 3-1975, providing for a county legislature defeated at a special election held June 10, 1975, Subdivision five repealed by Local Law No. 2, 1982 and new subdivision five became effective at December 6, 1982 meeting of the Board of Supervisors after notification by the Board of Election that a public referendum approved the new weighted voting plan at the general election on November 2, 1982 required by subdivision 3 of §104 of the Nassau County Charter.)

§ 105. Procedure; emergency actions; special meetings; publicity of agendas. The county legislature shall establish rules for

its proceedings, including rules for the appointment of all committees not inconsistent with the following provisions:

1. The county legislature shall act only by ordinance, resolution or local law. No money shall be appropriated, bond issue or other loan authorized, assessment levied, office created, salary fixed, franchise or privilege granted, real property of the county alienated, fine or penalty established, except by ordinance. No ordinance, resolution or local law, except resolutions relating to procedure, or amendment to any ordinance, resolution or local law, shall be passed by the county legislature by less than ten affirmative votes, unless otherwise provided in this act. Ordinances authorizing the issuance of obligations shall comply with the provisions of the local finance law. No ordinance, resolution or local law, or amendment to any ordinance, resolution or local law, shall be passed, unless such ordinance, resolution, local law, or amendment has been on file with the clerk of the county legislature in final form for passage for at least one week, and unless the same is entered by number and title on an agenda to be prepared by the clerk of the county legislature and posted in a conspicuous place in the county court house at least one week prior to said action. No ordinance shall be passed by the county legislature until the same in final form for passage has been published at least once in the official newspapers not less than four days prior to the meeting at which final action is to be taken. All resolutions, ordinances, local laws and other measures so filed with the clerk of the county legislature shall be open to public inspection at all times during which the office of the clerk of the county legislature shall be open.

(Subd. 1. amended by L. 1943 Ch. 710 §100, as last amended by L. 1945 Ch. 338, in effect September 2, 1945.)

Note: - Amendment required by Local Finance Law §§ 33.00, 40.00 and 160.00.

2. Upon the written recommendation of the county executive or in his absence or inability to act the deputy county executive designated as provided in section two hundred five of this act or upon the written recommendation of the presiding officer of the county legislature or any ten of its members, the county legislature may, by thirteen affirmative votes adopt a resolution setting forth that an emergency, described therein exists which makes it necessary to take immediate action on any ordinance, resolution, local law, or

amendment to any ordinance, resolution, or local law before the county legislature; provided no such resolution shall ever be passed with relation to any ordinance or amendment to an ordinance granting a public utility franchise or making a renewal, extension or amendment thereof. In such case, the county legislature may pass the resolution, ordinance, local law, or amendment, immediately, anything herein contained to the contrary notwithstanding; provided, however, that in such case the ordinance, resolution, or local law shall forthwith be published in the official newspapers with the resolution setting forth the emergency.

(Amended by L. 1948, Ch. 92; Local Law No. 1, 1962, in effect May 14, 1962.)

3. Special meetings of the county legislature may be called at any time by the county executive, by the presiding officer, or by any ten county legislators, upon not less than twelve hours' actual notice effected by any means of communication, or upon written notice delivered at the place of residence of each legislator not less than twenty-four hours before the time of the proposed meeting.

4. In the month of January of each year, the county legislature shall determine its calendar of meetings for the remainder of such year.

(Subdivision 4, amended by L. 1943 Ch. 55 §1, in effect March 4, 1943.)

5. Any person who resides in the county may file with the county legislature a notice stating his name, residence and post office address, and thereupon, and the same day that each agenda is posted in the county court house, the clerk of the county legislature shall mail to each person filing such notice, directed to such person at the post office address therein stated, a copy of each agenda, and also notices of all special meetings of, and hearings before, the county legislature. The postage required for the mailing as herein required shall be paid in advance by the person to whom the same is mailed. The records of the county legislature relating to the procedure of the county legislature on matters placed or to be placed upon the agenda and any and all actions taken and proceedings had by the county legislature shall be available for inspection during office hours of the clerk of the county legislature.

§ 106. Presiding officer; deputy presiding officer; alternate deputy presiding officer; minority leader.

1. The county legislature shall choose from its own number a presiding officer, who shall preside at all meetings of the county legislature, be chairman of the rules committee, prepare that portion of the proposed county budget relating to the county legislature, and perform such other functions as are assigned to the presiding officer by the rules of the county legislature. The presiding officer shall cast the vote to which such person is entitled as a member of the county legislature.

2. To the extent determined necessary by the county legislature, the county legislature may establish rules relating to the appointment of a deputy presiding officer, who shall preside in the absence of the presiding officer and perform such other duties as shall be determined by the presiding officer. The presiding officer may appoint an alternate deputy presiding officer, who shall preside in the absence of the presiding officer and the deputy presiding officer and perform such other duties as shall be determined by the presiding officer. The deputy presiding officer and the alternate deputy presiding officer, when presiding at a meeting of the county legislature, shall cast the vote to which such person is entitled as a member of the county legislature.

3. The county legislator who receives the second greatest number of votes cast in the election of the presiding officer referred to in subdivision one of this section shall be elected the minority leader and shall have such duties and perform such functions as are assigned to the minority leader by the rules of the county legislature; provided however that the presiding officer and the minority leader shall not be enrolled members of the same political party.

(Amended by L. 1948 Ch. 132, in effect March 6, 1948.)

§ 107. Approval of ordinances and resolutions by county executive. No ordinance or resolution, other than a resolution relating to procedure, shall take effect until the same has been approved by the county executive; provided that, if any ordinance or

resolution is not returned to the county legislature with a statement of his reasons for not approving the same, within ten days of its presentation to him by the county legislature, such ordinance or resolution shall be deemed to be approved; and provided, further, that any ordinance or resolution disapproved by the county executive shall nevertheless become effective if upon reconsideration it be passed by the county legislature by thirteen affirmative votes; and provided, further, that in the case of the ordinance approving the annual budget of the county, such budget shall become effective as provided in sections three hundred five and three hundred six.

§ 108. Vacancies. Any vacancy in the office of county legislator shall be filled by a special election in the county legislative district from which such legislator was elected, called by the county executive not less than thirty days prior to the date of the special election and held within sixty days of the occurrence of the vacancy; provided that no such special election shall be required to be held if such vacancy shall occur after the first day of May in any year in which the vacancy could be filled at the general election to be held in November of such year; and provided further that no such special election shall be held if such vacancy shall occur after the first day of June in the last year of the county legislator's term. At such special or general election, a successor shall be elected to hold office for the balance of the term and shall take office immediately upon certification of the results of the election.

§ 109. Compensation.

1. Unless otherwise fixed by ordinance, the annual salary of the county legislators shall be \$39,500. Any ordinance varying the annual salary of the county legislators shall be proposed and acted upon prior to the first day of October in any calendar year and shall not become effective until an election of county legislators shall have intervened.

2. The presiding officer, the deputy presiding officer, and the minority leader shall receive such additional compensation as the county legislature shall determine but in no event shall the additional compensation to be received by the minority leader be less than

eighty-five percent of the additional compensation to be received by the Presiding officer.

(Amended by L. 1947 Ch. 377 §1. in effect March 25, 1947.)

§ 110. Employees.

1. The county legislature shall appoint, to serve at its pleasure, a clerk of the county legislature.

2. Subject to sufficient budget appropriations being made therefor, the county legislature shall employ such employees as the county legislature shall determine. The presiding officer shall appoint majority counsel and the majority staff, and the minority leader shall appoint minority counsel and the minority staff.

3. To the extent that the county budget includes an appropriation of funds for legislative staff, exclusive of the office of clerk of the county legislature, such appropriation of funds shall first be allocated to each county legislator in an amount sufficient to employ at least one staff person. After said allocation, the balance of such appropriation shall be used to employ the staff authorized in subdivision two of this section. In the event of any reduction in the budget of the county legislature which requires the reduction of the staff and employees of the county legislature, such reductions shall first be made to the appropriation used to employ the staff authorized in subdivision two of this section.

4. The employees referred to in the foregoing subdivisions of this section shall not be members of the classified service.

(Amended by L. 1937 Ch. 618 §1. in effect January 1, 1938.)

§ 111. Committees.

1. There shall be established the following standing committees of the county legislature: rules; finance; public works; public safety; health and social services; government services and operations; planning, development and the environment; and minority affairs.

2. Each such committee shall be responsible, and shall report, to the county legislature, by such means, in such manner and at such times as the county legislature may prescribe.

3. Notwithstanding the provisions of subdivision one of this section, the county legislature may, by resolution, establish additional standing committees and may divide the work and jurisdiction of the committees listed above among the additional committees so established.

4. The size, composition and the appointment of the members of each standing committee shall be determined in accordance with the rules of the county legislature.

§ 112. Legislative districts.

1. The nineteen county legislative districts shall be set forth in the map attached hereto as Annex A, bounded and described in said Annex A.

2. The county legislature shall within six months after public announcement of the enumeration of the inhabitants of Nassau County in each decennial federal census commencing with the federal census for the year 2000, adopt a local law amending Annex A hereto to describe the nineteen county legislative districts which shall be based upon the new census data. Such local law shall comply with the legal and constitutional requirements for equal representation in the county legislature of the residents of the county.

3. If, as a result of a readjustment or alteration of the county legislative districts as provided in subdivision two of this section, any county legislator shall no longer reside within the boundary lines of the county legislative district, such county legislator represents, then, unless such county legislator shall, within twelve months of the effective date of such readjustment or alteration, change such person's residence so as to reside within the boundary lines of such county legislative district, such county legislator shall cease to hold such office, and the vacancy in such office shall be filled in the manner provided in section one hundred eight.

§ 113. Temporary districting advisory commission; appointment; terms; vacancies; powers and duties; hearings; and approval of plan.

