

DUTCHESS COUNTY CHARTER

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ARTICLE I

DUTCHESS COUNTY AND ITS GOVERNMENT

Section

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Section 1.01. Title. This Charter, and all amendments hereto, shall constitute the form of government for the County of Dutchess and shall be known and cited as the "Dutchess County Charter."

Section 1.02. Purposes. Among the purposes of this Charter are the securing of maximum county home rule, the separation of legislative and executive functions and the establishment of an efficient and responsible county government.

Section 1.03. County Status, Powers and Duties.
The County of Dutchess shall continue to be a municipal corporation and shall have all the powers and perform all the duties now or hereafter conferred or imposed upon it by this Charter or applicable law, together with all rights, privileges, functions and powers necessarily implied or incidental thereto.

Section 1.04. Effect on State Law. Any State law which is inconsistent with this Charter shall be superseded by this Charter to the extent inconsistent and within the limits prescribed by law.

Section 1.05. Effect on Local Laws and Enactments.
All existing laws, ordinances, legalizing acts and resolutions of the County shall remain operative except where inconsistent with this Charter.

Section 1.06. Definitions. Whenever used in this Charter or the Administrative Code, local laws, ordinances, legalizing acts or resolutions, unless otherwise expressly stated or required by subject matter or context:

(a) "Administrative Code" shall mean the administrative code adopted by and for the County of Dutchess and all amendments thereto;

(b) "board", except as otherwise provided herein, shall mean a body of persons appointed in the manner herein provided for the purpose of studying and advising on matters of continuing County interest;

(c) "Charter" shall mean this Charter and all amendments hereto;

(d) "commission" shall mean a body of persons appointed in the manner herein provided for the purpose of investigating, studying, reporting, drafting and advising on matters of County interest;

(e) "committee" shall mean a body of persons appointed in the manner herein provided for the purpose of investigating, studying or reporting on matters of transitory County interest;

(f) "County" shall mean the County of Dutchess;

(g) "department" shall mean each of those units of the executive branch set forth in Articles IV through XIX herein;

(h) "deputy" shall mean a County Officer authorized by his principal to exercise delegated discretionary powers and duties and to act generally in the place and stead of his principal;

(i) "division" shall mean a part of a department or office of an appointed or elected officer;

(j) "executive branch" shall mean the County Executive and all units of government within his jurisdiction;

(k) "judiciary" shall mean judges;

(l) "legalizing act" shall mean a legislative act, not subject to referendum, which legalizes and validates any act had and taken in connection with a lawful municipal object or purpose by the governing board or other local body, officer or agency of a municipality wholly within the County, in the manner and under the conditions prescribed in the County Law, as amended, or other applicable law;

(m) "legislative branch" shall mean the County Legislature and all units of government within its jurisdiction;

(n) "local law" shall mean a law adopted pursuant to this Charter within the power granted by the Constitution of the State of New York, an act of the State Legislature or a provision of this Charter, but shall not include ordinances, legalizing acts or resolutions;

(o) "officer" shall mean a person in the County government who has authority to exercise some portion of the sovereign power, either in making, executing or administering the laws;

(p) "ordinance" shall mean a legislative act, not subject to referendum, adopted pursuant to this Charter and relating to property or any other subject of County concern not required to be enacted by local law, legalizing act or resolution;

(q) "qualified elector" shall mean a person qualified to cast a ballot in a County election;

(r) "quorum" shall mean a majority of the total number;

(s) "resolution" shall mean a legislative act other than a local law, ordinance or legalizing act, adopted pursuant to this Charter, but not subject to referendum;

(t) "total number" shall mean the number of a duly constituted body if there were no vacancies and no persons disqualified from acting;

(u) "unit" shall mean any department, division or functionally identifiable part of County government.

Section 1.07. County Seal. The official seal of the County of Dutchess shall be in the form of a circle, the lower two-sevenths of which shall depict a furrowed field and the upper five-sevenths sky. In the center of the seal shall appear a sheaf of wheat standing upon the ground and extending almost to the edge of the sky, with stalks extending upward and curving outward and downward. To the right of the sheaf shall be two tall stalks of corn with drooping leaves. Directly in front of the sheaf and resting upon the ground shall be a plow occupying six-sevenths of the horizontal diameter of the circle. Surrounding the circle shall be a rope design; surrounding it, the words "DUTCHESS COUNTY SEAL" in bold upper-case lettering so set that "DUTCHESS COUNTY" extends from the left side across the top to the right side, and "SEAL" appears at the bottom with three five-pointed stars separating the words "DUTCHESS" and "SEAL" on the lower left side and three five-pointed stars separating the words "COUNTY" and "SEAL" on the lower right side. All words shall be in the upright reading position. Surrounding the words and stars shall appear a scroll design, surrounded, in turn, by a solid line. When depicted in color, the background shall be in gold, the printing in royal blue; the ground in gold, yellow and brown; the plow in brown; the corn-stalks and wheat in yellow; the sky in clear light blue; and the shading in royal blue.

Section 1.08. County Flag. The flag of the County of Dutchess shall be composed of three horizontal bars of equal size, the upper bright orange, the middle white and the bottom royal blue, with the seal of the County of Dutchess in the center of the white bar occupying approximately four-fifths of its height. The height of the flag shall be approximately two-thirds of its width.

ARTICLE II

LEGISLATIVE BRANCH

Section

- 2.01 County Legislature; Membership; Election; Term; Reapportionment.^{29, 39}
- 2.02 Powers and Duties.
- 2.03 Local Laws.
 - 2.031 Adoption, Amendment and Repeal.
 - 2.032 Procedure.
 - 2.033 Referenda.
 - 2.034 Effective Date.
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 - 2.041 Adoption, Amendment and Repeal.
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- 2.06 Legalizing Acts.
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- 2.07 Confirmation of Appointments.²⁷
- 2.08 Committees, Commissions and Boards.
- 2.09 Organizational Meeting; Notice.
- 2.10 Monthly and Special Meetings; Notice.
- 2.11 Chairman of the County Legislature; Election; Vacancy.

- 2.12 Clerk of the County Legislature; Appointment; Qualifications; Vacancy; Deputies and Employees.
- 2.13 Membership Vacancy; Selection of Interim Successor; Election of Successor; Special Election.
- 2.14 Counsel to the Legislature.

Section 2.01. County Legislature; Membership; Election; Term; Reapportionment.

There shall be a County Legislature composed of Legislators elected from single member districts prescribed in such local laws of reapportionment as may from time to time to be applicable. Each Legislator shall be deemed a County Officer and shall be elected at a general odd-numbered year election for a term of two years. At the time of his/her nomination and election, and throughout his/her term of office, each Legislator shall be and remain an elector of the district from which he/she is elected. Hereafter, the County Legislature, by a Local Law subject to permissive referendum, shall reapportion its membership within two years after the publication of each federal decennial census in a manner consistent with constitutionally and legally accepted principles of legislative representation, but in no event shall the number of Legislators exceed twenty-five (25). Notwithstanding any other provision of this Charter to the contrary, such local law of reapportionment shall not be subject to disapproval by the County Executive.

Section 2.02. Powers and Duties. The County Legislature shall be the legislative, appropriating and policy determining body of the County. Except as may otherwise be provided herein, it shall have and exercise all the legislative powers and duties now or hereafter conferred or imposed by State law or this Charter upon a board of supervisors or a legislative body of a county, and all powers and duties necessarily implied or incidental thereto.

Among such powers and duties, but not by way of limitation, it shall:

- (a) make appropriations, levy taxes, incur indebtedness and adopt the County budget;
- (b) enact, amend or rescind local laws, ordinances, legalizing acts or resolutions, subject to approval of the County Executive as provided in section 3.02 (i) of this Charter;
- (c) adopt, amend or repeal, by local law, an Administrative Code which shall set forth the details of administration of the County government consistent with the provisions of the Charter;
- (d) adopt by resolution all necessary rules and regulations for its own conduct and procedure;
- (e) establish or abolish positions of employment and titles thereof, as provided by law;
- (f) establish by local law one or more offices of deputy to the head of any unit of County government;
- (g) fix by resolution the compensation of all County Officers and employees except members of the Judiciary;

(h) fix by resolution the compensation to be paid from County funds to officers or employees who are not officers or employees of the County;

(i) grant by resolution to its officers and employees vacations, sick leaves, compensatory time and leaves of absence, with or without pay, and adopt rules and regulations in relation thereto;

(j) fix by resolution the number of hours constituting a legal day's work for all classes of County employees and grant to the employing officer or board the power to stagger working hours;

(k) establish by resolution the method for the correction of manifest clerical or other errors or omissions in assessment rolls or returns thereof as authorized by sections 554 and 556 of the Real Property Tax Law, subject to review by the courts;

(l) fix the amount of bonds of officers and employees paid from County funds;

(m) conduct studies and investigations in furtherance of its legislative functions, and in connection therewith obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence necessary or material to such studies or investigations;

(n) legalize and validate by legalizing act any act had or taken in connection with a lawful municipal purpose by a governing board or other body, officer or agency of a local municipality wholly within the County in the manner provided in the County Law;

(o) override the disapproval of legislation by the County Executive pursuant to the provisions of section 3.02 (i) of this Charter by two-thirds (2/3) vote of the total number of its members, and the same shall be duly enacted as originally submitted to him, but if the County Legislature shall fail to override such disapproval within thirty (30) days of the return to it of such legislation, the disapproval shall be final; and

(p) appoint Legislators who shall serve at the pleasure of the County Legislature, unless otherwise required by law, as those members of the Jury board authorized by law to be appointed by a County unit.

Section 2.03. Local Laws.

2.031. Adoption, Amendment and Repeal.

The County Legislature may adopt, amend and repeal local laws by not less than a majority vote of the total number of its members. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the

exercise of such power, and within the limitations provided by the Municipal Home Rule Law, the County may change, supersede or amend any act of the State Legislature.

2.032. Procedure. Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of local laws, including the conduct of referenda in connection therewith, shall be as provided in the Administrative Code or applicable law.

2.033. Referenda. Local laws shall be subject to mandatory or permissive referenda when required by this Charter or applicable law.

