

Chapter C. Charter

[HISTORY: Adopted by the Board of Supervisors (now County Legislature) of the County of Sullivan 8-25-1993 by L.L. No. 4-1993 (approved at referendum 11-2-1993). Amendments noted where applicable.]

Article I. Charter of the County of Sullivan

§ C1.00. Title.

This Charter, with all subsequent amendments hereto, shall constitute the form of government for the County of Sullivan and shall be known and may be cited as the "Sullivan County Charter."

§ C1.01. Purpose.

[Amended 10-18-2007 by L.L. No. 9-2007]

It is the legislative intent of this Charter to provide for the orderly government and management of the County of Sullivan. It is also the intent of this Charter to provide for a government that is efficient, effective, accountable, inclusive, open, and environmentally and fiscally responsible. Consistent with this intent, this Charter allocates duties and responsibilities in County Government. This Charter will:

- A. Secure all possible home rule.
- B. Separate legislative and administrative functions in county government.
- C. Increase communication with the public concerning management of the county and encourage public participation in county governance.
- D. Reduce conflicts and the potential for conflicts between the various branches and departments of government and between government employees and the private sector.
- E. Encourage flexibility in the organizational structures of county government.

§ C1.02. Continued status and powers.

The County of Sullivan 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 New York State Law, together with all rights, privileges, functions and powers necessarily implied or incidental thereto.

§ C1.03. Effect on state laws.

Any New York State law which is inconsistent with this Charter shall be superseded by the provisions hereof to the extent of its inconsistency, except where supersession is restricted by state law.

§ C1.04. Existing legislation continued.

Except to the extent to which they may be inconsistent with the provisions of this Charter, all existing laws, resolutions, rules and regulations heretofore adopted shall continue in full force and effect until amended, superseded or repealed as provided herein.

§ C1.05. Revision of the Charter.

[Amended 9-8-1994 by L.L. No. 6-1994^[1]]

- A. Within two years after the enactment of this Charter, the County Legislature shall appoint a Charter Revision Commission, composed of qualified electors of Sullivan County and representing various segments of the community, to review the implementation of the Charter and propose amendments, if required. Additional Charter Revision Commissions, composed of qualified county electors chosen by the County Legislature and representing various segments of the community, shall be appointed at least once every 10 years thereafter to review and propose revisions to this Charter, if required.
- B. Nothing in this section shall be construed to mean that the County Legislature, by a majority of votes, may not propose propositions for amendment of this Charter for public referendum at any general or special election in the County of Sullivan.

[1] *Editor's Note: This local law was approved by a majority of the qualified electors voting at the general election held 11-8-1994.*

§ C1.06. Legislative option.

After initial passage of this Charter Law by the electorate, the Board of Supervisors shall appropriate the necessary moneys and proceed to complete a plan of a legislative form of government, including, but not limited to, setting up legislative districts with defined boundaries, establishing the salaries of the legislators and all other legal requirements in order to provide the electorate of Sullivan County with a clear and precise picture of how a proposed legislative form of government will affect them. An amendment to this Charter Law, giving the electorate the option of voting for such a legislative form or retaining the Board of Supervisors system, shall be placed on the ballot no later than November 1994.

Article II. The County Legislature

[Amended 9-8-1994 by L.L. No. 6-1994]

§ C2.00. County Legislature.

The County Legislature shall be the elected governing body of the county, and shall, when lawfully convened, constitute the legislative, appropriating, governing and policymaking body of the County of Sullivan.

§ C2.01. Membership.

[Amended 1-23-2003 by L.L. No. 2-2003]

- A. The County Legislature shall be composed of nine legislators elected from single member legislature districts, each member elected for a term of four years and having one vote. Legislators shall be resident in the legislative district from which they are elected.