1. (a) There shall be a temporary districting advisory commission established each legislative term in which the legislature is required to reapportion the county legislative districts as a result of the federal decennial census. The commission shall consist of eleven members, who shall serve without compensation, appointed as follows: one member, who shall be chairperson and who shall not be a voting member, appointed by the county executive, five members appointed by the presiding officer and five members appointed by the minority leader. The appointment of members to the temporary districting advisory commission shall be made no earlier than one year and eight months before, and no later than one year and six months before, the general election of the county legislators to be held in the year two thousand and three and every ten years thereafter in accordance with the provisions of this section.

(b) In the event of a vacancy by death, resignation or otherwise, a new member shall be appointed in the same manner as the member whose departure from the districting commission created the vacancy to serve the balance of the term remaining.

(c) The members of the temporary districting advisory commission shall serve a term of ten months.

2. The temporary districting advisory commission may recommend one or more plans to the county legislature for dividing the county into legislative districts for the election of county legislators which plan shall comply with applicable law. The temporary districting advisory commission is authorized to hire experts, counsel, consultants and staff as provided for in the budget of the county legislature and as the temporary districting advisory commission deems necessary. Agencies and departments of county government shall be required to provide technical assistance to the commission.

3. The temporary districting advisory commission shall take all action by not less than six affirmative votes of its members. The temporary districting advisory commission shall conduct all meetings in accordance with applicable law and may hold public hearings to develop a redistricting plan.

4. No later than ten months before the general election of the county legislature, the temporary districting advisory commission shall transmit its recommendations and any and all plans for dividing the county into districts to the county legislature. All recommendations from the temporary districting advisory commission shall be available for public inspection at the office of the clerk of the county legislature.

§ 114. **The County legislature to adopt plan.** The county legislature may reject, adopt, revise or amend the redistricting plan recommended by the temporary districting advisory commission or adopt any other redistricting plan, provided that any plan adopted by the county legislature shall meet all constitutional and statutory requirements. The county legislature, shall, no later than eight months before such general election of the county legislature, prepare and adopt by local law a final plan for the redistricting of the county legislature.

ARTICLE I-A Local Laws

- Section 150. Power to adopt and amend local laws.
- 150-a. Introduction of local laws.
 - 151. Effect of local law on acts of state legislature.
 - 152. Action by county legislature.
 - 153. Approval of local law by county executive.
 - 154. Restriction on county legislation.
 - 155. Local laws subject to mandatory referendum.
 - 156. Local laws subject to referendum on petition.
 - 157. Referendum on petition.
 - 158. Propositions for the submission of local laws.

- 159. Reconsideration of local law before submission to referendum.
- 160. Filing of local laws.
- 161. Judicial notice.
- 162. Legislative intent.

§ 150. Power to adopt and amend local laws.

1. The county legislature of the county shall have powers of local legislation under the provisions of section two of article nine of the constitution and shall have power to adopt and amend local laws. (Subdivision 1, amended by L. 1939 Ch. 700 §1, in effect June 5, 1939.)

2. In the exercise of such provision, the county legislature of the county shall have power:

a. to delegate to any local authority power by rule, regulation, resolution or ordinance, to provide for carrying into effect the provisions of any local law;

b. to provide for the enforcement of local laws by legal or equitable proceedings, to prescribe that violations thereof shall constitute misdemeanors and to provide for the punishment of violations thereof by civil penalty, fine, forfeiture or imprisonment, or by two or more of such punishments.

§ 150-a. Introduction of local laws.

1. A proposed local law may only be introduced by a county legislator. Each proposed local law shall bear the legend "Introduced by _____."

2. The county executive shall have the right to submit legislative initiatives in the form of proposed local laws for the coming year as the county executive may determine. All such legislative initiatives for any calendar year shall be submitted by the county executive on or prior to the submission by the county executive to the county legislature of the county executive's proposed budget as provided in section three hundred two of this act.

3. Proposed local laws also may be submitted by qualified electors of the county as hereinafter provided; provided, however, no elector of the county may submit more than two proposed local laws in any calendar year. Any such proposed local law must be submitted to the clerk of the county legislature, accompanied by a petition signed and acknowledged by no less than two thousand qualified voters of the county and in the same manner required by law for submission of a designating petition, except that in order to be valid, such petition shall contain at least fifty signatures of qualified voters from each legislative district. The petition may be made upon separate sheets, and the signatures to each sheet shall be authenticated in the manner provided by section one hundred thirty-five of the election law for the authentication of designating petitions. A summary statement of the proposed local law shall be contained on each sheet of each such petition. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. If within three days after filing of such a petition a written objection thereto be filed with the clerk of the county legislature, the supreme court, or any justice thereof, of the judicial district in which the county or any part thereof is located, shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by section three hundred thirty-five of the election law.

4. Except as provided herein, prior to submission to the rules committee of the county legislature the county attorney shall review each proposed local law submitted pursuant to subdivision three of this section and certify that the summary of the proposed local law contained in the petition is an accurate summary and that such local law is legal in form and substance. If the county attorney is unable to make the certification required by the preceding sentence, the county attorney shall state the reasons therefor in writing to the clerk of the county legislature. Upon receipt by the clerk of the county legislature of the written communication of the county attorney stating the reasons the county attorney is unable to make the required certification, such proposed local law shall be deemed rejected without prejudice. Notwithstanding anything contained in this subdivision four to the contrary, qualified electors may choose to submit to the county attorney a proposed local law for the review set

forth in this subdivision prior to circulating the petitions required for local laws pursuant to subdivision three of this section. Upon obtaining the requisite number of valid signatures, any such proposed local law which has been so prereviewed by the county attorney shall be submitted to rules committee of the county legislature.

5. All such proposed local laws shall, upon their submission, be referred to the appropriate committee of the county legislature, as shall be determined by the presiding officer; provided, however, that local laws submitted pursuant to subdivision three of this section shall be referred to the rules committee of the county legislature. The office of legislative budget review shall prepare a budget impact message with respect to each proposed local law submitted pursuant to subdivision two or three of this section (other than any proposed local law deemed rejected pursuant to subdivision four of this section).

6. In the case of any proposed local law submitted in accordance with the provisions of subdivision two or three of this section, before the end of the calendar year in which such proposed local law is referred to a committee of the county legislature, as provided in subdivision four of this section, such committee shall meet to consider and act upon such proposed local law. If a majority of the membership of such committee shall determine that such proposed local law should be introduced to the county legislature for consideration, the county legislators constituting such majority shall, in their names, so introduce such proposed local law.

§ 151. Effect of local law on acts of state legislature. In adopting a local law changing or superseding any provision of an act of the state legislature which provision does not in terms and in effect apply alike to all counties, the county legislature shall specify the chapter number, year of enactment, title of statute, section, subsection or subdivision, which it is intended to change or supersede, but the failure so to specify shall not affect the validity of such local law. Such a superseding local law may, in like manner, contain the text of such statute, section, subsection or subdivision and may indicate the changes to be effected in its application to such county by inclosing in brackets the matter to be eliminated therefrom and italicizing or underscoring new matter to be included therein.

§ 152. Action by the county legislature.

1. No such local law shall be passed except by at least ten affirmative votes of the county legislature. On the final passage of a local law the question shall be taken by ayes and noes which shall be entered in the journal of proceedings. The style of local laws shall be "Be it enacted by the county legislature of the county of Nassau as follows:".

2. Every such local law shall embrace only one subject. The title shall briefly refer to the subject matter.

3. No such local law shall be passed until it shall have been in final form and upon the desks of the members of the county legislature at least one week prior to its final passage.

4. No local law shall be passed by the county legislature until a public hearing thereon has been had before such body. A notice specifying the title of such local law and the time and place of such public hearing shall be published in the official newspapers of the county at least four days prior to the date of such hearing.

§ 153. Approval of local law by county executive. Every local law, after its passage by the county legislature, shall be certified by the clerk thereof and presented, within five days from the date of passage, to the county executive for approval. If the county executive approve it, he shall sign it and return it to such clerk; it shall then be deemed to have been adopted. If he disapproves it, he shall return it to the clerk with his 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 journal. The county legislature within thirty days thereafter may reconsider the same. If after such reconsideration thirteen affirmative votes of the county legislature be cast in favor of repassing such local law, it shall be deemed adopted, notwithstanding the disapproval of the county executive. Only one vote shall be had upon such reconsideration. The vote shall be taken by ayes and noes which shall be entered in the journal. If the county executive shall neither approve nor return to the clerk with his objections a local law presented to him, within thirty

days of its passage by the county legislature, it shall be deemed to be adopted in like manner as if he had signed it. At any time prior to the return of a local law by the county executive, the county legislature may recall the same and reconsider its action thereon.

§ 154. Restriction on county legislation. Notwithstanding any provision of this chapter, the county legislature of the county shall not be deemed authorized by this article to adopt a local law, which supersedes a state statute now in force or hereafter enacted by the legislature, if such local law:

1. Removes or raises any limitation of law on the amount in which the county may become indebted, or on the amount to be raised in any one year by tax for county purposes, or for any county purpose;

2. Removes restrictions of law as to the maturities of bonds or other evidences of debt or which changes a provision of law that the issuance thereof shall be subject to a referendum either mandatory or permissive;

3. Applies to or affects any provision of the labor law or the workmen's compensation law;

4. Changes any provision of the tenement house law;

5. Applies to or affects existing powers of the state comptroller in relation to auditing or examining municipal accounts or prescribing forms of municipal accounting;

6. Applies to or affects any provision of law providing for regulation or elimination of railroad crossings at grade or railroad terminal facilities within the county;

7. Applies to or affects any provision of law relating to the property, affairs or government of any city within the territory of such county;

8. Applies to or affects any provisions of law relating to the property, affairs or government of any village within the territory of such county.