2.034. Effective Date. Every local law shall become effective when filed in the Office of the Secretary of State of the State of New York, or on such later date as may be provided therein.

Section 2.04. Ordinances.

2.041. Adoption, Amendment and Repeal. The County Legislature may adopt, amend and repeal ordinances by not less than a majority vote of the total number of its members. Each ordinance shall embrace only one subject and may relate to property or any other subject of County concern not required by this Charter or applicable law to be provided by local law. Ordinances shall not be subject to referenda.

2.042. Procedure. Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of ordinances shall be as provided in the Administrative Code or applicable law.

2.043. Content. Ordinances may provide:

(a) for their enforcement by legal or equitable proceedings in courts of competent jurisdiction;

(b) that violations thereof shall constitute offenses or misdemeanors; and

(c) for punishment for violation by civil penalty or by fine or imprisonment, or by any combination thereof.

Section 2.05. Resolutions.

2.051. Adoption, Amendment and Repeal. The County Legislature may adopt, amend and repeal resolutions by not less than a majority vote of the total number of its members. Each resolution shall embrace only one subject, and may relate to property or any other subject of County concern not required by this Charter or applicable law to be provided by local law or ordinance. Resolutions shall not be subject to referenda.

2.052. Procedure. Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Administrative Code or applicable law.

Section 2.06. Legalizing Acts.

2.061. Adoption, Amendment and Repeal. The County Legislature may adopt, amend and repeal legalizing acts by not less than a majority vote of the total number of its members. Each legalizing act shall embrace only one subject.

2.062. Procedure. Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of legalizing acts shall be as provided in the Administrative Code or applicable law.

Section 2.07. Confirmation of Appointments. Confirmation of appointments, where required by this Charter, shall be by affirmative roll call of the majority of the voting members of the County Legislature, except that if the County Legislature shall fail to take action within sixty (60) days after the filing of written notification of appointment with the Clerk of the County Legislature, such appointment shall be deemed approved.²⁷

Section 2.08. Committees, Commissions and Boards. Members of all citizens' committees, commissions and boards appointed pursuant to section 2.02 (m) of this Charter shall serve at the pleasure of the County Legislature. They shall serve without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature. The Chairman of the County Legislature shall be a member ex officio of all such committees, commissions and boards.

Section 2.09. Organizational Meeting; Notice. The organizational meeting of the County Legislature shall be conducted on or before the first Tuesday after the first Monday in January at the time and place designated in a written notice to be given each legislator by the Clerk of the County Legislature not later than five (5) days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or his inability or failure to act in accordance with the provisions of this section, notice shall be given by the County Clerk.

Section 2.10. Monthly and Special Meetings; Notice. The County Legislature shall fix by rule the time and place of its regular meetings, which shall be conducted at least once each calendar month. No prior notice of such meetings shall be required. Special meetings may be conducted at such times and places and upon such conditions and notice to all members as the County Legislature by rule may provide.

Section 2.11. Chairman of the County Legislature; Election; Vacancy. A Chairman of the County Legislature shall be elected from the membership of the County Legislature at its organizational meeting, or at an adjourned meeting thereof, who shall serve as Chairman for the balance of the calendar year. In the event of vacancy, the County Legislature shall fill the office of Chairman in the manner provided by its rules. Should the County Legislature fail to select a Chairman within thirty (30) days after that office shall become vacant for any reason, however, the County Executive shall appoint a member of the County Legislature

to serve as its Chairman for the balance of the calendar year, as provided in section 3.02 (j) of this Charter.

Section 2.12. Clerk of the County Legislature; Appointment; Qualifications; Vacancy; Deputies and Employees. A Clerk of the County Legislature shall be appointed by the County Legislature at its organizational meeting, or at an adjourned meeting thereof, in the manner provided by its rules. The Clerk shall be and remain an elector of the County, and he shall serve at the pleasure of the County Legislature and until his successor shall be appointed and shall qualify. A vacancy in the office of Clerk shall be filled by the County Legislature. The County Legislature may appoint such Deputy Clerks and employees as it may require.

Section 2.13. Membership Vacancy; Selection of Interim Successor; Election of Successor; Special Election. A Vacancy in the membership of the County Legislature shall be filled during the first thirty (30) days after its occurrence as follows:

(a) in a district lying wholly within the boundaries of one town or city, by a majority vote of the whole board or council governing said town or city;

(b) in a district lying within the boundaries of two or more towns or cities or parts thereof, by a majority weighted vote of all the boards or councils governing said towns or cities assembled collectively for the purpose of filling such vacancy. Such weighting shall be based upon the ratio of population of each town in such district, and divided equally among the members of each separate board or council.

The person selected to fill such vacancy shall take and file his oath of office pursuant to law, and shall be entitled to take his seat on the County Legislature at its next meeting. He shall serve until the first day of January next following the general election at which such vacancy may be filled, at which general election such vacancy shall be filled for the unexpired term, if any.

In the event such vacancy is not filled as herein above provided during the first thirty (30) days after its occurrence, a special election shall be held in the district wherein such vacancy shall have occurred. The person elected at such special election shall take and file his oath of office pursuant to law, and shall be entitled to take his seat on the County Legislature at its next meeting and shall serve for the unexpired term.

Section 2.14. Counsel to the Legislature.¹

There shall be a counsel to the Legislature who shall be appointed by the Chairman of the Legislature subject to the confirmation of the County Legislature. At the time of his appointment, and throughout his term of office, the Counsel to the Legislature shall be and remain duly licensed and entitled to practice law in the State of New York. He shall be appointed on the basis of his legal experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Legislature.

(a) Powers and Duties. Except as may otherwise be provided in this Charter, the Counsel to the Legislature shall, with respect to matters of the County Legislature:

1. render legal advice to the County Legislature;
2. prepare all local laws, ordinances, resolutions, legalizing acts or other legislation upon request of a member of the County Legislature, together with notices and other documents in connection therewith;
3. attend all regular and special meetings of the Dutchess County Legislature. Be available to attend all committee meetings of the Legislature;
4. prepare all necessary memoranda and opinions surrounding the various issues addressed by the legislation of this County;
5. be prepared at all times to give legal counsel to the Legislators and the various officers of the Legislature surrounding their respective functions;
6. perform such other related and nonconflicting duties as may be required by the County Legislature.

(b) Deputies and Assistants. Legal Counsel to the Legislature shall have the power to appoint such Deputy and Assistants and employees of his department as shall be authorized by the County Legislature. At the time of their appointment, and throughout their terms of office, all Deputies and Assistants shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputies and Assistants and employees of the department shall be directly responsible to, and serve at the pleasure of the Counsel to the Legislature, except as otherwise provided by this Charter, the Administrative Code or applicable law.

(c) Acting Legal Counsel to the Legislature. The Legal Counsel to the Legislature, subject to approval by the Legislature, shall designate in writing, and in order of succession, the Deputy and Assistant Counsel who shall be Acting Legal Counsel in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the Legislature and may be revoked at any time by the Legal Counsel to the Legislature filing a new written designation and order of succession. The Acting Legal Counsel shall have all the powers and perform all the duties of the Legal Counsel to the Legislature.

(d) Term of Appointment. The Counsel to the Legislature shall serve for a fixed term of appointment of five (5) years.

(e) Vacancies in the Office of Counsel to the Legislature. A vacancy in the Office of Counsel to the Legislature which occurs during the term of the Counsel to the Legislature shall be filled for the balance of that term by the Chairman of the Legislature. The appointee to the position shall be subject to confirmation by the Legislature.

1 Section 2.14. Counsel to the Legislature. amended in its entirety by Resolution No. 195 of 1978. Local Law #6 of 1978.

25 Section 2.01. County Legislature; Membership; Election; Term; Reapportionment. amended by Resolution No. 199 of 1997. Local Law #12 of 1997.

27 Section 2.07. Confirmation of Appointments. amended by Resolution No. 201033. Local Law # 1 of 2001.

29 Section 2.01. County Legislature; Membership; Election; Term; Reapportionment. amended in its entirety by Resolution No. 209167. Local Law #4 of 2009.

39 Section 2.01. County Legislature; Membership; Election; Term; Reapportionment. amended in its entirety by Resolution No. 2010302. Local Law #5 of 2011.

ARTICLE III

EXECUTIVE BRANCH

Section

- 3.01 County Executive; Election; Term; Qualifications; Compensation.
- 3.02 Powers and Duties.
- 3.03 Committees, Commissions and Boards.
- 3.04 Appointments by County Executive.
- 3.05 Deputy County Executive; How Designated; Powers and Duties.⁴⁰
- 3.05-A Acting County Executive; How Designated; Powers and Duties.⁴⁰
- 3.06 Removal of County Executive.
- 3.07 Vacancy in the Office of County Executive.⁴¹

Section 3.01. County Executive; Election; Term; Qualifications; Compensation.

There shall be a County Executive, who shall be elected in an odd numbered year from the County at large for a term of four years beginning with the first day of January next following his election. He shall be directly responsible to all the people of the County. At the time of his nomination and election, and throughout his term of office, he shall be and remain a qualified elector of the County. He shall receive such compensation as shall be fixed by the County Legislature, but in no event shall his compensation be diminished during a term for which he shall have been elected.

Section 3.02. Powers and Duties. The County Executive shall be the chief executive officer of the County. Except as may otherwise be provided herein, he shall have and exercise all the executive powers and duties now or hereafter conferred or imposed by law or this Charter upon a county executive officer or the executive branch of a county, and all powers and duties necessarily implied or incidental thereto.