B. The Legislators of Sullivan County shall be elected from the Legislative Districts described as municipalities, census tracts and census blocks as defined by the United States Census Bureau, as follows:

[Amended 7-17-2014 by L.L. No. 3-2014; 8-18-2022 by L.L. No. 3-2022]

District	Population
District 1	
Town of Highland	2,197
Part of Town of Bethel	3,760
Parts of census tract 9519.00	
Blocks: 1004-1008, 1011, 1015-1017, 1021-1038, 2004-2014, 2018-2073	
Parts of census tract 9520.00	
Blocks: 1000-1058, 2000-2077, 3000-3093	
Part of the Town of Callicoon	369
Parts of census tract 9504.00	
Blocks: 3002, 3017-3030, 3043-3044	
Part of the Town of Liberty	580
Parts of census tract 9506.00	
Blocks: 2000-2003, 2022-2024, 3001-3002, 3004-3012, 3023-3028, 3030-3032	
Parts of census tract 9507.02	
Blocks: 2020-2026	
Part of the Town of Thompson	1,729
Parts of census tract 9516.00	
Blocks: 2018-2044, 2049-2052, 2054-2057, 4003-4018, 4020	
Parts of census tract 9518.02	
Blocks: 1004, 1006, 3004, 4001, 4003, 4005	
Total District Population: 8,635	
District 2	
Town of Forestburgh	809
Town of Lumberland	2,244
Part of the Town of Thompson	5,589
Parts of census tract 9515.00	
Blocks: 1010, 1023-1025, 1033-1034, 1037, 2035-2036	
Parts of census tract 9516.00	
Blocks: 1004-1017, 1023-1031, 2012, 2045-2048, 3000-3005, 3007, 4000-4002, 4019	
Parts of census tract 9518.01	
Blocks: 2000-2004, 2006-2015, 2018-2019	
Parts of census tract 9518.02	
Blocks: 1000-1003, 1005, 1007, 2001-2008, 2013-2019, 3000-3003, 4000, 4002, 4004, 4006-4008, 5000-5019	
Total District Population: 8,642	

District	Population
District 3	
Town of Neversink	3,370
Town of Rockland	3,305
Part of the Town of Liberty	1,974
Parts of census tract 9505.00	
Blocks: 2000-2018, 2020-2022, 2025, 2028-2029, 2031, 2035-2037, 4000-4061	
Parts of census tract 9506.00	
Blocks: 1000-1030, 1032-1033, 1037-1041	
Parts of census tract 9507.01	
Block: 4000	
	Total District Population: 8,649
District 4	
Part of the Town of Mamakating	8,629
Parts of census tract 9512.01	
Blocks: 1000-1015, 2000-2024, 2026-2042, 3000-3036, 3038-3041, 4000-4017	
Parts of census tract 9512.02	
Blocks: 1000-1003, 1007-1008, 2000-2033, 3000-3019	
Parts of census tract 9513.01	
Blocks: 2000-2001	
Parts of census tract 9513.02	
Blocks: 1008-1013, 1017-1024, 1057-1060, 2000, 2034, 2036, 2038, 2041-2049, 2051-2054, 2056, 2058, 3001-3006, 3008, 3042-3044, 3046-3048	
	Total District Population: 8,629
District 5	
Town of Cochecton	1,450
Town of Delaware	2,210
Town of Fremont	1,161
Town of Tusten	1,407
Part of the Town of Callicoon	2,401
Parts of census tract 9504.00	
Blocks: 1000-1033, 1035-1043, 1045, 2000-2056, 3000-3001, 3003-3016, 3031-3034	
	Total District Population: 8,629
District 6	
Part of the Town of Bethel	205
Parts of census tract 9519.00	
Blocks: 1000-1003, 1009-1010, 1012-1014, 1018-1020, 2000-2003, 2015-2017	
Part of the Town of Callicoon	223
Parts of census tract 9504.00	

District	Population
Blocks: 1034, 1044, 1046-1047, 3035-3042	
Part of the Town of Liberty	7,654
Parts of census tract 9505.00	
Blocks: 1000-1038, 2019, 2023-2024, 2026-2027, 2030, 2032-2034, 2038-2054, 3000-3028	
Parts of census tract 9506.00	
Blocks: 1031, 1034-1036, 2004-2021, 2025-2031, 3000, 3003, 3013-3022, 3029	
Parts of census tract 9507.01	
Blocks: 1000-1008, 2000-2013, 3000-3013, 4001-4016	
Parts of census tract 9507.02	
Blocks: 1000-1033, 2000-2019, 2027-2028	
Part of the Town of Thompson	535
Parts of census tract 9515.00	
Blocks: 2000-2015, 2020, 2029-2030, 2038	
Parts of census tract 9516.00	
Blocks: 2000-2005	
Total District Population: 8,617	