§ 155. Local laws subject to mandatory referendum. No such local law shall become operative or effective unless and until the same is adopted by the electors of such county at the next general election in such county held not less than sixty days after the adoption thereof by receiving a majority of the total votes cast thereon in (1) the county, (2) every city containing more than twenty-five per centum of the population of the county according to the last preceding federal census, and (3) that part of the county, if any, outside of such city, if it abolishes or creates an elective office or changes the voting or veto power of or the method of removing an elective officer, changes the term of office or reduces the salary of an elective officer during his term of office, abolishes, transfers or curtails any power of an elective officer, changes the form or composition of the elective body of such county, or provides a new form of government for such county. Notwithstanding the provisions of this section if any such local law so provides it shall be submitted at a special election, instead of at the next general election, to be held not less than sixty days after the adoption of such local law, the date for which special election shall be fixed by the county legislature. In either case such local law shall become operative or effective as provided herein.

(Amended by Local Law No. 12, 1965; Local Law No. 4, 1966 in effect September 23, 1966.)

§ 156. Local laws subject to referendum on petition. A local law shall be subject to the provisions of the next section, which:

1. Dispenses with a provision of law requiring a public notice or hearing as a condition precedent to official action;
2. Changes a provision of law relating to public bidding, purchases or contracts;
3. Changes a provision of law relating to assessments for taxation or special assessments of property for improvements, or the exercise of the power of condemnation for public improvements;
4. Changes a provision of law relating to the authorization or issuance of county bonds or other obligations;
5. Changes a provision of law relating to the auditing of the county's accounts;

6. Changes a provision of law relating to the maintenance or administration of a pension fund or retirement system in the county;

7. Changes a provision of law relating to the alienation or leasing of county property;

8. Increases the salary of an elective officer during his term of office.

§ 157. Referendum on petition. A local law, described in section one hundred fifty-six, if not also subject to mandatory referendum, shall not take effect until at least forty-five days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of such county voting on a proposition for its approval if within forty-five days after its adoption there be filed with the county clerk a petition signed and acknowledged by qualified electors of such county in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in such county, protesting against such local law. If such petition be so filed, a proposition for the approval of such local law shall be submitted at the next general election held not less than sixty days after the filing of such petition, unless the county legislature adopts a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election. The petition may be made upon separate sheets, and the signatures to each sheet shall be authenticated in the manner provided by section one hundred thirty-five of the election law for the authentication of designating petitions. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. If within three days after the filing of such a petition a written objection thereto be filed with the officer with whom such petition is required by law to be filed the supreme court, or any justice thereof, of the judicial district in which such county or any part thereof is located, shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by section three hundred thirty-five of the election law.

§ 158. Propositions for the submission of local laws. A proposition for the submission of a local law to the approval of the electors pursuant to this article shall contain the title of such local law. The clerk of the county legislature with the advice of the county attorney shall prepare an abstract of such local law concisely stating the title, purpose and effect thereof, and forthwith shall transmit such proposition and such abstract to the election officers charged with the duty of publishing the notice of and furnishing the supplies for such election. A sufficient number of copies of such abstract shall be printed, delivered with the other election supplies, and distributed to the electors at the election. If there be more than one such proposition to be voted upon at such election, such propositions shall be separately and consecutively numbered.

§ 159. Reconsideration of local law before submission to referendum. At any time prior to the election at which a local law is to be submitted to the electors for approval pursuant to this article the county legislature of the county, not later than fifteen days prior to the election, may reconsider its action thereon and repeal such local law, whereupon the proposition and its approval shall not be submitted at such election, or, if submitted, the vote of the electors thereon shall be without effect.

§ 160. Filing of local laws. Within five days after the taking effect of a local law, the clerk of the county legislature, or other officer designated by the county legislature, shall file a certified copy thereof in the office of the secretary of state and in the office of the state comptroller. Such certified copy shall contain the text only of the local law without the brackets and the matter within the brackets, or the italicizing or underscoring, if any, to indicate the changes made by it. Such local laws shall be published annually as a supplement to the session laws.

§ 161. Judicial notice. The courts shall take judicial notice of all local laws adopted pursuant to this article.

§ 162. Legislative Intent. It is the intention of the legislature by this article to provide for the full and complete exercise by the county legislature of powers of local legislation pursuant to the provisions of section two of article nine of the constitution. The powers granted by this article shall be in addition to and not in substitution for all the powers, rights, privileges and functions conferred or imposed upon the county by any other provision of this act or of any other law heretofore or hereafter enacted. Insofar as the provisions of this article are inconsistent therewith, the provisions of this article shall be controlling. This article shall be construed liberally.

(Amended by L. 1939 Ch. 700 §2, in effect June 5, 1939.)

ARTICLE I-B

The Office of Legislative Budget Review

- Section 180.** The office of legislative budget review.
- 181.** Director of office of legislative budget review.
- 182.** Legislative committee for office of legislative budget review.
- 183.** Scope of authority, duties, powers and responsibilities.
- 184.** County departments and cooperation.

§ 180. Office of legislative budget review. There is hereby created an office of legislative budget review within the county legislature.

§ 181. Director of office of legislative budget review.

1. There is hereby created the position of director of the office of legislative budget review. Such director shall serve for a four year term of service, commencing on the first day of January of an even-numbered year and expiring on the thirty-first day of December of the second consecutive odd-numbered year following the appointment, irrespective of the date of appointment. The initial appointment made pursuant to this section shall expire on the thirty-first day of December, 1999. Such director shall be solely responsible for the administration of the office of legislative budget review, hiring

its staff and controlling its budget, subject to review of the county legislature. The county legislature, by the enactment of a procedural resolution, shall appoint the director. The director of the office of legislative budget review and his secretary shall not be members of the classified service.

2. The director of the office of legislative budget review shall not be an officer of any political party.

§ 182. Legislative committee for office of legislative budget review.

1. The county legislature shall create a legislative committee within the county legislature for the purpose of maintaining general supervision of and liaison with the office of legislative budget review. Such committee shall meet monthly with the director or at such other times as may be agreed upon, maintain minutes and disperse those minutes to all county legislators. The membership of such committee shall be as follows: the presiding officer of the county legislature, the minority leader, the chairman of the finance committee, one member appointed by the presiding officer and one member appointed by the minority leader. Before the director of the office of legislative budget review is appointed pursuant to the provisions of section one hundred eighty-one, the committee shall set the qualifications for such office and shall publish a notice that a vacancy exists in such office and shall interview potential candidates for appointment to such office.

2. No one may be interviewed for the position of director of the office of legislative budget review until an advertisement has been placed in a newspaper designated as the official newspaper of the county.

§ 183. Scope of authority, duties, powers and responsibilities. The director of the office of legislative budget review shall perform the following staff and oversight functions and be charged with the following responsibilities for the county

legislature within the appropriations provided to the office of legislative budget review:

1. To determine the extent to which legislative policies are being faithfully, efficiently and effectively implemented by administrative officials.

2. To determine whether county programs are achieving their legal and desired objectives by a review of the performance and management efficiency of county departments and agencies. However, a review shall be coordinated with the county comptroller when a review includes or requires accounting audits.

3. To determine and analyze the soundness of departmental budget estimates and requests for appropriations, revenues, borrowings and such other fiscal modifications throughout the year.

4. To determine and analyze annually the soundness of the proposed county budget and community college budget, including borrowings and taxes.

5. To determine whether the county has adequate plans, facilities, organizational arrangements and management control systems to adequately and effectively accomplish program and legislative policies.

6. Such other duties and responsibilities as the county legislature may assign.

§ 184. County departments and cooperation. County departments and agencies are required to provide timely access to the legislative staff to their personnel and records, assisting the legislative staff in collecting and analyzing factual objective data. Such access shall be construed to include direct access to the county's mainframe and departmental computer systems insofar as the information sought is not otherwise precluded by federal, state or local laws or a collective bargaining arrangement between the county and any of its employees.

ARTICLE II
Executive

- Section 201.** Election; qualifications; compensation.
- 202.** Duties.
- 203.** Responsibility for administration; powers of appointment and removal.
- 204.** Assignment of county legislature's powers and duties to county executive.
- 205.** Deputy county executives.
- 205.a.** Coordinating Agency for Spanish Americans.
- 206.** Commissioner of accounts; appointment; powers; duties.
- 207.** Removal of county executive.

§ 202. Duties. It shall be the duty of the county executive to prepare and present to the county legislature the annual budget in manner and form as hereinafter provided, and at the close of each fiscal year, or as soon thereafter as practicable, a report of the financial and other transactions of the county including the reports of the several departments of the county government. A suitable abstract of this report shall be printed in pamphlet form for general distribution. He shall also from time to time present to the county legislature such other information concerning the affairs of the county and such recommendations as he may deem necessary or as the county legislature may by resolution request.

§ 203. Responsibility for administration; powers of appointment and removal. 1. It shall be the duty of the county executive to supervise, direct, and control, subject to the provisions of this act, the administration of all departments of the county government. He shall appoint, except as otherwise provided in this act, subject to confirmation by the county legislature, the head of every county department and office and members of county boards and commissions. He may at any time remove any person so appointed; provided that in the case of members of boards and commissions appointed for definite terms, no removal shall be made until the person to be removed has been served with a notice of the reasons for his removal and given an opportunity to be heard,

publicly if he desires, thereon by the county executive. The decision of the county executive shall be final. He shall also appoint without confirmation by the county legislature, and remove at his pleasure, the employees in his own office and such employees shall not be members of the classified service.

2. Not later than the fifteenth day of the months of January, April, July and October in each year, the county clerk shall publish a list of the existing vacancies in any county board or commission subject to the provisions of this section.

3. The county executive may establish from time to time such advisory committees or similar bodies as the county executive may determine to be necessary or desirable for the promotion of the public health, safety or welfare in the county, to encourage economic development in the county or for the promotion of any other objective or the attainment of any other goal determined by the county executive to be a proper public purpose. In addition, the county executive may recognize as such an advisory committee any group or organization then existing that serves any such purpose. Any such advisory committee or similar body shall have such duties as may be assigned to it by the county executive. It is understood that the recognition of any particular group or organization as an advisory committee or similar body shall not confer or be deemed to confer upon such group or organization any greater rights or privileges than shall be conferred upon any other group or organization heretofore or hereafter created or recognized by the county executive as an advisory committee or similar body.