Among such powers and duties, but not by way of limitation, he shall:

(a) appoint, except as otherwise provided in this Charter, all department heads and appointive executive officers of the County government, subject to confirmation by the County Legislature;

(b) supervise, direct and control the administration of all departments;

(c) appoint such assistants, officers and employees of his office as may be authorized by the County Legislature;

(d) supervise and direct the internal structure and organization of every unit of the executive branch of the County government, including, except as otherwise provided in this Charter or applicable law, the appointment and dismissal of employees;

(e) appoint, supervise and terminate, subject to the provisions of section 3.03 of this Charter and except as otherwise herein provided, all executive committees, commissions and boards, of which he shall be an ex officio member, to assist him in the exercise of his executive functions and in the planning, formulation and administration of executive policies and programs;

(f) be the chief budgetary officer of the County;

(g) designate one or more official depositories within the County for the deposit and withdrawal of County funds;

(h) approve or disapprove the sufficiency of sureties on official bonds and undertakings;

(i) approve or disapprove in writing every proposed local law; ordinance; legalizing act; or resolution, except those provided in section 2.02 (d) herein, provided that if the

County Executive shall fail to return such legislation to the Clerk of the County Legislature, with reasons in writing, within ten (10) days after submission to the County Executive, or thirty (30) days in the case of a local law, such legislation shall be deemed approved and duly enacted;

(j) appoint a member of the County Legislature to serve as its Chairman for the balance of the calendar year should the County Legislature fail to select a Chairman from among its members within thirty (30) days after that office shall become vacant for any reason;

(k) determine and fix real property equalization rates for each of the County tax districts for County purposes, and file copies of such rates in writing with the Clerk of the County Legislature and State Board of Equalization and Assessment on or before the first day of October of each year;

(l) file with the County Legislature annually on or before the first day of February of each year a written report of the finances of the County and the activities of the executive branch of the County government in such detail and in such manner as he may deem appropriate or as the County Legislature may by resolution specify, and make other reports at such times and in such manner as the County Legislature may by resolution require;

(m) possess all powers and duties with respect to weights and measures;

(n) make purchases and sales of all materials, supplies and equipment, and contract for the rental and servicing of equipment for the County, subject to the provisions of the General Municipal Law;

(o) make, sign and implement all contracts on behalf of the County within authorized appropriations; and

(p) supervise the operations of the County's data processing and machine tabulating equipment.

Section 3.03. Committees, Commissions and Boards. Members of all committees, commissions and boards appointed pursuant to Section 3.02 (e) of this Charter shall serve at the pleasure of the County Executive. They shall serve without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature.

Section 3.04. Appointments by County Executive. Every appointment by the County Executive, whether or not subject to confirmation by the County Legislature, shall be in writing and filed with the County Clerk and the Clerk of the County Legislature within five (5) days of such appointment. Each appointee shall enter upon the duties of his office immediately upon such filing, except that where confirmation by the County Legislature is required pursuant to this Charter, each such appointee shall assume the duties of his office immediately upon such confirmation. The County Executive may appoint a qualified person to serve temporarily as an

acting department head for a period not exceeding forty (40) days in any calendar year unless extended by resolution of the County Legislature.

Section 3.05. Deputy County Executive(s); How Designated; Powers and Duties.

The County Executive may appoint such Deputy County Executive(s) as may be deemed proper, in writing, each subject to confirmation by the County Legislature. After confirmation, such appointment(s) shall be filed with the County Clerk and the Clerk of the County Legislature. Each Deputy County Executive shall serve at the pleasure of the County Executive during the term(s) of Office of the appointive County Executive and shall have such authority as delegated by the County Executive consistent with this Charter. A Deputy County Executive, as authorized by the County Executive, shall have all of the powers and perform all of the duties of the County Executive in the event of the County Executive's absence from the County or temporary inability to perform and exercise the powers and duties of the Office of County Executive.⁴⁰

Section 3.05-A. Acting County Executive; How Designated; Powers and Duties. The County Executive shall designate in writing, and in order of succession, the department heads who shall be Acting County Executive in the event the County Executive and the Deputy County Executive(s) are absent from the County or temporarily unable to perform and exercise the powers and duties of their Offices as set forth above in Section 3.05. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Executive filing a new written designation and order of succession. In the absence of such written designation and order of succession, and in the event of the absence of the County Executive and Deputy County Executive(s) from the County or temporary inability to perform and exercise the powers and duties of their Offices as set forth above in Section 3.05, the County Legislature shall appoint a department head as Acting County Executive. The Acting County Executive shall have all the powers and perform all the duties of the County Executive. In no event shall a Deputy County Executive succeed to the Office of Acting County Executive due to a vacancy in the Office of County Executive only department heads may succeed to that Office.⁴⁰

Section 3.06. Removal of County Executive. The County Executive may be removed from office only in the manner provided in the Public Officers Law.

Section 3.07. Vacancy in the Office of County Executive. In the event of a vacancy in the office of the County Executive as described in Section 30 of the Public Officers Law, the Acting County Executive shall succeed to the office of County Executive, and shall have all of the powers and perform all of the duties of that office. He shall hold the office of County Executive until the commencement of the calendar year next following the first annual election held not less than sixty (60) days after the occurrence of such vacancy, at which annual election a County Executive shall be elected from the County at large for the balance of the unexpired term.⁴¹

ARTICLE IV¹⁰

10 Article IV, Department of Aviation, repealed in its entirety by Resolution No. 318 of 1992. Local Law #8 of 1992.

ARTICLE V

DEPARTMENT OF COMPUTER INFORMATION SYSTEMS

Section

- 5.01 Department of Computer Information Systems;
Commissioner; Appointment; Qualifications; Term.
- 5.02 Powers and Duties.
- 5.03 Deputy Commissioners and Staff.
- 5.04 Acting Commissioner.

Section 5.01. Department of Computer Information Systems; Commissioner; Appointment; Qualifications; Term. There shall be a Department of Computer Information Systems under the direction of the Commissioner of Computer Information Systems, who shall be appointed by the County Executive subject to confirmation by the County Legislature. He shall be appointed on the basis of his professional training and experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 5.02. Powers and Duties. The Commissioner of Computer Information Systems shall be the chief administrative officer of the department. Except as may otherwise be provided in this Charter, he shall have all the powers and perform all the duties conferred or imposed by law upon a county commissioner of computer information systems, and shall perform such other and related duties required by the County Executive or County Legislature.

Section 5.03. Deputy Commissioner and Staff. The Commissioner of Computer Information Systems shall have the power to appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. All such appointees shall be directly responsible to, and serve at the pleasure of, the Commissioner, except as otherwise provided by this Charter, the Administrative Code or applicable law.

Section 5.04. Acting Commissioner. The Commissioner of Computer Information Systems, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and Assistants who shall be Acting Commissioner of Computer Information Systems in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Computer Information Systems shall have all the powers and perform all the duties of the Commissioner.

ARTICLE VI

DEPARTMENT OF FINANCE

Section

- 6.01³⁴ Department of Finance, Commissioner; Appointment; Qualifications; Term.
- 6.02 Powers and Duties.
- 6.03 Deputy Commissioners and Staff.
- 6.04 Acting Commissioner.

Section 6.01. Department of Finance; Commissioner; Appointment; Qualifications; Term. There shall be a Department of Finance under the direction of a Commissioner of Finance, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He/she shall be appointed on the basis of his/her administrative and financial experience and other qualifications for the responsibilities of his/her office. He/she shall be directly responsible to, and serve at the pleasure of the County Executive. There shall be within the Department of Finance, an independent Division of Real Property Tax Services, which shall possess all of the powers and duties set forth in Section 6.11 of the Dutchess County Administrative Code.³⁴

Section 6.02. Powers and Duties. The Commissioner of Finance shall be the chief fiscal officer of the County. Except as may otherwise be provided in this Charter, he shall:

- (a) have charge of the administration of all the financial affairs of the County;
- (b) collect, receive, have custody of, deposit and disburse all fees, revenues and other funds of the County or for which the County is responsible;
- (c) perform all duties of county treasurers or other county officers relating to the collection of taxes;
- (d) maintain tax records of title to real property;
- (e) submit a complete statement of County finance to the County Executive and the County legislature on or before the first day of March and at such other times as either may require; and
- (f) have all the powers and perform all the duties conferred or imposed by law upon a county commissioner of finance, and perform such other and related duties required by the County Executive or County Legislature.

Section 6.03. Deputy Commissioners and Staff. The Commissioner of Finance shall have the power to appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. All such appointees shall be directly responsible to, and serve at the pleasure of, the Commissioner, except where otherwise provided by this Charter, the Administrative Code or applicable law.

Section 6.04. Acting Commissioner. The Commissioner of Finance, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Finance in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Finance shall have all the powers and perform all the duties of the Commissioner.

34 Section 6.01. Department of Finance; Commissioner; Appointment;
Qualifications; Term. Amended by Resolution No. 2010348, Local Law No. 3 of 2011.

ARTICLE VII

DEPARTMENT OF HEALTH

Section

- 7.01 County Health District; Department of Health; Commissioner; Appointment; Qualifications; Term.
- 7.02 Powers and Duties.
- 7.03 Board of Health; Appointment; Powers and Duties.
- 7.04 Deputy Commissioners and Staff.
- 7.05 Acting Commissioner.
- 7.06 Director of Weights and Measures III ³²

Section 7.01. County Health District; Department of Health; Commissioner; Appointment; Qualifications; Term. The County of Dutchess shall be a health district. There shall be a Department of Health under the direction of a Commissioner of Health, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. At the time of his appointment, and throughout his term of office, the Commissioner shall be and remain duly licensed and entitled to practice medicine in the State of New York and shall have such other qualifications as may be required by law. He shall be appointed on the basis of his professional experience and other qualifications for the responsibilities of his office. He shall be directly responsible to and, unless otherwise required by law, serve at the pleasure of the County Executive.

Section 7.02. Powers and Duties. The Commissioner of Health shall be the chief administrative officer of the department. Except as otherwise provided in this Charter he shall have all the powers and perform all the duties conferred or imposed by law upon a county commissioner of health or a county board of health, and shall perform such other and related duties required by the County Executive or County Legislature.

Section 7.03. Board of Health; Appointment; Powers and Duties. There shall be within the department a Board of Health whose members shall be appointed by the County Legislature in the manner and for the term provided in the Public Health Law. The Board of Health, subject to the provisions of the Public Health Law and the State Sanitary Code, shall have the power to formulate, adopt, promulgate, amend or repeal such rules and regulations as may affect public health within the County; to formulate, adopt, promulgate, amend or repeal a County Sanitary Code; to consider any matters that may come to its attention relating to the preservation and improvement of public health within the County, and advise the Commissioner thereon, either at his request or upon its own initiative, and from time to time to make recommendations to the Commissioner thereon.