District 7	
Part of the Town of Fallsburg	7,078
Parts of census tract 9508.01	
Blocks: 3000-3002, 3014-3018, 3020, 3027-3028, 3030	
Parts of census tract 9508.02	
Blocks: 1000-1036, 2000-2007, 2016-2017, 2019-2025, 2030-2047	
Parts of census tract 9509.00	
Blocks: 3000, 3002-3007, 3021	
Parts of census tract 9510.00	
Blocks: 1000-1001, 2000-2023, 3000-3043	
Parts of census tract 9511.00	
Blocks: 1000-1027, 1029-1047, 1050-1051, 2000-2026, 3000-3057	
Part of the Town of Mamakating	1,527
Parts of census tract 9513.02	
Blocks: 1000-1007, 1014-1016, 1025-1055, 1061-1068, 2001-2033, 2035, 2037, 2055, 2057, 3000, 3007, 3009-3041, 3045	
Total District Population: 8,605	

District 8	
Part of the Town of Fallsburg	5,916
Parts of census tract 9508.01	
Blocks: 1000-1033, 2000-2035, 3003-3013, 3019, 3021-2026, 3029	
Parts of census tract 9508.02	

District	Population
Blocks: 2008-2015, 2018, 2026-2029	
Parts of census tract 9509.00	
Blocks: 1000-1026, 2000-2029, 3001, 3008-3020, 3022	
Parts of census tract 9510.00	
Blocks: 1002-1043	
Parts of census tract 9511.00	
Blocks: 1028, 1048-1049	
Part of the Town of Thompson	2,697
Parts of census tract 9515.00	
Blocks: 1000-1009, 1011-1022, 1029-1032, 1038-1040, 2016-2019, 2021-2028, 2031-2034, 2037, 2039-2043, 3000-3024	
Parts of census tract 9516.00	
Blocks: 2006-2011, 2013-2017, 2053	
Parts of census tract 9517.01	
Blocks: 1017-1022, 1028, 1033	
Parts of census tract 9518.01	
Block: 2005	

Total District Population: 8,613

District 9	
Part of the Town of Mamakating	2,533
Parts of census tract 9512.01	
Blocks: 2025, 3037	
Parts of census tract 9512.02	
Blocks: 1004-1006, 1009-1026	
Parts of census tract 9513.01	
Blocks: 1000-1021, 2002-2041	
Parts of census tract 9513.02	
Blocks: 1056, 2039-2040, 2050	
Part of the Town of Thompson	6,091
Parts of census tract 9515.00	
Blocks: 1026-1028, 1035-1036, 1041-1047	
Parts of census tract 9516.00	
Blocks: 1000-1003, 1018-1022, 3006, 3008-3009	
Parts of census tract 9517.01	
Blocks: 1000-1016, 1023-1032, 1034-1069, 2000-2048, 3000-3038	
Parts of census tract 9518.01	
Blocks: 1000-1011, 2016-2017, 2020, 3000-3013, 4000-4030	
Parts of census tract 9518.02	
Blocks: 2000, 2009-2012, 2020-2023	

Total District Population: 8,624

§ C2.02. Powers and duties.

The County Legislature shall exercise all the powers and duties imposed by New York State law or this Charter on a Board of Supervisors or county legislative body, 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, authorize contracts and adopt the county budget.
- B. Enact, amend or repeal the County Administrative Code, local laws, legalizing acts or resolutions, and provide for the administrative implementation thereof.
- C. Adopt, by resolution, all rules and regulations for its own conduct and procedure.
- D. By local law, create, alter, combine or abolish administrative units of county government not headed by elective officers or designated in this Charter, establishing or abolishing positions of employment in connection therewith.
- E. Fix the compensation of all officers and employees paid from county funds, except members of the judiciary, and except that compensation of any elected official paid from county funds shall not be decreased during that official's term of office.
- F. Appoint, subject to the provisions of this Charter, and at its pleasure remove, the County Manager, and appoint, or confirm as the case may be, such other officials as provided in this Charter or in the Administrative Code.
- G. Make, or cause to be made, such studies, audits and investigations as it deems necessary and also obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study, audit or investigation.
- H. Equalize real property taxes on the basis of data supplied by the New York State Board of Equalization and Assessment,^[1] various administrative units and towns within the County of Sullivan, pursuant to the applicable provisions of the **Real Property Tax Law** of the State of New York.
[1] *Editor's Note: The Board of Equalization and Assessment was changed to the Board of Real Property Services by L.1994, c. 385, effective 1-1-1995.*
- I. Fix the amount of bonds of officers and employees paid from county funds.
- J. Fill vacancies in any elective County office except as provided otherwise by this Charter. The person or persons so appointed shall hold office by virtue of such appointment until the certification of the first general election after the happening of the vacancy, upon which certification the vacancy shall be filled for the balance of the term, if any, and the person so elected shall take office immediately.
[Amended 10-18-2007 by L.L. No. 10-2007]
- K. Contract annually with a Certified Public Accountant to conduct an audit of the general purpose financial statements of the county.
- L. To the maximum extent permitted by law and consistent with responsible sound fiscal policies, follow and adhere to sustainable energy and sound environmental principles and processes in all of its policies and operations.
[Amended 10-18-2007 by L.L. No. 11-2007]
- M. Review, adopt and update a strategic plan that would establish the recommended programs and fiscal priorities of the County. It is suggested that said plans be adopted biannually (every other year) commencing on June 30 of the year in which the Legislature takes office. The adopted strategic plan shall be comprehensive and inclusive of all County divisions, offices, agencies, and contracted services.

