The Nassau County Charter

Prepared by the
Nassau County Attorney's Office

January 2, 2020

County Government Law of Nassau County: The Nassau County Charter

January 2, 2020

Verification of text:

The annexed has been reviewed and edited through January 2, 2020. Text may be compared for verification to the enacting and amending legislation. Such legislation can be obtained from the Office of the Clerk of the Legislature at (516) 571-4252 or online at

http://www.nassaucountyny.gov/525/Local-Laws.

In case of any discrepancy between this compilation and the local laws as enacted by the Legislature, the latter shall be determinative.

The County is not responsible for any errors or omissions in this publication. Footnotes, words in brackets and parentheticals containing dates of enactment are not part of this Charter.

Other laws:

Users should be aware that, in addition to the County Charter, local laws enacted by the County Legislature are codified in the Nassau County Administrative Code and the Miscellaneous Laws of Nassau County. Both the Administrative Code and the Miscellaneous Laws are also available on the County website.

The County Legislature also acts by Ordinance and Resolution. Ordinances and Resolutions are not codified, but the proceedings of the Legislature are available through the office of the Clerk of the Legislature and at:

http://www.mccinnovations.com/weblink/Browse.aspx.

County Government Law of Nassau County
Laws 1936, Chapter 879, as Amended*

AN ACT providing an alternative form of government for certain counties and providing for the submission of the same to the electors of any such county.

Became a law June 5, 1936, with the approval of the Governor. Passed on message of necessity three-fifths being present.

This act became effective in Nassau County January 1, 1938. Amendments thereto by L. 1937, Ch. 618 were made before such act was approved by the electors.

The People of the State of New York, represented in Senate and Assembly do enact as follows-

Alternative Form of Government for Certain Counties

Article

I. The County Legislature. (§§ 101-115.)

I-A. Local laws. (§ 162.)

I-B. The Office of Legislative Budget Review. (§§ 180-184.)

I-C. Office of the Inspector General, Nassau County. (§§ 185-194.)

II. Executive. (§§ 201-209.)

III. Budget. (§§ 201-309.)

IV. Comptroller. (§§ 401- 405.)

V. County Treasurer. (§§ 501-503.)

VI. Department of Assessment. (§§ 601-609.)

VII. Department of Shared Services. (§§ 701-705.)

VIII. Department of Police. (§§ 801-804.)

IX. Department of Health. (§§ 901-906.)

X. Department of Human Services. (§§ 1001-1005.)

XI. County Attorney. (§§ 1101-1124.)

XII. Department of Public Works. (§§ 1201-1237.)

XIII. Department of Civil Service. (§§ 1301-1309.)

XIV. Franchises. (§§ 1401-1405.)

XV. Districts, Towns, Villages and Cities. (§§ 1501-1502.)

XVI. Division of Planning. (§§ 1601-1611.)

XVII. Fire Commission. (§§ 1701-1707.)

XVIII. County Debt Commission. (§§ 1801-1807.)

XIX. County Clerk. (§§ 1901-1902.)

XX. Sheriff (§§ 1901-2004.)

XXI. Miscellaneous Officers. (§§ 2102-2115.)

XXI-A. Department of Information Technology. (§§ 2150-2151.)

XXI-B. Department of Consumer Affairs (§§ 2157-2161)

XXI-C. Department of Parks, Recreation and Museums. (§§ 2164-2165)

XXII. General Provisions. (§§ 2201-2220.)

XXIII. Elections. (§§ 2301-2305.)

XXIV. District Court; Organization and Jurisdiction. (§§ 2401-2449.)

XXV. Repealed

XXVI. Application of act; when and how operative and effective. (§ 2601-2607.)

ARTICLE I THE COUNTY LEGISLATURE

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	112.	Legislative districts.
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§ 101. **County a municipal corporation; powers.** Any county which adopts this act, as hereinafter provided, shall be and remain a municipal corporation under its then name. Such county shall have and exercise all the rights, privileges, functions, powers, duties, and obligations conferred or imposed on it by existing or subsequent laws not inconsistent with the provisions of this act. Such county shall also have and exercise all the rights, privileges, and jurisdiction essential to a proper exercise of its corporate function, including all that may be necessarily incident to, or may be fairly implied from, the powers specifically conferred upon such corporation. The term "this act" in this and the ensuing provisions hereof, exclusive of article twenty-six, shall mean this alternative form of government or an indicated provision thereof.
(As originally adopted in L. 1936 Ch. 879.)