(Amended by L. 1937 Ch. 618 §3, in effect January 1, 1938.)

§ 204. Assignment of county legislature's powers and duties to county executive. The county legislature may by ordinance devolve upon the county executive the exercise or performance of any of its powers and duties, except those which it must exercise or perform by ordinance, as provided in this act or any other law of this state, and except other powers and duties of a distinctly legislative character. The action of the county executive in any matter so devolved shall have the same effect in law as if performed by the county legislature.

§ 205. Deputy county executives. The county executive shall designate one or more deputies in his office to perform the administrative duties of the county executive and file such designation with the county clerk and the clerk of the county legislature. The county executive may indicate therein the extent of such delegation. Any such designation shall remain in effect during the term of the county executive or until the county executive files a written revocation with the above said clerks. During the absence or disability of the county executive and the deputy county executives so designated, the presiding officer of the county legislature may perform such administrative duties. The acts so performed by such deputies or presiding officer shall have the same effect in law as if performed by the county executive.

(Amended by L. 1952, Ch. 591, in effect April 9, 1952; Local Law No. 5, 1979, in effect June 25, 1979.)

§ 205-a. Coordinating agency for Spanish Americans. Pursuant to subdivision three of section two hundred three of this act, there shall be a coordinating agency for Spanish Americans in the office of the county executive. The county executive shall appoint an advisory board consisting of fifteen members, ten of which shall be Spanish Americans. The advisory board shall develop and coordinate programs for the Spanish American community and perform such other duties as may be directed by the county executive. The county executive shall appoint an executive director for the office. The executive director shall serve at the pleasure of the county executive.

§ 206. Commissioner of accounts; appointment; powers; duties. The county executive may from time to time appoint, without confirmation by the county legislature, a commissioner of accounts who shall receive a compensation to be fixed by the county executive and an appropriation for that amount and purpose shall be included in each annual budget. The commissioner of accounts shall have power to examine the financial and other records of the comptroller and treasurer and to make such other examinations as he may deem to be for the best interest of the county, of the accounts, methods and activities of each department, institution, office or agency of the county and of the towns and special districts, except only the county

legislature and office of legislative budget review, and to report to the county executive his findings thereon. He shall have power to appoint such assistants and deputies within the limits of the appropriation made by the county legislature as he deems necessary for the performance of his duties.

ARTICLE III Budget

- Section 301. Estimates of county departments.
302. Scope of county budget.
303. Budget message.
304. Summary budget report; filing of budget; hearings.
305. Changes in budget; approval of budget; line item veto.
306. Tax levy; county and town budgets.
307. Transfers of appropriations; supplemental appropriations.
308. Work programs; allotments.
309. Fiscal year; transition provision.

§ 301. Estimates of county departments. Not later than the fifteenth day of March in each year, the county executive shall request (a) the presiding officer of the county legislature to furnish to the county executive a budget for the county legislature for the ensuing fiscal year, and (b) the head of each department, institution, office and agency of the county government shall furnish to the county executive, on forms supplied by him, estimates of the revenue and expenditure of their several departments, institutions, offices, agencies or districts for the next ensuing fiscal year, detailed by organization units and the character and object of expenditure, accompanied by an inventory of all equipment, material and supplies on hand and such other supporting data as the county executive may request. In making the requests required by this section, the county executive shall provide the criteria and guidelines to be followed in furnishing the information requested by this section.

(Amended by L. 1948 Ch. 714, in effect March 31, 1948.)

§ 302. Scope of county budget. Not later than the last Monday in June in each year the county executive shall submit to the county legislature a proposed budget of revenue and expenditure for the ensuing fiscal year for the county. The proposed county budget shall contain:

1. a statement of all revenues which it is estimated will be received by the county during the ensuing fiscal year, other than the proceeds of the tax levy of the ensuing fiscal year, deducting the amount, if any, required to be deposited to the credit of any sinking fund;

2. a statement of the amount estimated to be collected from the tax levy of the ensuing fiscal year;

3. a statement of the receipts anticipated during the ensuing fiscal year from the sale of bonds or other borrowing;

4. a statement of the amount of the sinking fund, if any, which is available and which should be applied to the payment of the principal of any bonded indebtedness of the county falling due during the ensuing fiscal year;

5. a statement of the estimated cash balance, after deducting commitments estimated to be outstanding at the close of the current fiscal year, in each fund, applicable to expenditures of the ensuing fiscal year; and any estimated deficit in any fund required to be made up in the ensuing fiscal year;

6. an estimate of the several amounts which the county executive deems necessary for conducting the business of the county for each department, institution, office and agency thereof, separately stated, and for other purposes contemplated by this act and otherwise by law for the ensuing fiscal year; the above being classified so as to show separately: (a) the ordinary recurring expenses of the operation and maintenance of the county government; (b) any extraordinary or non-recurring expenses to be financed from current revenue; and (c) any extraordinary or any capital expenditure to be financed from the proceeds of bond issues, and in the event that any such capital

expenditure is to be ultimately paid for in whole or in part from the proceeds of assessments on property specially benefited, the portion of such capital expenditure to be so assessed shall be separately shown;

7. the amount necessary to pay the principal and interest of any bonded or other indebtedness of the county becoming due during the ensuing fiscal year;

8. the amount of any judgment recovered against the county and payable during the ensuing fiscal year;

9. in the discretion of the county executive, an estimated amount to provide for uncollected taxes including school district taxes, which amount shall be a county charge;

10. any other matter which the county executive deems advisable.

The proposed budget shall be so arranged as to give in parallel columns the following comparative information: (1) receipts and expenditures for the last completed fiscal year; (2) the budget of the current fiscal year; (3) the actual receipts and expenditures for the first nine months of the current fiscal year; (4) departmental requests for the ensuing fiscal year; and (5) the recommendations of the executive as above provided.

(Opening paragraph amended by L. 1937 Ch. 618 §5, in effect January 1, 1938. Subdivision 9, added and former subdivision 9, renumbered 10 by L. 1945 Ch. 453 § 2, in effect April 2, 1945.)

§ 303. **Budget message.** The county executive shall submit with the proposed budget a budget message explaining the main features of the budget and including a summary of the proposed budget. He shall also submit at the same time a draft of an ordinance referring to the proposed budget and making provision for the conduct of the county government for the ensuing fiscal year, which need not be itemized further than by departments and by kinds of expenditure, as follows: (1) personal service; (2) materials and supplies; (3) expenses (contractual expenses); and (4) capital outlays. He shall also submit at the same time a draft of an ordinance fixing the tax levy necessary to support the county budget.

§ 304. Summary budget report; filing of budget; hearings. There shall be filed with the proposed budget a summary budget report and supporting schedules which shall exhibit the proposed operating budget by fund, operating revenue summary, capital appropriations, sewer operation budgets, tax rates and budgetary analyses by department and the aggregate figures of the proposed budget in such a manner as to show a balanced relationship between the total estimated expenditures and the total estimated income for the ensuing fiscal year, and which shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the appropriations for the current fiscal year. The summary budget report shall also include a summary of the tax increases or decreases (by each fund) and spending increases or decreases (by each department, institution, office and agency) incorporated in the proposed budget and shall contain such additional information as is deemed advisable by the county executive, or as the county legislature by resolution may require.

Not less than three copies of the proposed county budget and summary budget report shall be filed with the clerk of the county legislature and, promptly upon receipt by the clerk of the county legislature thereof, shall be open to public inspection by any person at all times during which the office of the clerk of the county legislature shall be open. The county legislature shall, within ten days after the filing of the budget with the clerk of the county legislature in each year, publish at least twice, at intervals of one week, in the official newspapers, a copy of the budget message and a notice of the time, not less than five days after the date of the second publication, at which the county legislature will hold a public hearing on the county budget. At such hearing any person may be heard for or against the estimates as presented by the county executive, or any item thereof. Such hearing shall be adjourned from day to day until all who desire have been heard. The county legislature may schedule such additional hearings as may be advisable.

(Former §304 L. 1936 Ch. 879 repealed, and former §305 L. 1936 Ch. 879 renumbered to be §304 by L. 1937 Ch. 618 §7, in effect January 1, 1938.)

§ 305. Changes in budget; approval of budget; line item veto. After the conclusion of such hearings the county legislature may

strike out or reduce any item of appropriation in the county budget. Before, however, inserting any additional item or increasing any item of appropriation, the county legislature must publish, at least twice in the official newspapers, a notice setting forth the nature of the proposed changes in the budget and fixing the time, not less than five days after the second publication, at which it will hold a public hearing thereon. After such hearing, which may be adjourned from day to day, the county legislature may insert the additional item or items and make the increase or increases to the amount in each case indicated by the published notice or to a lesser amount; provided that the county executive may veto any such addition or increase and that no such addition or increase shall be passed over his veto by less than thirteen affirmative votes of the county legislature.

The proposed county budget, as changed, altered or revised, shall be finally approved by ordinance of the county legislature. In approving such budget, the county legislature shall vote separately on that portion of the budget relating to the county legislature.

Within ten days of the final approval of the county budget by the county legislature, the county executive shall have the right to veto any item in such budget that constitutes a change from the budget proposed by the county executive, while at the same time approving the remainder of such budget. In such event, the county executive shall return the budget ordinance to the county legislature with a statement of his reasons for vetoing each such item. The county legislature within seven days thereafter may reconsider any such item. If after such reconsideration thirteen affirmative votes of the county legislature be cast in favor of repassing any such item, such item shall be deemed approved, notwithstanding the veto of the county executive.

(Former §306 L. 1936 Ch. 879 amended and renumbered to b §305 by L. 1937 Ch. 618 §8, in effect January 1, 1938.)

§ 306. Tax levy; county and town budgets.

1. When the county budget shall have been finally adopted, an appropriation ordinance for such budget, with such amendments as may be necessary to make it conform to the budget as adopted, shall

be passed by the county legislature. Upon the passage of such appropriation ordinance, taxes for the ensuing year, including state, county and county special district taxes and assessments, shall be levied not later than the second Monday in September.