[Added 10-18-2007 by L.L. No. 12-2007]

- N. Establish and maintain a standing committee that will review, adopt and update, as necessary, a six-year capital plan that will establish capital programs and priorities that will assure responsible debt management. This committee shall also consider impacts to the County operating budget. This capital plan will be adopted by a majority vote of the Legislature, but deviation therefrom will require a two-thirds vote.

[Added 10-18-2007 by L.L. No. 12-2007]

- (1) Said committee will be comprised of the following voting members:

Chairman of Management and budget Committee; Chairman of Public Works Committee; County Manager; County Treasurer; Chairman of Personnel Committee, and a member of the Majority and Minority Caucus. Commissioners and other county staff appointed by the County Manager shall be available as resources to the committee at the discretion of the County Manager.

- (2) The Capital Planning Committee shall also formulate and make recommendations to the County Legislature regarding the strategic plan described in § **C2.02M** of this charter.

- O. Shall create and appoint a Council of Government that shall serve in an advisory capacity to the County Legislature. The Council of Government should include representatives of the Legislature, Town Supervisors, Village Mayors, Boards of Education, the County Manager, County Treasurer, and other appropriate officials.

[Added 10-18-2007 by L.L. No. 12-2007]

- P. Shall require a certificate of availability of funds to be issued, prior to the submission of any resolution that appropriates funds, or authorizes a contract to be executed that requires an expenditure of funds.

[Added 10-18-2007 by L.L. No. 12-2007]

- Q. In the event that the County Treasurer and the County Manager do not agree on the annual estimate of revenues for the succeeding year's operating budget, then the County Legislature shall determine the estimate of revenues, at a public hearing conducted for that purpose, after receiving information from the County Manager, County Treasurer, and Commissioner of Management and Budget, by the 10th day of November.

[Added 10-18-2007 by L.L. No. 12-2007]

- R. Determine and make provision for any matter of County Government not otherwise provided for, including but not restricted to, any necessary matter involved in the transition of this Charter.

[Added 10-18-2007 by L.L. No. 12-2007]

§ C2.03. Confirmation of appointments.

Confirmations of appointments, when required, shall be by a majority of the votes cast by the legislators at a regular or special meeting of the County Legislature except where a different majority is provided for in this Charter.

§ C2.04. Officers and committees of the County Legislature.

[Amended 12-7-1997 by L.L. No. 7-1998^[1]]

Only on January 1 of each and every even-numbered year following the election of Legislators or as soon thereafter as is practical, the County Legislature shall meet and organize by election, by majority vote from among its members, a Chairman, a Vice Chairman and such other officers as it deems required. The Chairman shall be deemed the Chief Elected Official of the County of Sullivan, and shall

appoint members of the County Legislature to serve on such committees as are provided for in the Rules of the County Legislature. The Chairman shall preside over all meetings of the County Legislature, and the Vice Chairman shall preside in the absence of the Chairman pursuant to the provisions of the Sullivan County Administrative Code.

[1] *Editor's Note: This local law was approved by a majority of the qualified electors voting at the general election held 11-3-1998.*

§ C2.05. Clerk to the County Legislature.