§ 102. **The County Legislature**. The legislative power of the county shall be vested in the County Legislature which, except as otherwise provided in this act with respect to the powers and duties reserved to the County Executive, shall have and exercise all the powers and duties of the county together with all the powers and duties which now, or may hereafter be conferred or imposed on the County Legislature by laws applicable to such county not inconsistent with this act. The County Legislature shall also have such other powers and duties as are provided by this act. Whenever the term "Board of Supervisors" appears in any provision of the County Government Law of Nassau County, or the Nassau County Administrative Code, or any local law, ordinance or resolution heretofore adopted by the Nassau County Board of Supervisors, it shall be deemed to mean and refer to the County Legislature. Whenever the term "vice-chairman of the Board of Supervisors" appears in any provision of the County Government Law of Nassau County, or the Nassau County Administrative Code, or any local law, ordinance or resolution heretofore adopted by the Nassau County Board of Supervisors, it shall be deemed to mean and refer to the presiding officer of the County Legislature. Whenever a

masculine pronoun appears in any provision of the County Government Law of Nassau County, or the Nassau County Administrative Code, or any local law, ordinance or resolution heretofore or hereinafter adopted, it shall be deemed to be gender neutral.[1]

§ 103. **Specific powers.** In addition to all powers conferred by the preceding section or by other provisions of this act, the County Legislature shall have power to:

1. create, organize and abolish departments, bureaus, offices and employments, not inconsistent with the terms of this act, and fix, on the recommendation of the County Executive, the compensation of all officers and employees of the county, except as otherwise provided in this act;

2. exercise powers of local legislation as provided in section two of article nine of the constitution of the State of New York;
   (Amended by L. 1945 Ch. 42 § 1, in effect February 28, 1945.)

3. fix the amount of the bond to be given by any official or employee of the county, conditioned on the faithful performance of his duty, and make the premium on such bonds a county charge;

4. employ such expert legal, financial or other technical advisors as may be from time to time necessary in relation to the performance of any of the functions of local government in the county, including the investigation of the operation of such government or any part thereof other than the County Legislature;

5. adopt, amend and repeal ordinances for the purpose of making effective any of the provisions of this act and to carry out all powers conferred upon the county or the County Legislature by any other law, and provide for the enforcement thereof by appropriate penalties not exceeding a fine of five thousand dollars or imprisonment for not more that one year or both such fine and imprisonment;
   (Amended by Local Law No. 3-1985, in effect March 25 1985; amended by Local Law 15-2000, in effect June 14, 2000.)

6. make rules and regulations, by ordinance, covering the use of, parking on, and traffic in and through, any county-owned or county-leased property, except as to any roads or other property under the jurisdiction and control of the State of New

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[1] In an action entitled *Jackson, et al.* v. *Nassau County Board of Supervisors, et al.,* 818 F. Supp. 509 (E.D.N.Y. 1993), the U.S. District Court declared the Nassau County Board of Supervisors and its system of weighted voting to be unconstitutional. By Order, dated June 30, 1993, the Court established guidelines and recommendations for the adoption of an alternative form of government which would conform to the "one person, one vote" principles embodied in the U.S. Constitution. Based upon that order, Local Law 11-1994 was approved by the Board of Supervisors and place before and approved by the voters of Nassau County in a referendum on November 8, 1994. The Local Law established the form, powers, structure and districts of a new County Legislature with members elected from nineteen districts replacing the six member Board of Supervisors. The law provided that revised form of county government would maintain a separation of powers between the legislative branch and the executive branch. The Local Law did not become effective until January 1, 1996 when the Nassau County Legislature was established.