2. In the event that a county budget shall not have been finally adopted by the second Monday in September, the clerk of the county legislature shall certify that the budget has not been adopted and shall further certify the amount of the levy for the current fiscal year. The filing of such certificate in the office of the board of assessors shall have the force and effect of a levy of an exigency tax in the amount specified in such certificate. The amount so levied shall be referred to as the exigency tax for the ensuing fiscal year. The exigency tax shall be in an amount equal to one hundred percent of the amount that was levied for county purposes for the current fiscal year. The county legislature shall finally adopt a budget as soon thereafter as is possible and thereupon may levy a residual tax. The residual tax shall be in an amount equal to the difference between the taxes required by such budget and the amount levied as the exigency tax.

3. When the towns have filed their budgets with the county, an ordinance for such budgets shall be passed by the county legislature and taxes for the towns' ensuing fiscal years, including town and town special district taxes and assessments shall be levied not later than the third Monday in December. The county legislature shall fix by ordinance the time by which the town budgets shall be filed for the purpose of making such levy.

(Former §307, L. 1936 Ch. 879 amended and renumbered to be §306 by L. 1937 Ch. 618 §9, in effect January 1, 1938.)

§ 307. Transfers of appropriations; supplemental appropriations. No money shall be spent by the county, nor shall any obligation for the spending of money be incurred, unless in pursuance of the annual appropriation ordinance therefor, except as provided in this section, and the unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year; provided, that nothing herein contained shall be taken to

prevent the making of contracts for improvements or works not to be completed during the fiscal year, and any appropriation in furtherance thereof shall continue in force until the purpose for which it was made shall have been accomplished or abandoned. Transfers of appropriations within the same department may be authorized by the county legislature on the recommendation of the county executive, and transfers between departments may, upon like recommendation, be authorized during the last two months of the fiscal year by the county legislature by ten affirmative votes of the county legislature. Supplemental appropriations from any moneys not otherwise appropriated may be at any time upon recommendation of the county executive by thirteen affirmative votes of the county legislature.

(Amended by L. 1943 Ch. 710§101, as last amended by L. 1945 Ch. 338, in effect September 2, 1945; former §308 L. 1936 Ch. 879, amended and renumbered to be 307, by L. 1937 Ch. 618 §10; amendment required by Local Finance Law §§ 29.00, 30.00 and 40.00.)

§ 308. Work programs; allotments. Immediately before the beginning of the fiscal year the head of each department, institution, office or agency of the county government shall submit to the county executive a work program for the year, which program shall include all appropriations for its operation and maintenance and purchase of equipment, and shall show the requested allotments of said appropriations for such department, institution, office or agency, by quarters, for the entire fiscal year. The county executive shall review the requested allotments in the light of the work program of the department, institution, office, or agency concerned, and may, if he deems necessary, revise, alter, or change such allotments before authorizing the same. The aggregate of such allotments shall not exceed the total appropriation available to said department, institution, office or agency for the fiscal year. The comptroller shall authorize all expenditures for the departments, institutions, offices and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. The approved allotments may be revised during the fiscal year by the county executive, or upon application by the head of any department, institution, office or agency, approved by the county executive. If at any time during the fiscal year the county executive shall ascertain that the probable income, plus fund balances, for the year will be less than the total appropriations, he may reconsider the work programs and allotments

of the several departments, institutions, offices and agencies and revise them so as to forestall the making of expenditures in excess of the said income and fund balances. The term income as used in this section shall include any moneys raised or to be raised by the issuance of bonds or notes authorized to be issued by any ordinance adopted by the county legislature, provided said moneys may lawfully be used to meet such appropriations.

(Former §309 L. 1936 Ch. 879, amended and renumbered to be §308 by L. 1937 Ch. 618 §11, in effect January 1, 1938; former §310 L. 1936 Ch. 879, repealed by L. 1937 Ch. 618 §12, in effect January 1, 1938.)

§ 309. Fiscal year, transition provision. Effective October first, nineteen hundred ninety-six, the fiscal year of the county shall begin on October first of each year and end on the following September thirtieth. In order to give effect to such change in the county's fiscal year, the fiscal year that commences on January first, nineteen hundred ninety-six shall end on September thirtieth, nineteen hundred ninety-six. Notwithstanding anything to the contrary contained in this act, with respect to the fiscal year commencing on January first, nineteen hundred ninety-six, in the event that a county budget shall not have been finally adopted by the third Monday in December, nineteen hundred ninety-five, the clerk of the board of supervisors shall certify that the budget has not been adopted and shall further certify the amount of the levy for the fiscal year ending December thirty-first, nineteen hundred ninety-five. The filing of such certificate in the office of the board of assessors shall have the force and effect of a levy of an exigency tax in the amount specified in such certificate. The amount so levied shall be referred to as the exigency tax for the fiscal year ending September thirty, nineteen hundred ninety-six. The exigency tax shall be in an amount equal to seventy-five percent of the amount that was levied for county purposes for the year ending December thirty-first, nineteen hundred ninety-five. The board of supervisors or the county legislature, as the case may be, shall finally adopt a budget as soon thereafter as is possible and thereupon may levy a residual tax. The residual tax shall be in an amount equal to the difference between the taxes required by such budget and the amount levied as the exigency tax.

ARTICLE IV
Comptroller

- Section 401. Election; powers.**
402. Duties.
403. Restrictions on payment of claims.
404. Accounts.
405. Special district audits.

§ 402. Duties. The comptroller shall:

- 1. keep and supervise all accounts which may be required for purposes of administrative direction and financial control;**
- 2. prescribe the form of receipts, vouchers, bills, or claims to be filed by all departments, institutions, offices and agencies of the county government;**
- 3. examine and approve all contracts, purchase orders, and other documents by which the county incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will be available when such obligations shall have become due and payable, and record such obligations as encumbrances of the respective appropriations from which such obligations are to be paid;**
- 4. audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the county, and determine the regularity, legality, and correctness of the same;**
- 5. prepare monthly reports of all receipts and expenditures of the county and submit the same to the county executive, the county legislature, and the head of each department, institution, office or agency directly concerned;**
- 6. examine and audit of his own motion or when directed to do so by resolution of the county legislature, the accounts and records of any town or special district and make reports from time to time when requested by the county executive or county legislature on the financial condition of the county or any or all of its political subdivisions;**

7. prescribe the form of, inspect and annually audit any accounts or records of financial transactions which may be maintained by any department, institution, office or agency of the county apart from, or subsidiary to, the general accounts;

8. in connection with the proposed county budget for each fiscal year, on or before the date of the annual budget hearing required by section three hundred four of this act, render an opinion as to the reasonableness of the estimates contained in such proposed budget relating to non-real property tax revenues;

9. on or before the first day of June of each year commencing June first, nineteen hundred ninety-seven, prepare a report on the status of the budget for the first six months of the current fiscal year, which shall include an opinion, for such period, as to whether a surplus or deficit shall exist; and

10. perform such other duties pertaining to the financial records of the county as may be directed by the county legislature, the county executive or by any law or by any fiscal officer of the state authorized so to do by law.

(Amended by L. 1937 Ch. 618 §14, in effect January 1, 1938.)

§ 404. **Accounts.** Accounts shall be kept for each specific item of appropriation made by the county legislature, and every warrant on the treasury shall state specifically against which of said appropriations the warrant is drawn. Each such account shall show in detail the appropriation made by the county legislature, any transfer to or from such appropriation, the amount drawn thereon, unpaid obligations charged against it, and the unencumbered balance to the credit thereof.

ARTICLE VI Department of Assessment

- Section 601. County board of assessors.
602. Duties of board.
603. Rules and regulations.

- 604. Duty of other officers to furnish information.
- 605. Duties of chairman.
- 606. Publicity of roll; hearing.
- 607. Correction of roll; extension of taxes.
- 608. Use of county assessment roll by village or city.
- 609. Town assessors abolished.

§ 601. County board of assessors. There shall be a county board of assessors, two to be appointed from the most populous town and one from each other town by the county executive subject to confirmation by the county legislature for terms of four years beginning with the first day of January nineteen hundred fifty, and one to be elected from the county at large. For the purpose of the appointment of members of the board of assessors, any city heretofore or hereafter created from the territory of any town shall be considered to be part of that town. The member elected at large shall be the chairman of the board of assessors, shall preside at all meetings of the board and shall act as its executive officer. The board shall select from its appointed members a vice-chairman who, in the absence of the chairman or during his inability to act, shall have all the powers and perform all the duties of the chairman. Within the appropriation therefor there shall be a secretary to the board who shall be appointed in the same manner as other employees of the board. The members of the board of assessors shall receive compensations to be fixed by ordinance. A member of the county board of assessors shall not engage directly or indirectly in the business of real estate broker, or as an insurance agent or broker, nor shall he speculate or deal in real estate. Except as otherwise specifically provided in this act, the board of assessors and members of the board of assessors shall act only by resolution of the board of assessors adopted by a majority of the members thereof.

(Amended by L. 1948, Ch. 658; L. 1954, Ch. 470; Local Law No. 8-1973, in effect October 1, 1973.)

§ 603. Rules and regulations. It shall be the duty of the board of assessors to adopt such rules and regulations for the guidance of its deputy assessors in the performance of their duties as will establish an equitable and scientific system of assessing property for taxation.

Such system shall provide for recording separately the value of each parcel of land and the value of any building or structure thereon. It shall be the duty of the board of assessors to prepare and maintain tax maps and land value maps which shall be completed as promptly as possible and in no event later than three years from the effective date of this act. The expense of preparing and acquiring such maps shall be a county charge and the county legislature may raise the necessary funds required for such purposes in whole or in part by the issuance of the bonds of the county therefor. The tax maps shall show the dimensions of each separately assessed parcel of land within the county, and the land value maps shall show the value per foot, according to a standard unit of depth, of all lots abutting on any street, highway or other public way or place in the county; but as to acreage tracts the land value maps shall show the value per acre. Upon the completion of such tax maps and the land value maps, the board of assessors shall, and at any time prior thereto may further adopt rules for the determination of: (1) the value of property not of the standard unit of depth shown on the land value maps, (2) the effect of side street influence on the value of property located at intersections, (3) the value of property of odd shapes and sizes: and (4) the value of buildings and structures which shall include the factors of cost of construction on some unit basis for each type of construction based on either area or content, depreciation, obsolescence, and market value. The rules so adopted, and all amendments thereof, shall be published and made available to any taxpayer of the county upon application to the board of assessors.