Section 7.04. Deputy Commissioners and Staff. The Commissioner of Health shall have the power to appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. At the times of their appointment, and throughout their terms of office, all Deputy Commissioners of Health shall be and remain duly licensed and entitled to practice medicine in the State of New York, and shall have such other qualifications as may be required by law. All Deputy Commissioners, assistants and employees of the department shall be directly responsible to, and serve at the pleasure of the Commissioner, except as otherwise provided by this Charter, the Administrative Code or applicable law.

Section 7.05. Acting Commissioner. The Commissioner of Health, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Health in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Health shall have all the powers and perform all the duties of the Commissioner.

Section 7.06. Director of Weights and Measures III. Within the Department of Health, there shall be a Director of Weights and Measures III who shall have the powers and duties of a county director of weights and measures as described in Article 16 of the New York State Agriculture and Markets Law. The Director shall also perform such other and related duties as required by the Commissioner of Health provided such additional powers and duties deal primarily with services designed to aid and protect the consumer and are not inconsistent with the provisions of Article 16 of the New York State Agricultural and Markets Law. ³²

32 Section 7.06. Director of Weights and Measures III. Added by Resolution No. 2010347. Local Law No. 2 of 2011.

ARTICLE VIII

DEPARTMENT OF LAW

Section

- 8.01 Department of Law; County Attorney; Appointment; Qualifications; Term.
- 8.02 Powers and Duties.
- 8.03 Deputy and Assistant County Attorneys and Staff.
- 8.04 Acting County Attorney
- 8.05 Special Counsel.

Section 8.01. Department of Law; County Attorney; Appointment; Qualifications; Term. There shall be a Department of Law, under the direction of a County Attorney, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. At the time of his appointment, and throughout his term of office, the County Attorney shall be and remain duly licensed and entitled to practice law in the State of New York. He shall be appointed on the basis of his legal experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 8.02. Powers and Duties.² Except as may otherwise be provided in this Charter, the County Attorney shall, with respect to County civil matters:

(a) be the sole legal advisor for the County and its executive units including its officers, other than the Legislature and its officers;

(b) prepare all necessary legal papers and instruments pertaining to the County Government exclusive of the preparation of Local Laws, Ordinances, Resolutions, legalizing acts or other legislation and memoranda and opinions in support thereof, which fall within the Powers and Duties of the Counsel to the Legislature;

(c) prosecute or defend all civil matters or proceedings involving the County and its units, including its officers;

(d) have all the powers and perform all the duties conferred or imposed by law upon a County Attorney, except as may be inconsistent with this Charter, and perform such other and related non-conflicting duties required by the County and its units, including its officers, other than the Legislature.

Section 8.03. Deputy and Assistant County Attorneys and Staff. The County Attorney shall have the power to appoint such Deputy and Assistant County Attorneys and employees of his department as shall be authorized by the County Legislature. At the times of their appointment, and throughout their terms of office, all Deputy and Assistant County Attorneys shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy and Assistant County Attorneys and employees of the department shall be directly responsible to, and serve at the pleasure of, the County Attorney, except as otherwise provided by the Charter, the Administrative Code or applicable law.

Section 8.04. Acting County Attorney. The County Attorney, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy and Assistant County Attorneys who shall be Acting County Attorney in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Attorney filing a new written designation and order of succession. The Acting County Attorney shall have all the powers and perform all the duties of the County Attorney.

Section 8.05. Special Counsel. The County Attorney shall have the power to retain special counsel where necessary and within appropriations made therefor.

2 Section 8.02. Powers and Duties. amended in its entirety by Resolution No. 195 of 1978. Local Law #6 of 1978.

ARTICLE IX

DEPARTMENT OF MENTAL HYGIENE

Section

- 9.01 Department of Mental Hygiene; Commissioner; Appointment; Qualifications; Term.
- 9.02 Powers and Duties.
- 9.03 Mental Hygiene Board; Powers and Duties; Vacancies.
- 9.04 Deputy Commissioners and Staff.
- 9.05 Acting Commissioner.

Section 9.01. Department of Mental Hygiene; Commissioner; Appointment; Qualifications; Term. There shall be a Department of Mental Hygiene under the direction of a Commissioner of Mental Hygiene, who shall be appointed by the County Executive on either a full-time or part-time basis; subject to confirmation by the County Legislature. At the time of his appointment, and throughout his term of office, he shall possess the qualifications prescribed by the Mental Hygiene Law and the New York State Commissioner of Mental Hygiene, and he shall be appointed on the basis of his professional experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 9.02. Powers and Duties. The Commissioner of Mental Hygiene shall be the chief administrative officer of the department. Except as may otherwise be provided in this Charter, he shall have all the powers and perform all the duties conferred or imposed by law upon a county commissioner or board of mental health or hygiene, and shall perform such other related duties required by the County Executive and County Legislature.

Section 9.03. Mental Hygiene Board; Powers and Duties; Vacancies. There shall be within the department an advisory Mental Hygiene Board, whose members shall be appointed by the County Legislature in the manner and for the term provided for the appointment of community mental health boards in the Mental Hygiene Law. The Mental Hygiene Board, in consultation with the Commissioner, shall consider matters relating to the mental health needs of the County and shall advise the Commissioner thereon either at his request or upon its own initiative, and from time to time make recommendations to him thereupon. Vacancies in membership occurring other than by expiration of terms shall be filled by appointment of the County Legislature for the respective unexpired terms.

Section 9.04. Deputy Commissioners and Staff. The Commissioner of Mental Hygiene shall have the power to appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. At the times of their appointment, and throughout their terms of office, all Deputy Commissioners shall have such qualifications as may be required by law. Except as otherwise provided by this Charter, the Administrative Code or applicable law, all Deputy Commissioners, assistants and employees of the department shall be responsible to, and serve at the pleasure of, the Commissioner.

Section 9.05. Acting Commissioner. The Commissioner of Mental Hygiene, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Mental Hygiene in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Mental Hygiene shall have all the powers and perform all of the duties of the Commissioner.

ARTICLE X²⁰

20 Article X, Parks, Recreation and Conservation, Dept. of deleted in its entirety by Resolution No. 327 of 1993. Local Law #7 of 1993.

ARTICLE XI

DEPARTMENT OF HUMAN RESOURCES ³⁰

Section

- 11.01 Department of Human Resources ³⁰; Commissioner; Appointment; Qualifications; Term.
- 11.02 Powers and Duties.
- 11.03 Deputy Commissioners and Staff.
- 11.04 Acting Commissioner.

Section 11.01. Department of Human Resources; ³⁰ Commissioner; Appointment; Qualifications; Term. There shall be a Department of Human Resources ³⁰ under the direction of a Commissioner of Human Resources ³⁰, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He shall be appointed on the basis of his administrative experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the County Executive.

Section 11.02. Powers and Duties. Except as may otherwise be provided in this Charter, the Commissioner shall have all the powers and perform all the duties of a municipal civil service commission as provided by the Civil Service Law, and shall perform such other and related duties required by the County Executive or County Legislature.

Section 11.03. Deputy Commissioners and Staff. The Commissioner of Human Resources ³⁰ shall have the power to appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. Except as may otherwise be provided by this Charter, the Administrative Code or applicable law, all such appointees shall be directly responsible to, and serve at the pleasure of, the Commissioner.

Section 11.04. Acting Commissioner. The Commissioner of Human Resources, ³⁰ subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be acting Commissioner of Human Resources ³⁰ in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Human Resources ³⁰ shall have all the powers and perform all the duties of the Commissioner.

30 Article XI. Department of Human Resources. Amended by Resolution No. 2010346. Local Law No. 1 of 2011.

ARTICLE XII

DEPARTMENT OF PLANNING AND DEVELOPMENT¹⁷

Section

- 12.01 Department of Planning and Development;
Commissioner; Appointment; Qualifications; Term.
- 12.02 Powers and Duties.
- 12.03 Planning Board; Appointment; Vacancies.²⁸
- 12.04 Deputy Commissioners and Staff.
- 12.05 Acting Commissioner.

Section 12.01. Department of Planning and Development; Commissioner; Appointment; Qualifications; Term. There shall be a Department of Planning and Development under the direction of a Commissioner of Planning and Development, who shall be appointed by the County Executive subject to confirmation by the County Legislature. He shall be appointed on the basis of his professional training and experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 12.02. Powers and Duties. The Commissioner of Planning and Development shall be the chief administrative officer of the department. Except as may otherwise be provided in this Charter, he shall have all the powers and perform all the duties conferred or imposed by law upon a county commissioner of planning and development or a county planning board, and shall perform such other and related duties required by the County Executive or County Legislature.

Section 12.03. Planning Board; Appointment; Vacancies. There shall be within the Department of Planning and Development an advisory Planning Board consisting of thirteen (13) members. All members shall be residents of Dutchess County. Nine members shall be appointed by the County Executive, subject to confirmation of the County Legislature. Four members shall be appointed by the County Legislature. Of the County Executive appointments, one member shall be a resident of the City of Poughkeepsie and one member shall be a resident of the City of Beacon. Initially, the County Executive shall appoint three members for a term of one year, three members for a term of two years and three members for a term of three years. All subsequent appointments to fill vacancies resulting from the expiration of terms shall be for three years. Of the Legislative appointments, one member shall be a resident of one of the Villages in the County and be appointed for a term of one year. One member shall be appointed for a term of two years and two members shall be appointed for a term of three years. All subsequent Legislative appointments to fill vacancies resulting from the expirations of terms shall be for three years. Vacancies occurring other than by expiration of term shall be filled for the balance of the term remaining in the same manner and by the same appointing authority as the original appointment. In making appointments members should be considered with a background and involvement dealing with housing, conservation, the environment, economic development, infrastructure (including water, sewer and transportation) and planning. The Board shall consider matters relating to metropolitan, regional, county or municipal planning, development, transportation, infrastructure, housing and land use and shall advise the County Legislature, the County Executive and the Commissioner and make recommendations to them. ²⁸

Section 12.04. Deputy Commissioners and Staff. The Commissioner of Planning and Development shall have the power to appoint such Deputy Commissioners, assistants and employees of his department and shall be authorized by the County Legislature. All such appointees shall be directly responsible to, and serve at the pleasure of, the Commissioner, except as otherwise provided by this Charter, the Administrative Code or applicable law.