York or any of its agencies and to provide that upon conviction for the violation of any one or more of such rules, regulations or ordinances a person so offending may be punished by a fine of not exceeding six hundred dollars or by imprisonment not exceeding thirty days or by both such fine and imprisonment, and to further provide that a violation of any speed limitation shall constitute a misdemeanor;
(Amended by Local Law No. 11-2002, in effect October 3, 2002)

7. make appropriations, levy taxes and incur indebtedness for the purpose of carrying out any of the powers and duties conferred or imposed on the county or any officer, board, commission or other authority thereof, by this act or otherwise by law;
(Subd. 6 renumbered to be subd. 7 and new subd. 6 added by Local Law No. 2, 1954, in effect May 17, 1954, amended by Local Law No. 6-1968 in effect November 18, 1968.)

8. review and approve, to the following extent and in the following manner, through its Rules Committee, personal service contracts proposed to be entered into by the County Executive. Personal service contracts are contracts for professional and other technical services which are not subject to the competitive bidding requirements under Section 2206 of the County Government Law of Nassau or section 103 of the General Municipal Law. Contracts that are so characterized shall be included in this definition, even if they are otherwise denominated. A determination that a person, firm or entity, or affiliated person, firm or entity is uniquely qualified to perform the services required under a personal service contract shall not be solely based on the facts and circumstances that said person, firm or entity or affiliated person, firm or entity has had an historic or continuing relationship with the county in providing said service or a similar service.

   a) Except as otherwise provided in this subsection, without a resolution approved by the Rules Committee of the County Legislature, any personal service contract, professional service contract, and similarly characterized contract, memoranda or agreement shall be limited to an expenditure of one thousand ($1,000) dollars and a term of one (1) year.

   b) If the County Executive or Deputy County Executive determines that the exigencies of the circumstances warrant, the County Executive or Deputy County Executive can authorize a contract for up to ten thousand dollars ($10,000) without approval of the Rules Committee. If the County Executive or Deputy County Executive determine that more than ten thousand dollars ($ 10,000) worth of work is necessary and-must be performed on an emergency basis, because of a threat to the health or safety of the residents and/or employees of Nassau County, by a person, firm, entity or affiliated person, firm or entity the Rules Committee, after actual notice to the Presiding Officer, Chairperson of the Rules Committee, or Clerk of the Legislature, shall convene within twelve (12) hours of said notice to consider the matter for the purpose of authorizing such expenditures. Failure of the Rules Committee to convene within twelve (12) hours shall be deemed an approval.

If the County Executive or Deputy County Executive determine that more than ten thousand dollars ($ 10,000) worth of work is necessary and must be performed on an emergency basis by a person, firm, entity or affiliated person but if the nature of the emergency does not constitute a threat to the health or safety of the residents and/or employees of Nassau County, the Rules Committee shall convene within seventy-two (72) hours of the actual notice by the County Executive or Deputy County Executive to the Presiding Officer, the Chairperson of the Rules Committee or the Clerk of the County Legislature to consider the matter for the purpose of authorizing such expenditures. Failure of the Rules Committee to convene within seventy-two (72) hours shall be deemed an approval.

c)[2] The following contracts and services are exempt from this subsection:

i) personal service contract(s), professional service contract(s) and similar contract(s), memoranda and agreement(s) which are already subject to the approval of the County Legislature;

ii) procurements made pursuant to General Municipal Law sections 103, 104 and 120-w, State Finance Law section 175-b and Correction Law section 186;

iii) transactions or contracts with the United States of America, any state and any political subdivision, agency or instrumentality thereof unless such transaction or contract is required by law to be approved by the County Legislature;

iv) contracts for the services of expert witnesses for use in, or in anticipation of, a specific adjudicatory proceeding or litigation;

v) contracts for services of attorneys to provide respective legal counsel to the County Executive or the Presiding Officer limited to the two (2) following areas;
   aa) To defend the County Executive or Presiding Officer in a lawsuit in which the County Executive or Presiding Officer is named as a party in his or her governmental or individual capacity;
   bb) To provide specialized legal counsel to the County Executive, individually, or to the Presiding Officer, individually, in certain sensitive governmental areas which require the use of outside counsel.

vi) procurements which involve the expenditure: of federal or state assistance where and to the extent that federal and state law, rules or regulations conflict with the provisions of this subsection,