On January 1 of the even-numbered year next following the election of a County Legislature, or as soon thereafter as practicable, the Legislature shall appoint a Clerk who shall serve at the pleasure of the Legislature and until a successor is appointed and has qualified. The Legislature shall also appoint a Deputy Clerk, and such other personnel as are required for the efficient operation of the office of the Clerk, within budgetary limitations. The Clerk shall act as secretary to all committees of the Legislature and shall perform such other duties as may be conferred or imposed by New York State law, this Charter or the County Legislature.

§ C2.06. Compensation of members of the County Legislature.

[Amended 12-16-1999 by L.L. No. 8-1999^[1]; 12-16-2004 by L.L. No. 5-2004; 12-20-2007 by L.L. No. 1-2008; 12-15-2011 by L.L. No. 6-2011; 12-19-2019 by L.L. No. 6-2019]

The annual salary of the members of the County Legislature shall be established from time to time and shall be subject to the provisions of County Law § 200 and the **Municipal Home Rule Law**.

[1] *Editor's Note: This local law also provided that it would take effect January 1, 2000.*

Article III. The County Manager

§ C3.00. County Manager.

The County Manager shall be the full-time Chief Executive and Administrative Head of the County of Sullivan, fully accountable and responsible for the cost efficient and effective delivery of county government services. The County Manager shall supervise all county departments, offices, agencies and administrative units, except as otherwise provided by New York State law or this Charter.

§ C3.01. Appointment, suspension and removal.

[Amended 9-8-1994 by L.L. No. 6-1994; 5-23-1996 by L.L. No. 3-1996; 2-18-1999 by L.L. No. 2-1999^[1]; 11-15-2007 by L.L. No. 18-2007; 2-21-2013 by L.L. No. 2-2013]

The County Manager shall be appointed by and serve at the pleasure of the County Legislature. The County Legislature may negotiate and by resolution authorize the Chairman to execute a written contract of employment with the County Manager for a term of up to, but not exceeding, one year beyond the term of the then-elected County Legislature, such contract to contain terms and conditions of employment.

[1] *Editor's Note: Section 2 of this local law provided that it shall be subject to a permissive referendum on petition pursuant to Municipal Home Rule Law § 34, Subdivision 4. No valid petition was filed as of 4-20-1999.*

§ C3.02. No concurrent employment.

The County Manager shall hold no other public or political office, nor be concurrently employed in or by any other private or governmental entity. Income derived from other sources such as investments, properties or businesses is allowed, provided (1) there is no personal participation in the operation or conduct thereof, and (2) they are not located in the County of Sullivan.

§ C3.03. Qualifications.

Candidates for the position of County Manager shall have a Master's Degree in Public Administration or an appropriate equivalent degree from an accredited college or university, and a minimum of five years employment in a governmental administrative post.

§ C3.04. Residency.

The County Manager shall become a qualified elector of the County of Sullivan within six months of appointment, and remain so throughout the term of employment.

§ C3.05. Annual performance review.

[Amended 9-8-1994 by L.L. No. 6-1994]

The Executive Committee of the County Legislature shall prepare and present an annual written evaluation of the performance of the County Manager which shall become a permanent part of the County Manager's employment record. The County Manager may respond, in writing, and the response shall become a part of the employment record.

§ C3.06. Powers and duties.

[Amended 9-8-1994 by L.L. No. 6-1994]

The County Manager shall be responsible to the County Legislature for the administration of county affairs. In addition to such other powers and duties provided for in this Charter or in the Administrative Code, the County Manager shall:

- A. Be the Chief Executive Officer and Administrative Head of county government.
- B. Be the Chief Budget Officer of the county and be responsible for the preparation of the operating and capital budgets of the county.
- C. Administer the enforcement of all local laws, legalizing acts, ordinance or resolutions of the County Legislature, and all other laws required to be enforced through the County Legislature or other county officers subject to the County Manager's control.
- D. Have all necessary incidental powers to perform and exercise any of the duties and functions specified in this section or lawfully delegated to the County Manager.
- E. Perform such other duties and have such other powers as may be prescribed by New York State law, this Charter or the Administrative Code of the County of Sullivan, or as may be prescribed by the County Legislature.
- F. Attend meetings of the County Legislature and committee meetings of the County Legislature, recommending any measures deemed expedient or necessary for consideration by the Legislators.
- G. Appoint to serve at his or her pleasure the heads of all divisions, subject to confirmation by the County Legislature.