The tax map in existence on July first, nineteen hundred forty-six is hereby continued and shall be thereafter known as the "county land and tax map." The board of assessors shall make such changes in the county land and tax map as from time to time may be necessary to keep such map accurate to serve as the tax map of the board of assessors and for the recording and indexing work of the county clerk, delineating particularly all streets, avenues, roads, boulevards, parkways and waterfronts of the county and all blocks bounded by such streets, avenues, roads, boulevards, parkways and waterfronts and all the sections into which the county shall be divided.

(Amended by L. 1946 Ch. 708 §1, in effect July 1, 1946.)

§ 606. Publicity of roll; hearing. Upon the completion of the assessment roll one or more copies of the same shall be placed on file in such public places as may be designated by the board of assessors. The board of assessors shall forthwith adopt and cause to be published in the official newspapers, during the first week in January, a resolution stating that the roll has been completed, designating the places where the several portions of the same have been placed on file and where they may be examined during business hours every business day and at least one evening each week until the third Tuesday of January on which day at the designated times and places, at least one place in each town, any person aggrieved by the assessment may appear and be heard in relation thereto.

(Amended by L. 1944 Ch. 719, in effect January 1, 1945.)

§ 607. Correction of roll; extension of taxes. a. For the purpose of expediting the hearing of complaints, any member of the board of assessors or a deputy assessor, designated by the chairman, may sit to hear complaints and report their recommendations thereon with the reasons therefor to the board of assessors. Such hearing shall have the same effect as a hearing before the full board of assessors. When all the complaints have been heard the board of assessors shall make corrections, if any, in the assessment roll as they deem necessary and shall transmit to the county legislature a statement, verified by oath of the chairman of the board of assessors, of the total assessed valuation of the county and of each town, city, village, school district and each special district and works benefit area, and a similar statement of the assessed valuation of each city and village to the respective governing bodies thereof. When the county legislature shall have adopted the budget and levied the taxes and assessments on the properties in the towns and cities for the ensuing fiscal year, the board of assessors shall extend such taxes and assessments by placing on the roll opposite the valuation of each parcel of property in the towns and cities the sum to be paid in taxes thereon on account of such levy. When the taxes and assessments have been so extended, a copy of that portion of the roll which contains the properties situated in each town or city shall be delivered to the receiver of taxes thereof and the board of assessors shall file with the clerk of the county

legislature a certificate to the effect that such taxes and assessments have been so extended in accordance with the ordinance levying such taxes and assessments. Such certificate of the board of assessors when so filed shall be conclusive as to the extension of such taxes and assessments in accordance with such ordinance, and thereupon a warrant for the collection of such taxes and assessments shall be delivered to the receiver of each town or city, which warrant shall be sealed with the seal of the county and signed by the county executive or, in his absence or inability to act, by the presiding officer of the county legislature and by the clerk of the county legislature and shall be in such form as may be otherwise provided by law and shall be annexed by the clerk of the county legislature to such portion of said roll delivered to each receiver at the end thereof. The receivers of taxes of the towns and cities shall attend at the office of the clerk of the county legislature with the portion of said roll to which said warrant is to be annexed and to receive the warrant so annexed. Any surplus existing or hereafter arising from the extension of taxes in excess of the amounts raised for the adopted budget shall be credited to the county, and any deficiencies existing or hereafter arising from the extension of taxes for the adopted budgets shall be a county charge.

b. When the county legislature shall have adopted the budget by the second Monday in September, and shall have levied the taxes and assessments for county purposes on the properties in the towns and cities for the ensuing county fiscal year, and shall have levied the taxes and assessments for town purposes by the third Monday in December, in each instance the board of assessors shall extend such taxes and assessments by placing on the roll opposite the valuation of each parcel of property in the towns and cities the sum to be paid in taxes thereon on account of such levies.

(Amended by L. 1949 Ch. 444, in effect April 6, 1949; previously amended by L. 1939 Ch. 697 and Ch. 844 and by L. 1940 Ch. 600 and by L. 1942 Ch. 331 and by L. 1943 Ch. 203. Construction clauses contained in L. 939 Ch. 844 and L. 1940 Ch. 600 are not reprinted here.)

ARTICLE VIII
Department of Police

- Section 801. Department established.
802. Powers and duties.
803. Entrance into and withdrawal from county police districts.
804. Contracts with county police department.

§ 803. Entrance into and withdrawal from county police district. Any city may by ordinance, and any village or police district not a part of the county police district at the date on which this act becomes effective in the county may by resolution of its board of trustees or other governing body, request that the territory of such city, village or police district become a part of the county police district on the first day of the county's fiscal year next succeeding the effective date of such ordinance or resolution and that its police force be made part of the county police force. Thereupon, the county legislature, if it shall approve the request, may, by resolution, constitute the territory of such city, village or town police district a precinct or a part of the precinct of the county, and constitute the police force of such city, village or town police district members of the police force of the county. In the instance of any city, or of a village or town police district to which the rules of the state civil service commission have been extended, the police force of such city, village, or town police district shall become members of the police force of the county with such rank as shall be certified to the county legislature by the civil service commission having jurisdiction thereof. In the case of all other villages or town police districts, the police force of such village or town police district shall become members of the police force of the county with such rank as may be agreed upon by the county legislature and the governing body of such village or town police district. Any such city or village may withdraw from the county police district on the last day of any county fiscal year, provided that such ordinance or resolution shall not go into effect for thirty days after its adoption, and if in the meantime a petition of qualified electors equal to ten per centum of the total vote cast in such city or village at the last preceding city or village election shall be filed

with the city or village clerk, as the case may be, such ordinance or resolution shall be referred to the people at the next ensuing city or village election, and shall not take effect unless a majority of those voting on the proposition vote in the affirmative; provided that such former police of such city or village as at that time are members of the county police department shall by the act of such withdrawal be returned to their former status as members of such city or village police.

(Amended by L. 1937 Ch. 618 §22, in effect January 1, 1938.)

ARTICLE XI County Attorney

- Section 1101. County attorney; employees.
1102. General powers and duties.

§ 1102. General powers and duties. The county attorney shall represent the county and all departments, officers, institutions and agencies thereof in all litigation and proceedings, shall act as legal adviser of the county and all departments, institutions, officers, agencies, or offices thereof, draw contracts, ordinances, resolutions or local laws at the request of the county executive and shall have such other powers and duties, not inconsistent with the terms of this act, as are now, or may hereafter be, conferred or imposed by law or ordinance. The county attorney upon the request of the governing body of any city, town, village, school district, special district or public authority operating within the county and with which the county has a relationship, may act as the legal adviser or representative thereof on such terms as may be agreed upon between the county executive and the said governing body.

(Amended by L. 1937 Ch. 618 §25; Local Law No. 2, 1974, in effect February 25, 1974.)

ARTICLE XII
Department of Public Works

- Section** 1201. Department established; employees.
 1202. General powers and duties.
 1203. Entry for survey purposes.
 1204. Lighting of highways.
 1205. Snow removal.
 1206. Contracts with towns villages, cities and districts.
 1207. Water supply and garbage and refuse plans.
 1208. Construction or acquisition and maintenance of certain works or facilities.
 1209. Engineers and other employees.
 1210. Emergency power of supervisors to regulate use of water.
 1211. Works benefit areas.
 1212. Regulation of use of works or facilities.
 1213. Definitions.
 1214. Public hearings.
 1215. Necessity for county sewer system in Nassau County.
 1216. Powers of county.
 1217. Acquisition of existing facilities.
 1218. Contracts for sewage disposal.
 1219. General sewerage plan.
 1220. Approval by state agencies.
 1221. Approval of sewer facilities provided by other agencies.
 1222. County sewer districts.
 1223. Petitions requiring reconsideration of ordinance establishing or extending districts.
 1224. Hearing on changes in plan.
 1225. Construction of sewer facilities as local improvement.
 1226. Annual assessment rolls.
 1227. Annual budgets of county sewer districts.
 1228. Annual levy of taxes or assessments.
 1229. Review of ordinances.
 1230. Bonds.

- 1231. Service charges.
- 1232. Statement of water consumption.
- 1233. Collection of service charges.
- 1234. Service outside of districts.
- 1235. Rules and regulations.

§ 1226. Annual assessment rolls. If the expense of constructing any sewer facility or sewer facilities is required to be apportioned to and assessed upon and collected from the several lots or parcels of land especially benefited thereby, the department of public works shall, immediately after the completion of such sewer facility or sewer facilities, file with the board of assessors a statement in detail showing the actual and complete cost thereof and the comptroller shall, on or before August first in each year, file with the board of assessors a statement showing the total amount which will be required to reimburse the county for the principal of and interest on bonds issued by the county to finance the construction of such sewer facility or sewer facilities, payable during the ensuing fiscal year. The board of assessors shall assess the amount shown by such statement on such lots and parcels of land in proportion as nearly as may be to the benefit which each lot or parcel of land will derive from the construction of such sewer facility or sewer facilities and shall prepare an assessment roll which shall describe each such lot or parcel of land in such manner that the same may be ascertained and identified and shall show the name or names of the reputed owner or owners thereof and the aggregate amount of the assessment levied upon such lot or parcel of land. Such assessment roll shall be filed with the clerk of the county legislature not later than the next succeeding September first. The county legislature shall hold a public hearing thereon. Notice of such public hearing shall recite that the assessment roll has been completed and filed with the clerk of the county legislature and shall state that at the time and place fixed for such public hearing the county legislature will meet and hear and consider any objections which may be made to the assessment roll. After holding such public hearing the county legislature may change or amend the assessment roll as it may deem necessary or just and may confirm and adopt the assessment roll as originally proposed or as amended or changed or it may annul the assessment roll and order the board of assessors to proceed anew and to prepare another assessment roll. No action or proceeding shall be maintained to set aside, vacate, cancel, annul,

review, reduce or otherwise test or affect the legality or validity of any assessment made by any assessment roll unless such action or proceeding shall be commenced within thirty days after the assessment roll shall have been adopted.