Section 12.05. Acting Commissioner. The Commissioner of Planning and Development, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Planning and Development in the event of his absence from the County or inability to perform and

exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Planning and Development shall have all the powers and perform all the duties of the Commissioner.

17 Article XII, Department of Planning, amended by Resolution No. 135 of 1993, that all references to the “Department of Planning” or “Commissioner of Planning” shall read “Department of Planning and Development” or “Commissioner of Planning and Development.” Local Law #4 of 1993.

28 Article XII, Section 12.03. Planning Board; Appointment; Vacancies, amended by Resolution No. 203363. Local Law No. 7 of 2003.

ARTICLE XIII

DEPARTMENT OF PUBLIC DEFENDER

Section

- 13.01 Department of Public Defender; Public Defender; Appointment; Qualifications; Term.
- 13.02 Powers and Duties.
- 13.03 Deputy and Assistant Public Defenders and Staff.
- 13.04 Acting Public Defender.
- 13.05 Special Counsel.

Section 13.01. Department of Public Defender; Public Defender; Appointment; Qualifications; Term. There shall be a Department of Public Defender under the direction of a Public Defender, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. At the time of his appointment, and throughout his term of office, the Public Defender shall be and remain duly licensed and entitled to practice law in the State of New York. He shall be appointed on the basis of his legal experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 13.02. Powers and Duties. The Public Defender shall be deemed to be a County Officer. Except as may otherwise be provided in this Charter, he shall have all the powers and perform all the duties conferred or imposed by law upon a public defender, and shall perform such other and related duties required by the County Executive or County Legislature.

Section 13.03. Deputy and Assistant Public Defenders and Staff. The Public Defender shall have the power to appoint such Deputy and Assistant Public Defenders, investigators and employees of his department as shall be authorized by the County Legislature. At the times of their appointment, and throughout their terms of office, all Deputy and Assistant Public Defenders shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy and Assistant Public Defenders, investigators and employees of the department shall be directly responsible to, and serve at the pleasure of, the Public Defender, except as otherwise provided by this Charter, the Administrative Code or applicable law.

Section 13.04. Acting Public Defender. The Public Defender, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy and Assistant Public Defenders who shall be Acting Public Defender in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designations shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Public Defender filing a new written designation and order of succession. The Acting Public Defender shall have all the powers and perform all the duties of the Public Defender.

Section 13.05. Special Counsel. The Public Defender shall have the power to retain special counsel where necessary and within appropriations made therefor.

ARTICLE XIV

DEPARTMENT OF PUBLIC WORKS

Section

- 14.01 Department of Public Works; Commissioner; Appointment; Qualifications; Term.
- 14.02 Powers and Duties.
- 14.03 Deputy Commissioners and Staff.
- 14.04 Acting Commissioner.
- 14.05 Parks, Recreation and Conservation Board; Membership; Appointment; Term; Vacancies.
- 14.06 Parks, Recreation and Conservation Board; Powers and Duties.

Section 14.01. Department of Public Works; Commissioner; Appointment; Qualifications; Term. There shall be a Department of Public Works under the direction of a Commissioner of Public Works, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He shall be appointed on the basis of his professional experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 14.02. Powers and Duties.¹¹ Except as may otherwise be provided in this Charter, the Commissioner shall:

(a) be responsible for the construction, maintenance, supervision, repair, alteration, demolition and custodial care of all County buildings, highways, bridges, parking fields, drives, docks, marinas, preserves, beaches, erosion projects, walks and other facilities in the nature of public works within County jurisdiction or where contractually or otherwise appropriate and lawful; except insofar as such facilities are used for recreation or conservation purposes.

(b) possess such powers and duties with respect to drainage, flood control, watersheds, sanitation, sewerage and water supply as may be prescribed by local law;

(c) supervise and maintain custodial care and control over all buildings and other County owned facilities located upon or used in connection with the County Airport;

(d) supervise and maintain all runways and other facilities located at the County Airport which are subject to control by Federal and State aviation agencies;

(e) be responsible for the operation, supervision, maintenance, construction, repair, alteration and demolition of all County parks and recreational facilities;²¹

(f) promote the use of recreational facilities within the County;

(g) promote and organize recreational activities within the County in coordination with, and supplemental to, the recreational programs and services of the various local governments and districts within the County;

(h) have all the powers and perform all the duties conferred or imposed by law upon a commissioner of public works, a county engineer, and a county superintendent of highways, and perform such other and related duties required by the County Executive or County Legislature.²²

Section 14.03. Deputy Commissioners and Staff. The Commissioner of Public Works shall have the power to appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. All such appointees shall be

directly responsible to, and serve at the pleasure of, the Commissioner, except as otherwise provided by this Charter, the Administrative Code or applicable law.

Section 14.04. Acting Commissioner. The Commissioner of Public Works, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Public Works in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Public Works shall have all the powers and perform all the duties of the Commissioner.

Section 14.05.²⁶ Parks, Recreation and Conservation Board; Membership; Appointment; Term; Vacancies. There shall be within the Department of Public Works a Parks, Recreation and Conservation Board consisting of seven members, three of whom shall be appointed by the Chairman of the County Legislature, and four of whom shall be appointed by the County Executive. Such appointments shall be subject to confirmation by the County Legislature. All members shall reside within the County of Dutchess and not more than four shall be enrolled in the same political party at any time. Members of the board shall serve without compensation, except that the County Legislature may authorize reimbursement for expenses actually incurred by the Board in the performance of its functions. Of the initially appointed members, one shall be appointed by the Chairman of the County Legislature for a term of one year, two shall be appointed by the Chairman of the County Legislature for a term of two years, two shall be appointed by the County Executive for a term of three years and two shall be appointed by the County Executive for a term of four years. Their successors shall be appointed for terms of four years. The Board shall select its own chairman and otherwise organize and reorganize itself in such manner and at such times as it may deem appropriate. Vacancies in membership occurring other than by expiration of terms shall be filled by appointment by the chairman of the County Legislature or the County Executive, as appropriate, for the unexpired term, subject to confirmation by the County Legislature.

Section 14.06.²⁶ Parks, Recreation and Conservation Board; Powers and Duties. Within appropriations authorized therefor, the Parks, Recreation and Conservation Board shall undertake such studies, conduct such research, surveys and investigations and render such advice with respect to recreational activities and conservation programs and practices within the County, including their planning, promotion, organization, maintenance and discontinuance, and including also the acquisition of land, the establishment, development, maintenance, repair, alteration and destruction of recreational and conservation facilities and the promulgation of related rules and regulations, as may be requested from time to time by the County Executive, the County Legislature, the Commissioner of Public Works, or the Director of Parks, or as it may deem appropriate.

11 Section 14.02. Powers and Duties. (a), (b), (c), (d), and (e) amended by Resolution No. 318 of 1992. Local Law #8 of 1992.

21 Section 14.02. Department of Public Works. amended by the addition of (e), (f), and (g) by Resolution No. 327 of 1993. Local Law #7 of 1993.

22 Section 14.02. Powers and Duties. amended by former subparagraph (e) being redesignated (h) by Resolution No. 327 of 1993. Local Law #7 of 1993.

26 Section 14.05. Parks, Recreation and Conservation Board; Membership; Appointment; Term; Vacancies. and Section 14.06, Parks, Recreation and Conservation Board; Powers and Duties., added by Resolution No. 66 of 1994. Local Law #3 of 1994.

ARTICLE XV ³³

33 Article XV, Real Property Tax Service Agency, deleted by Resolution No. 2010348, Local Law No. 3 of 2011.

ARTICLE XVI

DEPARTMENT OF SOCIAL SERVICES

Section

- 16.01 Social Services District; Department of Social Services; Commissioner; Appointment; Qualifications; Term.
- 16.02 Powers and Duties.
- 16.03 Deputy Commissioners and Staff.
- 16.04 Acting Commissioner.

Section 16.01. Social Services District; Department of Social Services; Commissioner; Appointment; Qualifications; Term. The County of Dutchess shall be a social services district, as defined in section 61 subdivision 2, of the Social Services Law. There shall be a Department of Social Services under the direction of a Commissioner of Social Services, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He shall be appointed on the basis of his professional experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the County Executive.

Section 16.02. Powers and Duties. Except as may otherwise be provided in this Charter, the Commissioner shall manage and supervise all social services institutions and facilities owned or operated by the County. In addition, he shall have all the powers and perform all the duties conferred or imposed by law upon a county commissioner of social services, and perform such other and related duties required by the County Executive or County Legislature.

Section 16.03. Deputy Commissioners and Staff. The Commissioner of Social Services shall have the power to appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. Such persons shall meet the qualifications prescribed by the Social Services Law and the Commissioner of Social Services of the State of New York. Except as otherwise provided in this Charter, the Administrative Code or applicable law, all such appointees shall be directly responsible to, and serve at the pleasure of, the Commissioner.

Section 16.04. Acting Commissioner. The Commissioner of Social Services, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Social Services in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Social Services shall have all the powers and perform all the duties of the Commissioner.

ARTICLE XVII

DEPARTMENT OF SOLID WASTE MANAGEMENT

Section

- 17.01 Department of Solid Waste Management;
Commissioner; Appointment; Qualifications; Term.
- 17.02 Powers and Duties.
- 17.03 Solid Waste Management Board.
- 17.04 Deputy Commissioners and Staff.
- 17.05 Acting Commissioner.