[Amended 11-9-1995 by L.L. No. 10-1995]

- H. Exercise supervision and control of all administrative units through the heads of departments, and prescribe the internal organization and duties of such departments, except as otherwise provided by New York State law, this Charter or the County Legislature.
- I. Provide for adequate insurance and surety bond coverage protecting the county from reasonable risks of loss or damage, subject to the authorization of the County Legislature.
- J. Make, sign and implement all contracts authorized by the County Legislature on behalf of the county within the terms and appropriations approved by the County Legislature.
- K. Present an annual comprehensive written report of the administrative units of the county to the County Legislature at the close of the fiscal year or as soon thereafter as practicable. The County Legislature may direct the preparation of interim reports.
- L. Develop comprehensive information from and inclusive of all County divisions, offices, agencies, and contracted services, and make recommendations regarding the strategic plan to the County Legislature or an appropriate committee of the Legislature, by the first day of April of each year in which the Legislature is to review the strategic plan.
[Added 10-18-2007 by L.L. No. 13-2007]
- M. Collaborate with the County Treasurer and the Commissioner of Management and Budget, regarding the annual estimate of revenues available in developing the succeeding fiscal year budget. In the event that the County Manager and the County Treasurer do not agree on the annual estimate of revenues, then the County Legislature shall determine the estimate of revenues, at a public hearing conducted for that purpose, after receiving information from the County Manager, County Treasurer, and Commissioner of Management and Budget.
[Added 10-18-2007 by L.L. No. 13-2007]
- N. Cause all County divisions, offices, agencies, and contracted services to develop requests for projects to be included in the six-year capital plan to be submitted to Commissioner of Management and Budget, and thereafter transmitted to the Capital Planning and Budgeting Committee by the first day of June of each year.
[Added 10-18-2007 by L.L. No. 13-2007]
- O. Be required to cause a certificate of availability of funds to be issued, prior to the submission of any resolution that appropriates funds, or authorizes a contract to be executed that requires an expenditure of funds.
[Added 10-18-2007 by L.L. No. 13-2007]

§ C3.07. Acting County Manager.

[Amended 9-8-1994 by L.L. No. 6-1994]

- A. Within 30 days of taking office, the County Manager shall designate, in writing, one or more appointive department or executive office heads to perform the duties of the County Manager during the latter's temporary inability to perform the duties of the office by reason of disability or absence from the county as determined by the County Legislature. Such designation, with the order of succession specified, shall be filed with the Clerk of the County Legislature. Any such designation may be revoked by the County Manager at any time by filing a notice of revocation with the Clerk to the County Legislature. If a vacancy occurs in the office of the County Manager, the Acting County Manager shall serve until the vacancy is filled by the County Legislature pursuant to the provisions of this Charter.
- B. In the event that no Acting County Manager has been designated, or is able to serve, the County Legislature shall designate an appointive department or executive office head to perform the duties of the office during the disability or absence of the County Manager.

Article IV. County Attorney

§ C4.00. Department of Law.

[Amended 9-8-1994 by L.L. No. 6-1994; 1-25-1996 by L.L. No. 2-1996^[1]]

There shall be a Department of Law, headed by the County Attorney, appointed by the County Legislature. The County Attorney shall be admitted to practice law in the State of New York and shall be a qualified elector in Sullivan County at and during the tenure of appointment. The County Attorney shall serve on a full-time basis and shall not be employed by any private or governmental entity. Income derived by other sources is allowed, provided that there is no active participation in the operation or conduct thereof. The term of office of the County Attorney shall be that term for which the then members of the appointing County Legislature were elected. The County Attorney shall be removed during his/her term only for cause and only after written charges have been filed by the County Legislature and he/she has an opportunity to be heard.

[1] *Editor's Note: This local law also provided as follows: "This local law shall apply to the term of the County Attorney holding office at the time it takes effect so as to lengthen the term of the then County Attorney to be coterminous with the term of the members of the County Legislature who made his/her appointment. This local law shall be subject to permissive referendum on petition as provided by § 344 of the Municipal Home Rule Law and shall become effective 60 days after the date of its adoption, unless within such period, a petition calling for a referendum shall have been filed in regard thereto in accordance with law." No valid petition was filed.*

§ C4.01. Powers and duties.