(Added by L. 1945 Ch. 897 §5, in effect April 20, 1945.)

ARTICLE XVI Department of Planning

- Section 1601. Department established; planning commission; members; terms; vacancies.
1602. Organization; employees.
1603. Duties of the department.
1604. Method of operation.
1605. Official maps in unincorporated territory.
1606. Zoning powers of towns, cities and villages continued.
1607. Extension of zoning powers of towns.
1608. Power to zone within three hundred feet of boundary restricted.
1609. Filing of ordinances and maps.
1610. Approval of plats; penalty for use of unapproved plat.
1611. Environmental quality review.

§ 1601. Department established; planning commission; members, terms; vacancies. There shall be a county planning department, the head of which shall be a county planning commission which shall consist of nine members appointed by the county executive, all of whom shall be residents of the county so appointed that there shall be at least one member of the board a resident of each of the several towns. Among the nine members of the board at least four members shall also be a resident of an incorporated village and provided further, at least one member shall be a person who has been an active member of an environmental or conservation

organization or has an undergraduate or graduate degree in a field of study related to the protection of the environment or the conservation of natural resources; at least one member shall be a person who has been an active member of an organization formed for the purpose of advocating the interests of businesses within the county or an active member of a chamber of commerce; and at least one member shall be a person who has been an active member of an organization formed for the purpose of advocating the interests of businesses within the county or an active member of a chamber of commerce; and at least one member shall be a person who has been an active member of an organization formed for the purpose of advocating the interests of the minority residents of the county, or a person who has been a member of a community development agency or a public housing agency or authority.

The terms of office of the members of the planning commission appointed to serve terms which commenced prior to January first, nineteen hundred ninety-six shall terminate December thirty-first, nineteen hundred ninety-five. For those members appointed to serve on the planning commission on or after January first, nineteen hundred ninety-six the term of office shall be three years, except for those initially appointed who shall serve staggered terms as follows: three members for terms commencing January first, nineteen hundred ninety-six and expiring December thirty-first, nineteen hundred ninety-six (one year); three members for terms commencing January first, nineteen hundred ninety-six and expiring December thirty-first, nineteen hundred ninety-seven (two years); and three members for terms commencing January first, nineteen hundred ninety-six and expiring December thirty-first, nineteen hundred ninety-eight (three years). When making the initial appointments the county executive shall indicate the length of the term of each member.

For the purpose of making the above appointments any city heretofore or hereafter created from the territory of any town shall be considered to be part of that town.

Vacancies shall be filled by appointment of a county resident as described above with respect to which such vacancy has occurred.
(Amended by L. 1955, Ch. 848, in effect May 1, 1955.)

§ 1604. Method of operation. In the performance of its duties as set forth in section sixteen hundred three the department of planning, under the general supervision of the county planning commission, shall:

a. Study the characteristics of and trends in population, economic activity, land use, and related aspects of physical development in the county, taking into account conditions affecting such characteristics and trends both within the county and having a bearing on the county as a part of the intercommunity composite of the New York metropolitan area. In furtherance of the provisions of this paragraph, the county planning commission shall, no later than January first, nineteen hundred ninety-nine, prepare and adopt a comprehensive master plan for the development of the entire area of the county which master plan shall include studies and recommendations regarding highways and transportation, economic development, parks, public water supply, air quality, solid waste disposal, historic preservation, wastewater treatment, open space preservation, environmental conservation, future land use and availability of housing. Such master plan shall be revised and updated whenever and as often as the county planning commission may deem it for the public interest, but at least once every five years after its initial adoption. Nothing herein shall be construed as limiting or diminishing the powers and authority of the several towns, cities and villages within the county to exercise, amend and enforce their own zoning and land use codes and local laws and to publish and adopt a comprehensive plan limited to such town, city or village.

b. Make such studies of and recommendations and plans relating to such phases of the physical development of the county as may be directed from time to time by the county executive or the county legislature.

c. Provide, within its ability to do so within the funds appropriated for its work, such information relating to the physical development of the county as may be requested by other departments or officials of the county government.

d. Maintain information as to the activities of and the regulations in effect in the cities, incorporated villages, and towns in the county that relate directly to the physical development of the respective territories thereof and, within its ability to do so within the funds appropriated for its work, advise the planning boards and the other officials of such cities, incorporated villages, and towns, either on their request or on the initiative of the department of planning with respect to such activities and regulations and revisions therein.

(Former §1604 repealed, new §1604 added by L. 1956, Ch. 917, in effect April 20, 1956.)

ARTICLE XXI Miscellaneous Officers

- Section 2102. Commissioner of Consumer Affairs.
2103. Park and recreation commission; powers and duties.
2103-a. Department of recreation and parks.
2104. Hospitals and sanatoria.
2104-a. Division of Purchase established
2104-b. Duties; purchase of supplies; materials and equipment.
2105. Employment of Volunteer Workers.
2106. Judicial officers; school officers.
2107. Department of mental health, mental retardation and developmental disabilities.
2108. Department of Labor (Repealed).
2109. Department of Commerce and Industry. (Repealed).
2110. Department of Senior Citizen Affairs.
2111. Office of Employment and Training (Repealed).
2112. Office of Minority Affairs.

§ 2112. Office of minority affairs. 1. There shall be an office of county government known as the office of minority affairs, the head of which shall be the executive director of minority affairs, who shall be appointed by the county executive, subject to confirmation

by the county legislature; provided that prior to the appointment of any person to serve in such position, the county executive shall take into consideration the candidate or candidates recommended by the minority affairs council created pursuant to subdivision four of this section. The executive director of minority affairs shall receive such compensation as may be provided by ordinance. Subject to sufficient budget appropriations being made therefor, the executive director of minority affairs shall have the power to appoint such deputies, officers and employees of the office of minority affairs as may be provided by ordinance.

2. The purposes of the office of minority affairs shall be the development, advancement and betterment of economic, employment, business and cultural opportunities for the minority residents of the county and the improvement and stabilization of economically deprived areas in the county. The office of minority affairs shall serve as a central coordinating body for county-funded and county-assisted agencies or offices involved in any of the foregoing purposes.

3. The office of minority affairs shall have the following powers and duties:

a. Assist the various officers of county government in improving the delivery of quality of life services such as social services, mental health, health services, public works projects involving the minority community and public safety.

b. Provide the county executive and the county legislature with "Minority Community Impact" assessments on budgetary actions and policies.

c. Provide access and opportunity for minority participation in county contract and procurement programs.

d. Develop and improve the county's Women and Minority Business Enterprise programs to afford greater opportunities to participate in public contract bidding procedures as well as exploring ways and means to assure their participation.

e. Produce and publish any research papers or studies on issues affecting the minority community.

f. Provide assistance in the implementation of Affirmative Action programs in county government employment, housing and the development of an annual Affirmative Action report required by the county for certain of its state and federal funding sources on employment opportunities for minorities in its work force.

4. a. A minority affairs council is hereby established to advise the executive director of minority affairs on matters concerning the purposes for which the office of minority affairs is created, as set forth in subdivision two of this section. The minority affairs council shall consist of not less than nine members who shall serve at the pleasure of the county executive. In no event shall the executive director of minority affairs serve on the minority affairs council. The county executive shall appoint a deputy county executive to serve on the minority affairs council at all times. The county executive also shall appoint to the minority affairs council such representatives of groups within the county that are, in the county executive's judgment, involved in fulfilling the purposes for which the office of minority affairs is created, or which otherwise may be deserving of representation on the minority affairs council in order for the office of minority affairs to be able effectively to fulfill its purposes. Initially, three of the nine members of the minority affairs council shall be representatives of the Coordinating Agency for Spanish-Americans, the Office of Women's Services and the Economic Opportunity Commission appointed by the county executive, subject to confirmation by the county legislature, which organizations are hereby determined to be involved in fulfilling the purposes for which the office of minority affairs is created, it being understood, however, that such determination shall not confer or be deemed to confer upon such organizations any greater rights or privileges than shall be conferred upon any other advisory committee or similar body for which a representative shall hereafter be appointed to the minority affairs council by the county executive pursuant to subparagraph b of this subdivision four. The other five initial members of the minority affairs council shall be appointed by the county executive, subject to confirmation by the county legislature; provided that prior to the

appointment of any person to serve in such position, or to fill a vacancy in any such position, the county executive shall solicit and take into consideration recommendations to fill such position from the general public and from groups within the county that have been involved in the purposes for which the office of minority affairs is created.

b. If at any time the county executive shall create or recognize any advisory committee or similar body that the county executive determines to be involved in fulfilling the purposes for which the office of minority affairs is created, the county executive, subject to confirmation by the county legislature, may appoint a representative of such committee or body to the minority affairs council, which representative shall be one of the five members referred to in the final sentence of subparagraph a of this subdivision four or, if all such positions already shall be filled with representatives of such advisory committees of similar bodies, then the county executive shall create an additional membership on the minority affairs council in order to accommodate such representative.

c. The minority affairs council shall elect its own officers.

d. In addition to the other duties that may be assigned to it by the executive director of minority affairs, the county executive or the county legislature, whenever there shall be a vacancy in the office of executive director of minority affairs, the minority affairs council shall interview and recommend to the county executive potential candidates for such position.

e. Any group, organization, agency, advisory committee or similar body that shall be represented on the minority affairs council as above provided nevertheless shall continue to operate as an independent office and shall continue to provide its respective services and to implement policy involving such services, in addition to its responsibility for serving on the minority affairs council.