Section 17.01. Department of Solid Waste Management; Commissioner; Appointment; Qualifications; Term. There shall be a Department of Solid Waste Management under the direction of a Commissioner of Solid Waste Management, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He shall be appointed on the basis of his professional experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 17.02. Powers and Duties. The Commissioner of Solid Waste Management shall be the chief administrative officer of the department. Except as may otherwise be provided in this Charter, he shall be responsible for the formulation and implementation of a workable program for the collection and sanitary disposal of solid waste in the County, including the integration of both public and private facilities for accepting, hauling, processing, and disposing of solid waste generated within the County. He shall be responsible for the construction and operation of any such facilities owned or managed by the County, shall maintain a continuing physical and economic analysis of the operation, and shall regularly report the same with appropriate recommendations to the County Executive. He shall have all the powers and perform all the duties imposed upon him by law, and shall perform such other and related duties required by the County Executive or County Legislature.

Section 17.03. Solid Waste Management Board. There shall be within the department an advisory Solid Waste Management Board whose members, except as otherwise provided herein, shall be appointed by the County Legislature. Its membership shall include the Commissioners of Health, Finance, Planning and Development and Public Works. The Board shall consider matters relating to solid waste disposal within the County and shall advise the Commissioner thereon either at his request or upon its own initiative, and from time to time make recommendations to him thereupon.

Section 17.04. Deputy Commissioner and Staff. The Commissioner of Solid Waste Management shall have the power to appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. Except as otherwise provided by this Charter, the Administrative Code or applicable law, all such appointees shall be directly responsible to, and serve at the pleasure of, the Commissioner.

Section 17.05. Acting Commissioner. The Commissioner of Solid Waste Management, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Solid Waste Management in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Solid Waste Management shall have all the powers and perform all the duties of the Commissioner.

ARTICLE XVIII¹⁹

DEPARTMENT OF EMERGENCY RESPONSE

Section

- 18.01 Department of Emergency Response;
Coordinator; Appointment; Qualifications; Term.
- 18.02 Powers and Duties.
- 18.03 Assistant and Staff.

Section 18.01. Department of Emergency Response; Coordinator; Appointment; Qualifications; Term. There shall be a Department of Emergency Response under the direction of an Emergency Response Coordinator, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He shall be appointed on the basis of his administrative experience and other qualifications for the responsibilities of his office. The Emergency Response Coordinator shall be directly responsible to, and serve at the pleasure of, the County Executive. The Department of Emergency Response shall be the Office of Civil Defense for the County of Dutchess.

Section 18.02 Powers and Duties. The Emergency Response Coordinator shall be the Director of Civil Defense and in addition shall possess all the powers and perform all of the duties now or hereafter conferred or imposed by law upon a county fire coordinator. The Emergency Response Coordinator shall perform such other duties as may be required by the County Executive or the County Legislature.

Section 18.03. Assistant and Staff. The Emergency Response Coordinator shall have the power to appoint an assistant and such employees as shall be authorized by the County Legislature, all of whom shall be responsible to him and shall serve at his pleasure. The Assistant Emergency Response Coordinator shall serve as Assistant Director of Civil Defense and shall perform such other and related duties required by the Director, the County Executive or the County Legislature. In addition, the Emergency Response Coordinator shall have the power to appoint such Deputy Emergency Response Coordinators as he may deem appropriate. Such Deputies shall serve without compensation and at the pleasure of the Emergency Response Coordinator. The names of Deputy Emergency Response Coordinators shall be duly filed by the Emergency Response Coordinator with the County Clerk and the Clerk of the County Legislature.

19 Article XVIII, Department of Emergency Response, added in its entirety by Resolution No. 328 of 1993. Local Law # 8 of 1993.

ARTICLE XX
COMPTROLLER

Section

- 20.01 Comptroller; Election; Term; Qualifications.
- 20.02 Powers and Duties.
- 20.03 Deputy Comptrollers and Staff.
- 20.04 Acting Comptroller.
- 20.05¹²

Section 20.01. Comptroller; Election; Term; Qualifications. There shall be a Comptroller, who shall be elected from the County at large for a term of four years beginning with the first day of January next following his election. At the time of his nomination and election, and throughout his term of office, the Comptroller shall be and remain a qualified elector of the County.

Section 20.02. Powers and Duties. The Comptroller shall be the chief accounting and auditing officer of the County. Except as may otherwise be provided in this Charter he shall:

(a) maintain records of appropriations, encumbrances and expenditures, and prescribe approved methods of accounting for all units of County government, unless otherwise required by the State Comptroller;

(b) certify the availability of funds for all requisitions, contracts, purchase orders and other documents by which the County incurs financial obligations or for the expenditure of funds for which the County is responsible;

(c) prescribe the form of receipts, vouchers, bills, and claims, unless otherwise required by the State Comptroller;

(d) audit and certify for payment all lawful claims or charges against the County, whether for payroll or otherwise, or against funds for which the County is responsible in whole or in part;

(e) audit the financial records and accounts of all units of County government charged with any duty relating to funds of the County or for which the County is responsible;

(f) submit reports to the County Executive or County Legislature in such form and detail and at such times as either may require; and

(g) have all the powers and perform all the duties conferred or imposed by law upon a county comptroller, and perform such other related duties required by the County Executive or County Legislature.

Section 20.03. Deputy Comptrollers and Staff. The Comptroller shall have the power to appoint such Deputy Comptrollers, assistants and employees of his office as shall be authorized by the County Legislature. All such appointees shall be directly responsible to, and serve at the pleasure of, the Comptroller, subject to applicable law.

Section 20.04. Acting Comptroller. The Comptroller shall designate in writing, and in order of succession, the Deputy Comptrollers and assistants who shall be Acting Comptroller in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Comptroller filing a new written designation and order of succession. The Acting Comptroller shall have all the powers and perform all the duties of the Comptroller.

12 Section 20.05. Exception to Certain Duties. repealed in its entirety by Resolution No. 575 of 1976. Local Law #12 of 1976.

ARTICLE XXI
COUNTY CLERK

Section

- 21.01 County Clerk; Election; Term; Qualifications.
- 21.02 Powers and Duties.
- 21.03 Deputy County Clerks and Staff.
- 21.04 Acting County Clerk.

Section 21.01. County Clerk; Election; Term; Qualifications. There shall be a County Clerk, who shall be elected from the County at large in accordance with applicable State law beginning with the first day of January next following his election. At the time of his nomination and election, and throughout his term of office, the County Clerk shall be and remain a qualified elector of the County.

Section 21.02. Powers and Duties. The County Clerk shall be the official registrar of the County. Except as may otherwise be provided in this Charter, he shall have all the powers and perform all the duties conferred or imposed by law upon county clerks, and perform such other and related duties required by the County Executive or County Legislature.

Section 21.03. Deputy County Clerks and Staff. The County Clerk shall have the power to appoint such Deputy County Clerks, assistants and employees of his office as shall be authorized by the County Legislature. All such appointees shall be directly responsible to, and serve at the pleasure of, the County Clerk, subject to applicable law.

Section 21.04. Acting County Clerk. The County Clerk shall designate in writing, and in order of succession, the Deputy County Clerks and assistants who shall be Acting County Clerk in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Clerk filing a new written designation and order of succession. The Acting County Clerk shall have all the powers and perform all the duties of the County Clerk.

ARTICLE XXII

DISTRICT ATTORNEY

Section

- 22.01 District Attorney; Election; Term; Qualifications.
- 22.02 Powers and Duties.
- 22.03 Deputy and Assistant District Attorneys and Staff.
- 22.04 Acting District Attorney.

Section 22.01. District Attorney; Election; Term; Qualifications. There shall be a District Attorney, who shall be elected from the County at large in accordance with applicable State Law beginning with the first day of January next following his election. At the time of his nomination and election, and throughout his term of office, the District Attorney shall be and remain a qualified elector of the County and shall be and remain duly licensed and entitled to practice law in the State of New York.

Section 22.02. Powers and Duties. Except as may otherwise be provided in this Charter, the District Attorney shall have all the powers and perform all the duties conferred or imposed by law upon district attorneys, and perform such other and related non-conflicting duties required by the County Executive or County Legislature.

Section 22.03. Deputy and Assistant District Attorneys and Staff. The District Attorney shall have the power to appoint such Deputy and Assistant District Attorneys, investigators and employees of his office as shall be authorized by the County Legislature. At the times of their appointment, and throughout their terms of office, all Deputy and Assistant District Attorneys shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy and Assistant District Attorneys, investigators and employees shall be directly responsible to, and serve at the pleasure of, the District Attorney.

Section 22.04. Acting District Attorney. The District Attorney shall designate in writing, and in order of succession, the Deputy and Assistant District Attorneys who shall be Acting District Attorney in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the District Attorney filing a new written designation and order of succession. The Acting District Attorney shall have all the powers and perform all the duties of the District Attorney.

ARTICLE XXIII

SHERIFF

Section

- 23.01 Sheriff; Election; Term; Qualifications.
- 23.02 Powers and Duties.
- 23.03 Deputy Sheriffs and Staff.
- 23.04 Acting Sheriff.

Section 23.01. Sheriff; Election; Term; Qualifications. There shall be a Sheriff, who shall be elected from the County at large in accordance with applicable State Law beginning with the first day of January next following his election. At the time of his nomination and election, and throughout his term of office, the Sheriff shall be and remain a qualified elector of the County.

Section 23.02 Powers and Duties. The Sheriff shall be the chief law enforcement officer for, and have jurisdiction throughout, the County. Except as may otherwise be provided in this Charter, he shall have all the powers and perform all the duties, both criminal and civil, conferred or imposed by law upon sheriffs, and perform such other and related duties required by the County Executive or County Legislature.

Section 23.03. Deputy Sheriffs and Staff.³ The Sheriff shall have the power to appoint such Deputy Sheriffs, Assistants and employees as shall be authorized by the County Legislature. The Undersheriff and Deputy Sheriff-Confidential Secretary shall be directly responsible to, and serve at the pleasure of the Sheriff.¹³

Any act or omission of any employee of the County in the Office of the Sheriff, except the Sheriff, done or made in the performance of any official duty or for the performance of which the County is paid or receives compensation or fee, shall be the act or omission of the County and the damages, if any, resulting therefrom shall be deemed the liability of the County.

Nothing contained in the section shall make the County responsible for the acts of the Sheriff thereof, nor relieve said Sheriff from any liability to which he is lawfully subject.

