

County of Tioga

Local Law No. 2 of the Year 2008

A Local Law establishing the office of County Comptroller for the County of Tioga under County Law Section 575 and Municipal Home Rule Law 10.

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

SECTION I: LEGISLATIVE INTENT

It is the purpose and intent of this local law to establish the office of County Comptroller under Section 575 of the County Law with such office being an appointive position pursuant to authority under Municipal Home Rule Law Section 10. It is not the purpose or intent of the County Legislature in the adoption of this local law to curtail, diminish or transfer the statutory power of any elected or appointed County official.

SECTION II: APPOINTMENT, TERM OF OFFICE

- A. There shall be the Office of County Comptroller who shall serve according to the provisions of County Law Sections 575, et seq.
- B. The County Comptroller shall be appointed by the County Legislature. The term of office of the first County Comptroller appointed pursuant to this local law shall commence on the date of appointment, and shall expire on December 31, 2009. Subsequent appointments shall be for a term of four (4) years following the appointment. Appointment to fill a vacancy in the Office of County Comptroller shall be for the remainder of the unexpired term.

SECTION III: QUALIFICATIONS

- A. At the time of appointment, the County Comptroller shall have the following training and/or experience:

i) Graduation from a NYS accredited college or university with a Master's Degree in Accounting plus two (2) years full-time experience or it's part-time equivalent in Accounting and Auditing work, OR

ii) Graduation from a NYS Accredited college or university with a Bachelor's Degree in Accounting or Finance plus four (4) years full-time experience or it's part-time equivalent in Accounting or Auditing work.

The County Comptroller shall be appointed on the basis of these and such other qualifications as may be required for the responsibilities of the office.

B. The appointee need not be a resident of Tioga County at the time of appointment, but shall become so within six (6) months of appointment and remain so during the term of office pursuant to Public Officers Law Section 3. Failure to become such a resident or to remain such a resident shall be cause for dismissal by the County Legislature without other or further notice.

SECTION IV: SALARY

The County Comptroller shall receive an annual salary to be fixed by the County Legislature.

SECTION V: POWERS AND DUTIES

The County Comptroller shall have all the powers and duties as set forth in County Law Section 577 which shall include the powers and duties of Budget Officer as that term is defined in County Law Section 351[3].

SECTION VI: SEVERABILITY OF PROVISIONS

If any clause, sentence, paragraph, subdivision, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree, or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order have been rendered.

SECTION VII: CONFLICT WITH PREVIOUS LOCAL LAWS AND RESOLUTIONS

In the event of a conflict or inconsistency between this local law and any previous local law or resolution of the County Legislature, this local law shall govern.

SECTION VIII: EFFECTIVE DATE

This local law shall take effect when all applicable statutory requirements for its passage and adoption have been complied with fully including passage of a mandatory referendum under Municipal Home Rule Law Section 23 on the creation of the position and the local law has been duly filed as provided by the Municipal Home Rule Law.

(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. 2 of 2008 of the (County) of Tioga was duly passed by the Tioga County Legislature on August 28, 2008, 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 20 of the (County) (City) (Town) (Village) of was duly passed by the on , 20 , and was (approved)(not disapproved)(repassed after disapproval) by the on and was deemed duly adopted on , 20 , 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 20 of the (County)(City)(Town)(Village) of was duly passed by the on , 20 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 20 . 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 , 20 , 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 20 of the (County)(City)(Town)(Village) of was duly passed by the on , 20 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 20 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 20 , 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 20 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 , 20 , 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 20 _____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, 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: August 28, 2008

(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

Mark A. Dixson
Title County Attorney
County of Tioga
City
Town
Village

Date: August 28, 2008