[Amended 9-8-1994 by L.L. No. 6-1994]

Except as otherwise provided in this Charter or the Administrative Code, the County Attorney shall be the sole legal advisor for the county, and on its behalf in county matters of a civil nature, advise all county officers and employees, and where in the interest of the county, prepare all necessary papers and written instruments in connection therewith, prosecute or defend all actions or proceedings of a civil nature brought by or against the county, prepare resolutions, legislation, legalizing acts and local laws to be presented for action by the County Legislature, together with notices and other items in connection therewith, and perform such other additional and related duties as may be prescribed by law or the County Manager, or by resolution of the County Legislature.

§ C4.02. Deputy and Assistant County Attorneys.

[Amended 9-8-1994 by L.L. No. 6-1994]

The County Attorney shall have the power to appoint such confidential Deputy County Attorneys and Assistant County Attorneys as shall be authorized by the County Legislature and within appropriations made therefore. Such appointees shall be in the exempt class of civil service and shall serve at the pleasure of the County Attorney.

Article V. County Treasurer

§ C5.00. County Treasurer.

There shall be elected from the county at large a County Treasurer. The term for this office shall begin on the first day of January next following the election of the County Treasurer, and shall run for four

years. At the time of election, and throughout the term of office, the County Treasurer shall be a qualified elector in the County of Sullivan.

§ C5.01. Powers and duties.

[Amended 9-8-1994 by L.L. No. 6-1994]

The County Treasurer shall be the chief financial officer of the county. Except as otherwise provided in this Charter, the County Treasurer shall:

- A. Collect, receive, have custody of, deposit and disburse all fees, revenues and other funds of the county.
- B. Perform all duties under state law or applicable local law relating to the collection of taxes.
- C. Maintain records of real property taxes.
- D. Borrow money in the name of the county as authorized by the County Legislature.
- E. Act as an escrow depository for court funds.
- F. Submit for filing with the Clerk to the County Legislature as soon as practicable after January 1 a true statement in summary form showing the amount of all moneys received and expended by the county during the previous fiscal year. The County Treasurer shall also furnish such additional statements from time to time as the County Legislature may direct.
- G. Maintain complete accounting records of all receipts and disbursements of the county, including liabilities, fund balances, encumbrances, appropriations, revenues and estimated revenues, and prescribe approved methods of accounting for county officers and administrative units, in accordance with standards and policies prescribed by the New York State Comptroller and the Government Accounting Standards Board.
- H. Procure statements from all depositories or county funds for which the county is responsible and reconcile such statements with county accounts.
- I. Have all other duties conferred or imposed by law on a County Treasurer, except as otherwise provided in this Charter, including, without limitation, acting as a Public Administrator.
- J. Collaborate with the County Manager and the Commissioner of Management and Budget regarding the annual estimate of revenues available in developing the succeeding fiscal year budget. The County Treasurer shall certify the estimate of available revenues for the succeeding fiscal year by the 21st day of October of each year. In the event that the County Treasurer and the County Manager do not agree on the annual estimate of revenues, then the County Legislature shall determine the estimate of revenues, at a public hearing conducted for that purpose, after receiving information from the County Manager, County Treasurer, and Commissioner of Management and Budget, by the 10th day of November.

[Added 10-18-2007 by L.L. No. 14-2007]

Article VI. County Clerk

§ C6.00. County Clerk.

There shall be elected from the county at large a County Clerk. The term for this office shall begin with the first day of January next following the election of the County Clerk and shall run for four years. At the time of election and throughout the term of office, the County Clerk shall be a qualified elector in the County of Sullivan.

§ C6.01. Duties and powers.

The County Clerk shall be the official registrar of the county and shall be designated as Records Retention Officer. The County Clerk shall have and exercise all powers and duties now and hereafter conferred or imposed by any applicable law.

Article VII. Sheriff

[Amended 10-18-2007 by L.L. No. 15-2007]

§ C7.00. County Sheriff.

There shall be a Sheriff elected from the County at large for a term of four years.

§ C7.01. Duties and powers.

The powers and duties of the Sheriff shall be those, both criminal and civil, now or hereafter conferred or imposed upon a County Sheriff by law, including but not limited to the following:

- A. Act as chief police and law enforcement officer for, and have jurisdiction throughout, the County.
- B. Be the keeper of the County Jail.
- C. Provide a road patrol for the County.