Section 23.04. Acting Sheriff. The Sheriff shall designate in writing, and in order of succession, the Deputy Sheriffs and Assistants who shall be Acting Sheriff in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Sheriff filing a new written designation and order of succession. The Acting Sheriff shall have all the powers and perform all the duties of the Sheriff.

³ Section 23.03. Deputy Sheriffs and Staff. amended in its entirety by Resolution No. 72 of 1976. Local Law #6 of 1976.

¹³ Section 23.03. Deputy Sheriffs and Staff. second sentence amended by Resolution No. 662 of 1976. Local Law #6 of 1976.

ARTICLE XXIV³⁸

DEPARTMENT OF SERVICES FOR AGING, VETERANS AND YOUTH

Section

- 24.01. Department of Services for Aging, Veterans, and Youth; Commissioner; Appointment; Qualifications; Term.
- 24.02. Powers and Duties.
- 24.03. Deputy Commissioners and Staff.
- 24.04. Acting Commissioner

Section 24.01. Department of Services for Aging, Veterans, and Youth; Commissioner; Appointment; Qualifications; Term. There shall be a Department of Services for Aging, Veterans and Youth under the direction of a Commissioner of Services for Aging, Veterans and Youth, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He/she shall be appointed on the basis of his/her professional training and experience and other qualifications for the responsibilities of his/her office. He/she shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 24.02. Powers and Duties. The Commissioner of Services for Aging, Veterans and Youth shall be the chief administrative officer of the department. Except as may otherwise be provided in this Charter, he/she shall have all of the powers and perform all of the duties conferred or imposed by law upon a County department that provides Aging, Veterans and Youth services to its residents and shall perform such other related duties required by the County Executive and County Legislature.

Section 24.03. Deputy Commissioners and Staff. Within the Department there shall be the divisions of Services for Aging, Veterans and Youth. Each division shall be supervised by a Director. All Deputy Commissioners, Directors, Assistants and employees of the Department shall be directly responsible to and serve at the pleasure of the Commissioner except as otherwise provided by this Charter, the Administrative Code or applicable law. Further the Commissioner of the Department shall have the power to appoint such assistants and employees as shall be authorized by the County Legislature.

Section 24.04. Acting Commissioner. The Commissioner of Services for Aging, Veterans and Youth, subject to the approval of the County Executive, shall designate in writing, and in order of succession, those who shall be Acting Commissioner of Services for Aging, Veterans and Youth in the event of the Commissioner's absence from the County or inability to perform and exercise the powers and duties of his/her office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Services for Aging, Veterans and Youth shall have all of the powers and perform all of the duties of the Commissioner.

38 Article XXIV, Department of Services for Aging, Veterans and Youth, added by Resolution No. 2010349. Local Law #4 of 2011.

ARTICLE XXX

OTHER COUNTY UNITS⁴

Section

- 30.01 Medical Examiner; Appointment; Qualifications; Term; Powers and Duties; Deputy Medical Examiners.
- 30.02 County Jury Board; Commissioner of Jurors; Appointment; Powers and Duties.
- 30.03 Office of Probation and Community Corrections; Director of Probation and Community Corrections; Appointment; Term; Powers and Duties.¹⁸
- 30.04³⁵
- 30.05 Board of Elections; Appointment; Term; Powers and Duties.
- 30.06²³
- 30.07^{5, 6, 7, 24}
- 30.08 County Historian; Appointment; Term; Powers and Duties.
- 30.09 Alcoholic Beverage Control Board; Appointment; Term; Powers and Duties.
- 30.10³⁶
- 30.11³¹
- 30.12³⁷
- 30.49 Miscellaneous Executive and Administrative Functions.

Section 30.01. Medical Examiner; Appointment; Qualifications; Term; Powers and Duties; Deputy Medical Examiners.

(a) The County Executive shall appoint a Medical Examiner, subject to confirmation by the County Legislature. At the time of his appointment, and throughout his term of office, the Medical Examiner shall be and remain duly licensed and entitled to practice medicine in the State of New York. He shall be appointed on the basis of his medical experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Executive. The Medical Examiner shall have all the powers and perform all the duties now or hereafter conferred or imposed upon him by law, and perform such other and related duties required by the County Executive or the County Legislature.

(b) The Medical Examiner shall have the power to appoint such qualified Deputy Medical Examiners as shall be authorized by the County Legislature. Such Deputies shall be directly responsible to, and serve at the pleasure of, the Medical Examiner.

Section 30.02. County Jury Board; Commissioner of Jurors; Appointment; Powers and Duties. There shall be a County Jury Board and a Commissioner of Jurors. They shall be appointed pursuant to the provisions of Section 2.02 (p) of this Charter and as otherwise provided by law. They shall have all the powers and perform all the duties now or hereafter conferred or imposed upon them by law, and perform such other and related duties required by the County Executive and County Legislature.

Section 30.03. Office of Probation and Community Corrections; Director of Probation and Community Corrections; Appointment; Term; Powers and Duties. There shall be an Office of Probation and Community Corrections under the direction of a Director of Probation and Community Corrections. Unless otherwise required by law, the director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall be directly responsible to, and serve at the pleasure of, the County Executive. He shall have all the powers and perform all the duties now or hereafter conferred or imposed upon him by law, and perform such other and related duties required by the County Executive or County Legislature.¹⁸

Section 30.04.³⁵

Section 30.05. Board of Elections; Appointment; Term; Powers and Duties. There shall be a Board of Elections, whose members shall be appointed by the County Legislature in the manner provided by law, and who shall serve at its pleasure unless otherwise required by law. The Board's powers and duties shall be as provided by law.

Section 30.06.²³

Section 30.07.^{5, 6, 7, 24}

Section 30.08. County Historian; Appointment; Term; Powers and Duties. There shall be a County Historian, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. He shall be directly responsible to, and serve at the pleasure of, the County Executive. He shall have all the powers and perform all the duties now or hereafter conferred or imposed upon him by law, and perform such other and related duties required by the County Executive or County Legislature.

Section 30.09. Alcoholic Beverage Control Board; Appointment; Term; Powers and Duties. There shall be an Alcoholic Beverage Control Board, whose members, unless otherwise required by law, shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at his pleasure. The Board's powers and duties shall be as prescribed by law.

Section 30.10.³⁶

Section 30.11.³¹

Section 30.12.³⁷

Section 30.49. Miscellaneous Executive and Administrative Function. Executive and administrative functions not otherwise assigned by this Charter or the Administrative Code shall be assigned by the County Executive to units within the Executive Branch of the County Government.

4 Article XXX, Other County Units, amended by Resolution No. 194 of 1978. Local Law #5 of 1978.

5 Section 30.07. Fire Coordinator; Appointment; Term; Powers and Duties. amended by Resolution No. 426 of 1983. Local Law #12 of 1983.

6 Section 30.07. Fire Coordinator; Appointment of Deputies. amended by Resolution 426 of 1983. Local Law #12 of 1983.

7 Section 30.07. Fire Coordinator; Acting Fire Coordinator. amended by Resolution No. 426 of 1983. Local Law #12 of 1983.

8 Section 30.11. Director of Weights and Measures III; Appointment; Term; Powers and Duties. amended by Resolution No. 46 of 1983. Local Law #2 of 1983.

18 Section 30.03. Office of Probation; Director of Probation; Appointment; Term; Powers and Duties. amended by Resolution No. 136 of 1993, that all references to the "Office of

Probation”, “Department of Probation”, or “Director of Probation” shall read “Office of Probation and Community Corrections”, “Department of Probation and Community Corrections”, or “Director of Probation and Community Corrections.” Local Law #5 of 1993.

23 Section 30.06. Director of Civil Defense; Appointment; Term; Powers and Duties. deleted by Resolution No. 328 of 1993. Local Law #8 of 1993.

24 Section 30.07. Fire Coordinator; Appointment Term; Powers and Duties. deleted by Resolution No. 328 of 1993. Local Law #8 of 1993.

31 Section 30.11. Director of Weights and Measures III. deleted by Resolution No. 2010347. Local Law #2 of 2011.

35 Section 30.04. Office of Veterans Affairs; Director of Veterans Affairs; Appointment; Term; Qualifications; Powers and Duties. deleted by Resolution No. 2010349. Local Law #4 of 2011.

36 Section 30.10. Youth Board; Appointment; Executive Director. deleted by Resolution No. 2010349. Local Law #4 of 2011.

37 Section 30.12. Office for the Aging; Director; Appointment; Term; Powers and Duties; Staff. deleted by Resolution No. 2010349. Local Law #4 of 2011.

ARTICLE XXXI

DUTCHESS COMMUNITY COLLEGE

Section

- 31.01 Dutchess Community College; Board of Trustees;
Administration.
- 31.02 Powers and Duties.

Section 31.01. Dutchess Community College; Board of Trustees; Administration.

There shall be a community college within the County known as the Dutchess Community College, which shall be administered by the County Legislature and the Board of Trustees of Dutchess Community College pursuant to the provisions of the Education Law.

Section 31.02. Powers and Duties.

The County Legislature and the Board of Trustees of Dutchess Community College shall have all the powers and perform all the duties of administration as provided by law.

ARTICLE XXXII
GENERAL PROVISIONS

Section

- 32.01 Officers, Exclusive Obligation.
- 32.02 Vacancy in Elective Offices; Appointments; Election.
- 32.03 Acting Heads of County Units.
- 32.04 Legislative Officers and Employees; Term.
- 32.05 Executive Officers and Employees; Term.
- 32.06 Removal of Elected County Officers.

Section 32.01. Officers, Exclusive Obligation. The County Executive, the Comptroller, the County Clerk, the District Attorney, the Sheriff and all department heads, shall be regarded as full-time officials. Performance of the duties of their respective offices shall be the primary responsibility of said officials, and other interests and activities may not interfere or conflict with the performance of these duties. Said officials shall hold no other public office, except that a department head may head a division within his department.⁹

Section 32.02. Vacancy in Elective Offices; Appointment; Election. Except as may otherwise be provided in the New York State Constitution or this Charter, and with the exception of members of the judiciary, all vacancies in elective County offices shall be filled by appointment by the County Executive, subject to confirmation by the County Legislature. Each such appointee shall be an elector of the County and qualified for the responsibilities of his office. He shall have all the powers and perform all the duties of the office to which appointed, and shall hold such of the office until the commencement of the calendar year next following the first annual election held not less than sixty (60) days after the occurrence of such vacancy, at which annual election an officer shall be elected from the County at large for the balance of the unexpired term.

