

County of Tioga

Local Law No. 4 of the Year 1985.

A Local Law establishing a Department of Public Works for Tioga County.

Be It Enacted by the Legislature of the County of Tioga as follows:

***SECTION 1: ESTABLISHMENT OF DEPARTMENT OF PUBLIC WORKS***

Pursuant to Section 10 of the Municipal Home Rule Law of the State of New York, a Department of Public Works is hereby established for Tioga County.

The head of the department shall be a Commissioner of Public Works, who shall be appointed by the County Legislature for a 5 year term on the basis of administrative and engineering experience. The appointee shall be a graduate of an accredited college or university, possess a bachelors degree in civil, sanitary, public health or environmental engineering, and be licensed as a professional engineer by the State of New York. The Tioga County Highway Department and the office of the Tioga County Superintendent of Highways are hereby abolished and the powers and duties of such department and office transferred to the department of public works and its commissioner.

***SECTION 2: POWERS AND DUTIES OF COMMISSIONER OF PUBLIC WORKS***

The Commissioner of Public Works shall:

(a) Have all the powers and duties of a county engineer, a county health engineer, and a county superintendent of highways as set forth in the Highway Town Law and other applicable laws.

(b) Have charge and supervision of the design, construction, improvement, repair, and alteration of Highways, bridges, buildings and grounds, structures, facilities, parking areas, drives, walks, parks, recreational areas, preserves, drainage project, erosion projects, flood control projects, public health projects and such other projects, structures and facilities in the nature of public works under the jurisdiction of the county including personnel, vehicles and equipment employed or used in connection therewith.

(c) Furnish engineering and other services to the County Legislature, the planning department, public health department and such other county departments as the County Legislature may direct.

(d) Have charge of and have the duty of performing such other functions concerning county property, public works and other matters as the County Legislature from time to time, may direct.

### ***SECTION 3: DIVISIONS OF THE DEPARTMENT***

(a) There shall be the following divisions within the Department of Public Works: division of highways, bridges and structures; division of building and grounds; division of public health engineering; and such other division or divisions as may be created within the department by local law or resolution of the legislature. The Commissioner may appoint with Legislative approval, and assign a division head who shall act for and on behalf of the Commissioner with respect to each such division. It shall be the duty of each division head while holding such position to carry out the function of such division as provided by local law or by directives of the Commissioner. Such division head shall be subject to reassignment or transfer by the Commissioner to other duties within the department.

(b) The Commissioner of Public Works may delegate to one or more of his division heads specific powers and duties of the Commissioner of Public Works, including those which he or she has as a county engineer, a county superintendent of highways or the public health engineer, and may revoke such delegations. Such delegations and revocations shall be in writing and shall set forth the specific power or powers, duty or duties so delegated or revoked. Such written delegations or revocations shall be filed with the Clerk of the County Legislature. The acts performed by such division heads pursuant to such delegations shall have the same effect in law as if performed by the Commissioner of Public Works.

(c) Within the appropriations provided therefore, and when authorized by the County Legislature, the Commissioner of Public Works may employ such special engineering, architectural or other technical consultant services and incur such expenses as may be necessary for the performance of any of the duties of this office.

(d) The Commissioner of Public Works and any consultant, division head, assistant or employee of the department when authorized by the Commissioner may enter upon any public or private lands within the county for the purpose of making any surveys, examinations or investigations

necessary or desirable for the exercise of the powers or the performance of the duties of the department.

(e) The Commissioner of Public Works may contract, subject to the approval of the County Legislature with any municipal, district or public benefit corporation for public works services. The costs and expenses incurred as well as charges for central facilities and administrative services relating thereto shall be borne proportionately by each such contracting party as agreed upon.

(f) All current employees of the highway department and building and grounds maintenance personnel will become Public Works Department employees with their job descriptions revised to allow them to work within all divisions of the public works department.

#### ***SECTION 4: DIVISION OF HIGHWAYS, BRIDGES AND STRUCTURES***

The division of highways, bridges and structures may be headed by the Commissioner of Public Works. The division head subject to the direction of the Commissioner shall have all the powers and duties vested in and imposed upon a county superintendent of highways or a county engineer by law, and such other duties as may be prescribed by the County Legislature. More specifically, the division head shall supervise the planning, inspection, design, engineering, surveying, construction and maintenance of county highways and bridges including:

(a) Originating highway and bridge plans, methods of work, and highway programs.

(b) Supervising employees directly or by delegation.

(c) Purchasing highway materials and machinery.

(d) Establishing chemical and physical controls for the quality of road material used.

(e) Overseeing research projects to determine highway construction costs.

(f) Planning and administering all highway and bridge construction.

(g) Planning and directing use of equipment and men in snow removal.

## ***SECTION 5: DIVISION OF BUILDING AND GROUNDS***

The Division of Buildings and Grounds shall be headed by a "General Building Supervisor" who shall be appointed by the Commissioner on the basis of building maintenance and administrative experience. The duties and responsibilities of the General Building Supervisor include:

- (a) Charge and control of all janitors, caretakers, and any other employees connected with the care and maintenance of county building and grounds.
- (b) Coordination and supervision of the activities of contractors, service organizations and County personnel in construction or remodeling activities in County buildings.
- (c) Assisting in planning maintenance schedules and preventive maintenance programs for county buildings and related mechanical equipment.
- (d) Developing and implementing methods and procedures for the cleaning and maintenance of County buildings.
- (e) Supervising and participating in the preparation and maintenance of cost and progress records and reports.
- (f) Reviewing and negotiating service agreements for the maintenance of County buildings and equipment.
- (g) Planning and supervising the care and servicing of special equipment such as air conditioning, heating and plumbing systems and other related operational systems in County buildings.
- (h) Supervising and participating in the performance of a variety of maintenance, repair and construction tasks.
- (i) Preparing budget estimates.
- (j) Keeping records and making reports.
- (k) Maintaining payroll records.
- (l) Making such rules and regulations governing employees as deemed necessary and proper.
- (m) Performing such other duties as required by the Commissioner of Public Works.

***SECTION 6: DIVISION OF PUBLIC HEALTH ENGINEERING***

(a) The division of public health engineering may be headed by the Commissioner of Public Works or professional engineer licensed by the State of New York and appointed by the Commissioner.

(b) The division head shall provide for the public health department the necessary engineering assistance required by that department such as :

(i) Water supply inspections and sampling.

(ii) Sub-division review.

(iii) Water supply and distribution plan review.

(iv) On site sewage disposal plan review.

(v) Plumbing cross-connection plans.

(vi) Review of mobile home park plans.

(vii) General advice and guidance to the public health department on all public health and sanitary engineering matters.

***SECTION 7: RULES, REGULATIONS AND CHARGES***

(a) Except as otherwise provided, the County Legislature shall have the power to establish by resolution such charges, rules, and regulations, for use by the public or facilities under the jurisdiction of the department of public works, and to provide for the enforcement thereof. Any such rules, regulations or charges so established shall become effective upon filing with the Clerk of the Legislature and the Commissioner of Public Works.

(b) The Commissioner of Public Works may make such other rules and regulations necessary or desirable for the performance of the duties of the office which shall become effective upon filing with the Clerk of the Legislature.

***SECTION 8:***

This Local Law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 1985 of the (County) of Tioga was duly passed by the Tioga County Legislature on December 30, 1985, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County) (City) (Town) (Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on and was deemed duly adopted on , 19 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on , 19 , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 19 , in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on , 19 , become operative.

---

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 19 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

State of New York

County of Tioga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

Title

County of Tioga

City

Town

Village

Date: