

**Adopt Proposed Local Law No. 2 for the Year 2010
Providing for the Term of Office of County Administrator**

WHEREAS, proposed Local Law No. 2 for the year 2010 provides for the term of office of the Cortland County Administrator, and said local law was introduced at a Special Legislative Session held on September 1, 2010; and

WHEREAS, said Local Law has been in its final form upon the desks of the members of the Legislature at least seven (7) calendar days, exclusive of Sunday, prior to this date;
AND

WHEREAS, a public hearing thereon has been held before this Legislature after publication of notice thereof as required by law; NOW THEREFORE, BE IT

RESOLVED, that proposed Local Law No. 2 for the year 2010 is hereby adopted, and this proposed Local Law being subject to mandatory referendum, the Clerk of the Legislature is hereby directed to transmit to the Cortland County Board of Elections the form of the ballot proposition which shall be submitted for the approval of the electors of Cortland County at a general election on November 2, 2010; and be it further

RESOLVED, that the proposed Local Law No. 2 for the year 2010 shall become operative only if approved at such election by the affirmative vote of a majority of the qualified electors of Cortland County voting upon the proposition, and upon filing as required by law;

NOW, THEREFORE,

BE IT ENACTED by the Legislature of the County of Cortland, as follows:

Local Law No. 2 of 2010

**A Local Law Providing for the Term of Office for the
Position of Cortland County Administrator**

BE IT ENACTED by the Legislature of the County of Cortland, as follows:

Section 1. Definitions

As used in this local law, the following terms shall mean and include:

1. "County" – the County of Cortland, State of New York

2. "Local Law" – a law adopted by the County Legislature pursuant to this local law or other act of the County Legislature in accordance with the provisions of the New York State Municipal Home Rule Law.
3. "County Act" – a local law or resolution adopted by the County Legislature.

Section 2. County Administrator Office Created and Continued

Pursuant to the provisions of the Municipal Home Rule Law, the position of Cortland County Administrator was established by the Cortland County Legislature by Local Law No. 7 of the year 2002, and as amended by Local Law No. 3 of the year 2003, which provided that the County Administrator be appointed by the County Legislature for a fixed term of office not to exceed four (4) years.

The Cortland County Legislature desires to fix the term of the County Administrator in accordance with §23 of the Municipal Home Rule Law. All provisions of Local Law No. 7 of the year 2002 and Local Law No. 3 of the year 2003 shall remain in full force and effect except as modified herein.

Section 3. County Administrator Term of Office

- A. The term of office of the County Administrator shall be up to four (4) years from and including the first day of January. Successors shall be appointed for terms up to four (4) years each.
- B. Vacancies occurring otherwise than by expiration of term shall be filled by appointment by the County Legislature for the unexpired portion of the term.
- C. Every County Administrator appointed for a fixed term may hold over and continue to discharge the duties of his/her office after the expiration of his/her term until his/her successor is chosen and has qualified, but after the expiration of such term the office shall be deemed vacant for the purpose of choosing a successor. All provisions of Public Officers Law §5 not inconsistent with this local law shall apply.
- D. At least six (6) months prior to the end of the County Administrator's term of office, the County Legislature shall determine if it wishes to advertise and seek applications for the position or to reappoint the incumbent County Administrator. The County Administrator shall receive written notification of either decision. If it is the wish of the County Legislature to seek applications for the position of County Administrator, the Chairman of the County Legislature shall appoint a Selection Committee.

Section 4. No Divestiture of Powers or Duties of the County Legislature

Nothing contained in this local law shall operate or be constructed to divest the Cortland County Legislature or any of its powers or duties.

Section 5. Separability of Provision

If any clause, sentence, paragraph, subdivision, section or part of this local law be adjudged by any court or 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 of the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.

Section 6. Ballot Proposition

Upon the adoption of this local law the Clerk of the County Legislature is hereby directed to transmit, forthwith, to the Cortland County Board of Elections, the form of the ballot proposition to be voted upon on the November ballot in substantially the following form:

“Proposition No. 1, submitting a local law for the year 2010 to the electors of the County of Cortland, to be held on the 2nd day of November, 2010. Shall there be approved and adopted in the County of Cortland, New York, a local law entitled ‘A local law providing for the term of office for the position of County Administrator’, as enacted by the Cortland County Legislature on September 1, 2010.”

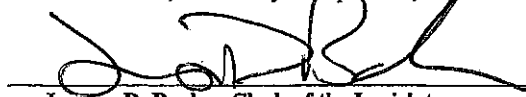
Section 7. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State after approval by a majority of the electors voting thereon in accordance with the requirements of Municipal Home Rule Law §27.

STATE OF NEW YORK) SS:
COUNTY OF CORTLAND)

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 1st day of September, 2010 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand
and the official seal of the CORTLAND COUNTY
LEGISLATURE, this 2nd day of September, 2010.



Jeremy D. Boylan, Clerk of the Legislature
Cortland County

Abstract of Local Law Entitled
"A Local Law Providing for the Term of Office
For the Position of Cortland County Administrator"

**BALLOT ABSTRACT FOR GENERAL ELECTION
TO BE HELD NOVEMBER 2, 2010**

Shall there be approved and adopted in the County of Cortland, New York, a local law entitled "A Local Law Providing for the Term of Office for the Position of Cortland County Administrator"?

As adopted by the Legislature of the County of Cortland, New York on September 1, 2010, to be submitted as PROPOSITION NO. 1 and voted upon in the County of Cortland, at the general election to be held on November 2, 2010.

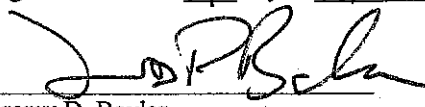
The purpose of this Local Law is to fix the term of office of the County Administrator, providing a term of office of up to four (4) years, which is longer than that of the appointing body, the Cortland County Legislature. The effect of this Local Law would be to expand the potential pool of applicants in the event of a vacancy in the position of County Administrator, and encourage the retention of qualified individuals once hired.

The foregoing abstract, together with a proposition herewith submitted, is prepared by the Clerk of the Legislature of the County of Cortland, with the advice of the Cortland County Attorney, pursuant to section 25 of the Municipal Home Rule Law.

State of New York)
County of Cortland) ss:

This is to certify that I, Jeremy D. Boylan, Clerk of the Legislature of the County of Cortland, have compared the foregoing copy of the Ballot Abstract of the Legislature of the County of Cortland, proposed Local Law No. 2 of the year 2010, with the original now on file in this office, and that the same is a true, correct and complete transcript of said original and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Cortland County Legislature on this 14 day of September, 2010.



Jeremy D. Boylan
Clerk of the Cortland County Legislature