ARTICLE XXII
General Provisions

- Section 2201. Taxation**
- 2202. Pecuniary interest of officers, employees or agents in execution of contracts prohibited.**
- 2203. Pecuniary interest of officers, employees or agents in sales of tax liens or sales of property acquired by tax lien procedure of condemnation proceedings prohibited.**
- 2204. Examination of persons offering to sell property to the county.**
- 2205. Fees not to be retained by officers.**
- 2206. Execution of contracts.**
- 2206-a. Nassau County Veterans Memorial Coliseum.**
- 2207. Publicity of records (Repealed).**
- 2208. Use of patented articles by county.**
- 2209. Requiring use of patented articles.**
- 2210. Ordinances to receive judicial notice.**
- 2211. Official newspapers.**
- 2212. Members of appointive boards and commissions; compensation; absence from meetings; vacancies.**
- 2213. Power to administer oaths and issue subpoenas.**
- 2214. Transfer of records.**
- 2215. Elective officer's salary not to be changed during term.**
- 2216. Continuity of government.**
- 2217. Annual hearing of departments.**
- 2218. Code of ethics.**
- 2219. Capital planning committee.**

§ 2217. Annual hearing of departments. Each year, upon determination by resolution of the county legislature, the head of any department, institution, office and agency of the county government shall be required to appear at a hearing before the county legislature, to report on the activities of such department, institution, office or agency during the preceding fiscal year and on such other matters as may be requested in such resolution of the county legislature.

§ 2218. Code of Ethics.

1. Conflicts of Interest Prohibited.

(a) No officer or employee of the county whether paid or unpaid, shall

(1) Be or become interested directly or indirectly in any manner whatsoever, except by operation of law, in any business or professional dealings with the county or any agency thereof.

(2) Act as attorney, agent, broker, representative or employee in business or professional dealing with the county or any agency thereof for any person, firm or corporation directly or indirectly in any manner whatsoever.

(3) Accept other employment or engage in any business transactions or make any investments directly or indirectly which create a conflict with his or her official duties.

(b) A county officer or employee, whether paid or unpaid, shall promptly recuse himself or herself from acting on a matter before the county when acting on the matter, or failing to act on the matter, may result in a violation of paragraph (a) of this subdivision.

(c) A county officer or employee shall not appear before any agency of the county except on his or her own behalf or on the behalf of the county. As used in this section, "appear" and "appear before" mean communicating in any form, including, without limitation, personally or through another person, by letter, or by phone. Any person who recuses himself or herself pursuant to this paragraph shall as soon as possible thereafter disclose the reasons for such recusal pursuant to subdivision three of this section.

(d) Notwithstanding the provisions hereinbefore set forth, an officer or employee of the county shall not be deemed to be in violation of paragraph (a) of this subdivision for reason of making a contract with the county to serve as a foster parent unless the making

of such contract is in conflict with the proper discharge of his or her official duties.

(e) No legislator, during his term and for a period of two years from the expiration of the term to which he was elected, shall engage in any employment as a lobbyist on behalf of any person, firm, corporation or association doing business with the county.

2. Gifts and Favors. No officer or employee of the county, whether paid or unpaid, shall accept any valuable gift, whether in the form of services, loan, thing or promise or any other form, from any person, firm or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business or professional dealings with the county or any agency thereof.

3. Disclosure of Interest.

(a) Any officer or employee of the county, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency, officer or employee of the county in which he or she has any direct or indirect financial or other private interest, shall be required to disclose in writing his or her interest to such board, agency, officer or employees, and the nature and extent thereof, and shall also report such interest to the board of ethics.

(b) A copy of every disclosure required under paragraph (a) of this subdivision including a copy of every transcript containing such a disclosure shall be promptly transmitted by the board, agency, officer or employee receiving such disclosure to the board of ethics which shall file and maintain same as a public record.

4. Disclosure of Confidential Information. No officer or employee of the county, whether paid or unpaid shall disclose confidential information concerning the property, government or affairs of the county or any other confidential information of an official character except when permitted or required by law, nor shall he or she use such information to advance the financial or other private interests of himself or herself or others.

5. Future Employment. No person who has served as an officer or employee of the county shall, within a period of two years after the termination of such service or employment, appear before any board or agency of the county; provided further, that no such person shall receive compensation for any services rendered on behalf of any person, firm, corporation or association in relation to any case, proceeding or application with respect to which such person was directly concerned or in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

6. Board of Ethics. a. The board of ethics established and created under section 22-4.2 of the Nassau County Administrative Code is hereby continued. Such board shall consist of seven (7) members, five (5) of which shall be appointed by the county executive, subject to the confirmation of the county legislature, all of whom shall reside in the county and who shall serve without compensation and the County Attorney and the Commissioner of Accounts. A majority of such members shall not be officers or employees of the county or any municipality. The members of the board shall elect a chairman. Except for the County Attorney and Commissioner of Accounts, each member shall serve for a term of five (5) years, except the members first appointed shall serve as follows: one such member for a term of five years, one such member for a term of four years, one such member for a term of three years, one such member for a term of two years and one such member for a term of one year.

b. The board shall have the authority to investigate complaints and, to the extent provided by ordinance of the county legislature, to impose penalties, fines and/or other sanctions for actions in violation of this section.

c. The board also shall render advisory opinions with respect to this section, such opinions to be rendered only to the county legislator or officer or employee or the head of his or her department, agency or commission. All requests for opinions must be submitted to the board in writing. Opinions shall be rendered only to the person duly requesting it.

d. Such board shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings.

e. The board shall administer and enforce the provisions of Section 22-4.3(c) of the Nassau County Administrative Code relating to the filing of financial disclosure forms and financial disclosure requirements by county officials, officers, and employees. The board may delegate the daily administrative responsibilities for this function to the Commissioner of Accounts.

7. Penalties. A violation of any of the provisions of this section shall constitute cause for forfeiture of pay, suspension or removal from office or employment in the form and manner as provided by law. Nothing in this section shall limit any other penalties, fines and/or other sanctions which may be provided by law.

8. Exemptions.

(a) The provisions of this section shall not prohibit, or require recusal or transactional disclosure as a result of:

(1) An action specifically authorized by statute, rule, or regulation of the state of New York or of the United States.

(2) A ministerial act.

(3) Gifts:

(A) received by the county officer or employee from his or her parent, spouse or child; or

(B) having an aggregate value of \$75 or less during any twelve-month period; or

(C) accepted on behalf of the county and transferred to the county.

(4) Gifts or benefits having a value of \$50 or less that are received by a county officer or employee listed in section 11 of the Domestic Relations Law for the solemnization of a marriage by that officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.

(5) Awards from charitable organizations.

(6) Receipt of county services or benefits, or use of county facilities, that are generally available on the same terms and conditions to residents or a class of residents in the county.

(7) County officers or employees appearing or practicing before the county or receiving compensation for working on a matter before the county after termination of their county service or employment where they performed only ministerial acts while working for the county.

(b) Notwithstanding the foregoing provisions of this section, any textbook authored by a member of the faculty at Nassau Community College may be sold at the college and a royalty or other financial remuneration may be paid to such author, provided the sale of such a faculty authored textbook shall be made in accordance with the rules and regulations promulgated by the board of trustees of the college.

(c) Notwithstanding the foregoing provisions of this section, a county officer or employee may be a member of a membership corporation or other voluntary non-profit corporation or association doing business with the county, or hold a policy making position with such corporation or association, provided he or she receives no financial remuneration either directly or indirectly for such membership or position with the corporation or association other than expenses actually and necessarily incurred in the performance of his or her duties.

(d) Notwithstanding the foregoing provisions of this section an attending physician or dentist who is employed at the Nassau County Medical Center for teaching purposes, may, nonetheless, enter into a contractual relationship with the county for the purpose of providing

medical and dental care and/or treatment to patients for which he or she may receive financial remuneration directly from the patient cared for and/or treated by him or her at the Nassau County Medical Center.

§ 2219. Capital Planning Committee. In order to provide for the long-term planning and development of capital projects for the County of Nassau, there is hereby created a capital planning committee. The capital planning committee shall consist of the commissioner of public works, the commissioner of general services, the commissioner of recreation and parks, the comptroller, the director of the budget and management office, the planning director, one or more deputy county executives as determined by the County Executive, the county treasurer, the county attorney and four designees of the county legislature, no more than two of whom may be from the same political party.

The capital planning committee shall prepare and adopt a five year capital plan which shall be submitted to the county executive and county legislature by April first of each year commencing April first, nineteen hundred ninety-seven. Said capital plan shall be updated annually. Nothing herein contained shall be deemed to require or preclude the county executive or the county legislature from approving, initiating, acquiring, constructing or financing any capital projects whether or not included in the capital plan. The form and further distribution of the capital plan shall be determined by the capital planning committee.

Section 4. Submission and adoption of referendum. The alternative form of government, including the Final Compromise District Map referred to as Annex A in Section 3 above having been found acceptable by U.S. District Judge Arthur D. Spatt, this local law shall be submitted to the qualified electors of the county at the November, nineteen hundred ninety-four general election as the following county proposition:

"Shall Local Law -1994 be approved, which is entitled 'A LOCAL LAW to amend the County Government Law of Nassau

County, Otherwise Known as the Nassau County Charter (Ch. 879, L. 1936, as amended), by establishing in the place and stead of the Board of Supervisors, a County Legislature consisting of nineteen (19) legislative districts, and various other proposals, as provided herein?"

No provision of this local law shall become operative or effective as provided in Section 5 herein unless and until the same is adopted by the qualified electors of the county at the next general election by receiving a majority of the total votes cast therein in the manner provided in section one hundred fifty-five of the County Government Law of Nassau County.

§ 5. **Effective date.** If the alternative form of government provided by this local law is adopted as above provided, it shall take effect on the first day of January, nineteen hundred ninety-six, except that for the sole and limited purpose of nominating and electing county legislators, if there be a need to do so at the general election in November, nineteen hundred ninety-five, it shall be deemed effective immediately.