Section 32.03. Acting Heads of County Units. Except as otherwise provided herein, each head of a department, office, or other unit of County government, subject to approval by the County Executive, may designate in writing, and in order of succession, his deputies and assistants who shall be acting head of said unit in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designations shall be filed with the County Clerk and the Clerk of the County Legislature, and may be revoked at any time by the head of said unit filing a new written designation and order of succession. The acting head shall have all the powers and perform all the duties of the head of said unit.

Section 32.04. Legislative Officers and Employees; Term. Except as may otherwise be provided in this Charter or applicable law, all officers and employees of the Legislative branch shall serve at the pleasure of the County Legislature.

Section 32.05. Executive Officers and Employees; Term. Except as may otherwise be provided in this Charter or applicable law, all officers and employees of the executive branch shall serve at the pleasure of the County Executive.

Section 32.06. Removal of Elected County Officers. Elected County officers may be removed from office only in the manner provided in the Public Officers Law.

⁹ Section 32.01. Officers, Exclusive Obligation. amended by Resolution No. 172 of 1979. Local Law #3 of 1979.

ARTICLE XXXIII

SERVICE RELATIONSHIPS

Section

- 33.01 Local Government Functions, Facilities and Powers not Transferred, Altered or Impaired.
- 33.02 Contracts with Public Corporations and Authorities.

Section 33.01. Local Government Functions, Facilities and Powers Not Transferred, Altered or Impaired. This Charter shall not transfer, alter or impair any function, facility, power or duty of any city, town, village, school district or other district, or of any officer thereof.

Section 33.02. Contracts with Public Corporations and Authorities. The County of Dutchess shall have the power to contract with any municipality or public authority, or combination thereof, for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself.

ARTICLE XXXIV

APPLICATION OF CHARTER

Section

- 34.01 Municipal Home Rule Law, Application.
- 34.02 Judicial Notice.
- 34.03 Separability.
- 34.04 Construction.
- 34.05 Amendment.

Section 34.01. Municipal Home Rule Law, Application. The Municipal Home Rule Law shall have general application within the County of Dutchess except where inconsistent with the provisions of this Charter.

Section 34.02. Judicial Notice. The courts shall take judicial notice of this Charter and of all local laws, ordinances, legalizing acts, resolutions, codes and regulations adopted or promulgated pursuant to this Charter.

Section 34.03. Separability. If any provision of this Charter shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect, impair or invalidate the remainder hereof.

Section 34.04. Construction. This Charter shall be construed liberally to effect the objects and purpose hereof.

Section 34.05. Amendment. This Charter may be amended by local law subject to referendum when so provided by the Municipal Home Rule Law.

ARTICLE XXXV

TRANSITIONAL PROVISIONS

Section

- 35.01 Transition.
- 35.02 Continuity of Government.
- 35.03 Adoption of Charter; Adoption of Administrative Code.

Section 35.01. Transition. The County Legislature shall determine and provide for any necessary matters involved in the transition of government from the previous Charter to this Charter.

Section 35.02. Continuity of Government. Upon the effective date of this Charter, the Board of Representatives of Dutchess County shall be replaced by the County Legislature of Dutchess County, and all members of said Board shall be members of said Legislature for the balance of their respective terms of office. All officers, committees, commissions, and boards, other than the Board of Representatives, shall continue to the extent not inconsistent with this Charter.

Section 35.03. Adoption of Charter; Adoption of Administrative Code. This Charter shall take effect upon compliance with all necessary laws applicable to the enactment hereof. Upon such compliance provisions of the Administrative Code then in effect shall continue effective, to the extent not inconsistent with this Charter, until said Administrative Code shall have been revised in conformity with this Charter, as herein above provided in Section 2.02 (c).

NOTES

1 Section 2.14. Counsel to the Legislature. amended in its entirety by Resolution No. 195 of 1978. Local Law #6 of 1978.

2 Section 8.02. Powers and Duties. amended in its entirety by Resolution No. 195 of 1978. Local Law #6 of 1978.

3 Section 23.03. Deputy Sheriffs and Staff. amended in its entirety by Resolution No. 72 of 1976. Local Law #6 of 1976.

4 Article XXX Other County Units amended by Resolution No. 194 of 1978. Local Law #5 of 1978.

5 Section 30.07. Fire Coordinator; Appointment; Term; Powers and Duties. amended by Resolution No. 426 of 1983. Local Law #12 of 1983.

6 Section 30.07. Fire Coordinator; Appointment of Deputies. amended by Resolution 426 of 1983. Local Law #12 of 1983.

7 Section 30.07. Fire Coordinator; Acting Fire Coordinator. amended by Resolution No. 426 of 1983. Local Law #12 of 1983.

8 Section 30.11. Director of Weights and Measures III; Appointment; Term; Powers and Duties. amended by Resolution No. 46 of 1983. Local Law #2 of 1983.

9 Section 32.01. Officers, Exclusive Obligation. amended by Resolution No. 172 of 1979. Local Law #3 of 1979.

10 Article IV, Department of Aviation, repealed in its entirety by Resolution No. 318 of 1992. Local Law #8 of 1992.

11 Section 14.02. Powers and Duties. (a), (b), (c), (d), and (e) amended by Resolution No. 318 of 1992. Local Law #8 of 1992.

12 Section 20.05. Exception to Certain Duties. repealed in its entirety by Resolution No. 575 of 1976. Local Law #12 of 1976.

13 Section 23.03. Deputy Sheriffs and Staff. second sentence amended by Resolution No. 662 of 1976. Local Law #14 of 1976.

14 VOID

15 VOID

16 VOID

17 Article XII, Department of Planning, amended by Resolution No. 135 of 1993, that all references to the "Department of Planning" or "Commissioner of Planning" shall read "Department of Planning and Development" or "Commissioner of Planning and Development". Local Law #4 of 1993.

18 Section 30.03. Office of Probation; Director of Probation; Appointment; Term; Powers and Duties, amended by Resolution No. 135 of 1993, that all references to the "Office of Probation", "Department of Probation", or "Director of Probation" shall read "Office of Probation and Community Corrections", "Department of Probation and Community Corrections", or "Director of Probation and Community Corrections". Local Law #5 of 1993.

19 Article XVIII, Department of Emergency Response, added in its entirety by Resolution No. 328 of 1993. Local Law #8 of 1993.

20 Article X, Parks, Recreation, and Conservation, Dept. of, deleted in its entirety by Resolution No. 327 of 1993. Local Law #7 of 1993.

21 Section 14.02. Department of Public Works, amended by the addition of (e), (f), and (g) by Resolution No. 327 of 1993. Local Law #7 of 1993.

22 Section 14.02. Powers and Duties, amended by former sub-paragraph (e) being redesignated (h) by Resolution No. 327 of 1993. Local Law #7 of 1993.

23 Section 30.06. Director of Civil Defense; Appointment; Term; Powers and Duties, deleted by Resolution No. 328 of 1993. Local Law #8 of 1993.

24 Section 30.07. Fire Coordinator; Appointment Term; Powers and Duties, deleted by Resolution No. 328 of 1993. Local Law #8 of 1993.

25 Section 2.01. County Legislature; Membership; Election; Term; Reapportionment, amended by Resolution No. 199 of 1997. Local Law #12 of 1997.

26 Section 14.05. Parks, Recreation and Conservation Board; Membership; Appointment; Term; Vacancies, and Section 14.06, Parks, Recreation and Conservation Board; Powers and Duties., added by Resolution No. 66 of 1994. Local Law #3 of 1994.

27 Section 2.07. Confirmation of Appointments, amended by Resolution No. 201033. Local Law #1 of 2001.

28 Article XII, Section 12.03. Planning Board; Appointment; Vacancies. amended by Resolution No. 203363. Local Law #7 of 2003.

29 Section 2.01. County Legislature; Membership; Election; Term; Reapportionment. Amended in its entirety by Resolution No. 209167. Local Law #4 of 2009.

30 Article XI. Amended by Resolution No. 2010346. Local Law #1 of 2011.

31 Section 30.11. Director of Weights and Measures III. deleted by Resolution No. 2010347. Local Law #2 of 2011.

32 Section 7.06. Director of Weights and Measures III. added by Resolution No. 2010347. Local Law #2 of 2011

33 Article XV, Real Property Tax Service Agency, deleted by Resolution No. 2010348, Local Law #3 of 2011.

34 Section 6.01. Department of Finance; Commissioner; Appointment; Qualifications; Term. Amended by Resolution No. 2010348, Local Law #3 of 2011.

35 Section 30.04. Office of Veterans Affairs; Director of Veterans Affairs; Appointment; Term; Qualifications; Powers and Duties. deleted by Resolution No. 2010349. Local Law #4 of 2011.

36 Section 30.10. Youth Board; Appointment; Executive Director. deleted by Resolution No. 2010349. Local Law #4 of 2011.

37 Section 30.12. Office for the Aging; Director; Appointment; Term; Powers and Duties; Staff. deleted by Resolution No. 2010349. Local Law #4 of 2011.

38 Article XXIV, Department of Services for Aging, Veterans and Youth, added by Resolution No. 2010349. Local Law #4 of 2011.

39 Section 2.01. County Legislature; Membership; Election; Term; Reapportionment. amended in its entirety by Resolution No. 2010302. Local Law #5 of 2011.

40 Section 3.05. Deputy County Executive; How Designated; Powers and Duties. Added and Section 3.05-A. Acting County Executive; How Designated; Powers and Duties. Amended and re-designated by Resolution No. 2012017. Local Law #1 of 2012.

41 Section 3.07. Vacancy in the Office of County Executive. Inserted by Resolution No. 2012045. Local Law # 3 of 2012.