Article VIII. District Attorney

§ C8.00. District Attorney.

There shall be elected from the county at large a District Attorney. The term for this office shall begin with the first day of January following the election of a District Attorney and shall run for four years. At the time of election and throughout the term of office, the District Attorney shall be a qualified elector of the County of Sullivan and shall be duly admitted to the practice of law in the State of New York.

§ C8.01. Powers and duties.

The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed by any applicable law.

Article IX. County Auditor

[Amended 9-8-1994 by L.L. No. 6-1994; 10-18-2007 by L.L. No. 16-2007]

§ C9.00. County Auditor.

There shall be an Office of Audit and Control, headed by the County Auditor, who shall be appointed by the County Legislature after competitive examination. The County Auditor shall be the Chief Accounting,

Reporting and Auditing Officer of the County of Sullivan. The position shall not be exempt from the provisions of the **Civil Service Law**. The County Auditor shall report directly to the County Legislature.

§ C9.01. Qualifications.

The County Auditor shall possess a Bachelor's Degree in accounting or public administration from an accredited college or university and have prior experience in accounting and/or governmental operations. The County Auditor shall be a qualified elector in the County of Sullivan at the time of appointment. The County Auditor shall hold no other public or political office, nor be concurrently employed in or by any other private or governmental entity. Income derived from other sources, such as investments, properties and/or business, is allowed, provided (1) there is no active participation in the operation or conduct thereof, and (2) they are not located in the County of Sullivan.

§ C9.02. Powers and duties.

The County Auditor shall:

- A. Audit and certify for payment by the County Treasurer all lawful claims or charges against the county or against funds for which the County is responsible.
- B. Conduct financial and compliance audits of records and accounts for all officers and employees charged with any duty relating to County funds or funds for which the County is responsible.
- C. Conduct management and performance audits of County administrative units and County-funded programs, including without limitation, any unit, commission, board, program or entity with respect to which members of such unit, commission, board, program or entity are appointed by the County Legislature or County Manager or with respect to which the County is responsible for funding, and submit audit reports to the County Legislature and where applicable, to the County Manager.
- D. Provide such other accounting reports and interpretation thereto to the County Legislature and the County Manager as requested on a timely basis.
- E. Perform such other and related duties as shall be required or delegated by New York State law, this Charter or the County Legislature.

§ C9.03. Appointment of Deputy Auditor.

The County Auditor shall have the power to appoint a Deputy County Auditor as shall be authorized by the County Legislature within appropriations provided. The position shall be filled by competitive examination and shall not be exempt from the provisions of the **Civil Service Law**.

Article X. Coroners

§ C10.00. Coroners.

[Amended 9-8-1994 by L.L. No. 6-1994]

There shall be four Coroners, elected from the county at large for a term of four years. Payments for services rendered shall be established by resolution of the County Legislature.

§ C10.01. Duties and powers.

The Coroners shall have all duties and powers now or hereafter conferred or imposed by New York State law.

Article XI. General and Transitional Provisions

§ C11.00. Adoption of Charter; when effective.

This Charter shall, upon approval of referendum in the manner provided by law, become effective as of January 1, 1995, except for § **C1.06**, entitled "Legislative option," of this Charter. Said § **C1.06** shall become effective as of January 1, 1994.

§ C11.01. Continuity of authority.

All existing state, county, local and other laws or enactments having the force of law shall continue in force until lawfully amended, modified, superseded or repealed, either by this Charter or an enactment adopted subsequent to its effective date. Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County Officer or administrative unit responsible therefore under this Charter or the Administrative Code.

§ C11.02. Charter clarification.

[Amended 9-8-1994 by L.L. No. 6-1994]

If any provision of this Charter is not clear or requires elaboration in its application to the county, the County Legislature may interpret such provisions in a local law not inconsistent with the provisions of the **Municipal Home Rule Law**. Where any question arises concerning the transition to a Charter which is not provided for herein, the County Legislature may provide for such transition by a local law not inconsistent with the provisions of the Municipal Home Rule Law.

§ C11.03. Separability.

If any provision of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy.

§ C11.04. Charter to be liberally construed.

This Charter shall be liberally construed to achieve its objectives and purposes.