[2] There are two subsections (c)

vii) any procurement for the purpose of entering into a contract or contracts with not-for-profit organizations for the purposes of providing aid, care and support to persons in need of public assistance;

viii) any procurement for the purpose of entering into a contract with persons to provide direct services to senior citizens, including care, counseling, referral, case management, social and nutritional support, and other essential outreach services;

ix) any procurement contract required to be made pursuant to federal, state or local law; and

x) contracts with recipients for the disbursements of grants under the Community Development Block Grant Program.

c)[3] Unless otherwise provided for in this subsection, personal service contracts that are required to be brought before the Rules Committee of the County Legislature by this agreement shall be referred and acted upon by the Rules Committee within forty-five (45) days of their having been referred to the Clerk of the County Legislature, provided, however, that within that forty-five (45) day period no work shall be performed pursuant to said contract except as otherwise provided by this agreement or by law. Furthermore, if the Rules Committee fails to act within forty-five (45) days as provided herein, said contract shall be deemed approved as if the Rules Committee had acted in the affirmative.

c-1) Every personal service contract that must be brought before the Rules Committee of the County Legislature shall recite the maximum amount of the consideration or cost or a sum certain.

d) Anytime this subsection is amended, the provisions of such amendment to this subsection shall not apply to any contract filed with the Clerk of the County Legislature prior to the effective date of the amendment. Any contract filed with the Clerk of the Legislature prior to the effective date of any amendment to this subsection shall be governed by the provisions of this subsection in effect prior to the effective date of the amendment. Any contract filed prior to the effective date of any subsection amendment which is thereafter amended, modified or extended after the effective date of the subsection amendment shall be deemed to be a new filing and will be subject to the subsection amendment.

(Subdivision 8 added by Local Law No. 37-2000, in effect December 4, 2000; amended by Local Law No. 1-2016, in effect March 29, 2016; amended by Local Law No. 3-2019, in effect April 27, 2019.)

[3] There are two subsections (c)

§104. **County Legislature; terms; qualifications.**

1. The County Legislature shall consist of nineteen legislators, one to be elected from each county legislative district.

2. The office of county legislator shall be a part-time office and, except as hereinafter otherwise provided, no county legislator shall be precluded from engaging in any other occupation or employment. Notwithstanding the foregoing, no county legislator shall hold any other public office or be an employee of the county.

3. The term of office of all county legislators shall be two years and shall begin on the first day of January next following their election, except as provided in section one hundred eight of this act.

4. Each county legislator shall be a qualified voter of the county, shall have been a resident of the county for at least one year immediately preceding the commencement of such person's term of office, and, except as otherwise provided in subdivision three of section one hundred twelve, shall reside in the county legislative district which such person represents at that time of such person's nomination for office and during such person's entire term of office.

5. Each county legislator shall have one vote.
(Subdivision two amended; Subdivision three repealed; Subdivision three, four, and five added by Local Law No. 5-1975, in effect January 1, 1976 upon the approval of the electors In the November, 1975, general election. Local Law No. 6-1975, providing for a County Legislature defeated at said general election. Local Law No. 3-1975, providing for a County Legislature defeated at a special election held June 10, 1975; Subdivision five repealed by Local Law No. 2-1982 and new subdivision five became effective at December 6, 1982 meeting of the Board of Supervisors after notification by the Board of Election that a public referendum approved the new weighed voting plan at the general election on November 2, 1982 required by Subdivision 3 § 104 of the Nassau County Charter; amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 105. **Procedure; emergency actions; special meeting; publicity of agendas.** The County Legislature shall establish rules for its proceedings, including rules for the appointment of all committees not inconsistent with the following provisions:

1. The County Legislature shall act only by ordinance, resolution or local law. No money shall be appropriated, bond issue or other loan authorized, assessment levied, office created, salary fixed, franchise or privilege granted, real property of the county alienated, fine or penalty established, except by ordinance. No ordinance, resolution or local law, except resolutions relating to procedure, or amendment to any ordinance, resolution or local law, shall be passed by the County Legislature by less than ten affirmative votes, unless otherwise provided in this act. Ordinances authorizing the issuance of obligations shall comply with the provisions of the local finance law. No ordinance, resolution or local law, or amendment to any ordinance, resolution or local law, shall be passed, unless such ordinance, resolution or local law, or amendment has been on file with the clerk

of the County Legislature in final form for passage for at least one week, and unless the same is entered by number and title on an agenda to be prepared by the clerk of the County Legislature and posted to the official website of Nassau County at least one week prior to said action. No ordinance shall be passed by the County Legislature until the same in final form for passage has been posted to the official website of Nassau County not less than four days prior to the meeting at which final action is to be taken. In addition, no ordinance shall be passed by the County Legislature until the proposed number and title of said ordinance is published at least once in the official newspapers not less than four days prior to the meeting at which final action is to be taken. All notices published in the official newspapers pursuant to this section shall include a statement that a complete copy of the noticed ordinance or ordinances shall be available for public inspection on the official website of Nassau County and in the office of the clerk of the County Legislature during normal business hours. All resolutions, ordinances and other measures so filed with the clerk of the County Legislature shall be open to public inspection at all times during which the office of the clerk of the County Legislature shall be open.
(Subd. 1. amended by L. 1943 Ch. 710 §100 as last amended by L. 1945 Ch. 338, in effect September 2, 1945.) Note: Amendment required by Local Finance Law § 33.00, 40.00 and 160.00.)(Amended by Local Law No. 15-2011, in effect December 22, 2011).

2. Upon the written recommendation of the County Executive or in his absence or inability to act the Deputy County Executive designated as provided in section two hundred five of this act or upon the written recommendation of the presiding officer of the County Legislature or any ten of its members, the County Legislature may, by thirteen affirmative votes adopt a resolution setting forth that an emergency, described therein exists which makes it necessary to take immediate action on any ordinance, resolution, local law, or amendment to any ordinance, resolution or local law before the County Legislature; provided no such resolution shall ever be passed with relation to any ordinance or amendment to an ordinance granting a public utility franchise or making a renewal, extension or amendment thereof. In such case, the County Legislature may pass the resolution, ordinance, local law or amendment, immediately, anything herein contained to the contrary notwithstanding; provided, however, that in such case the ordinance, resolution or local law shall forthwith be posted to the official website of Nassau County with the resolution setting forth the emergency. In addition, the number and title of the resolution setting forth the emergency and the number and title of the ordinance, resolution or local law passed pursuant to the emergency shall forthwith be published in the official newspapers
(Amended by L. 1948 Ch. 92; Local Law No. 1-1962, in effect May 14, 1962; amended by Local Law No. 15-2011, in effect December 22, 2011.)

3. Special meetings of the County Legislature may be called at any time by the County Executive, by the presiding officer, or by any ten county legislators, upon not less than twelve hours' actual notice effected by any means of communication, or upon written notice delivered at the place of residence of each legislator not less than twenty-four hours before the time of the proposed meeting.

4. In the month of January of each year, the County Legislature shall determine its calendar of meetings for the remainder of such year.
(Amended by L. 1943 Ch. 55 , in effect March 4, 1943.)

5. Any person who resides in the county may file with the County Legislature a notice stating his name, residence and post office address, and thereupon, and the same day that each agenda is posted to the official website of Nassau County, the clerk of the County Legislature shall mail to each person filing such notice, directed to such person at the post office address therein stated, a copy of each agenda, and also notices of all special meetings of, and hearings before, the County Legislature. The postage required for the mailing as herein required shall be paid in advance by the person to whom the same is mailed. The records of the County Legislature relating to the procedure of the County Legislature on matters placed or to be placed upon the agenda and any and all actions taken and proceedings had by the County Legislature shall be available for inspection during office hours of the clerk of the County Legislature.
(Amended by Local Law No. 15-2011, in effect December 22, 2011.)

§ 106. **Presiding officer, deputy presiding officer; alternate deputy presiding officer; minority leader.**

1. The County Legislature shall choose from its own number a presiding officer, who shall preside at all meetings of the County Legislature, be chairman of the Rules Committee, prepare that portion of the proposed county budget relating to the County Legislature, and perform such other functions as are assigned to the presiding officer by the rules of the County Legislature. The presiding officer shall cast the vote to which such person is entitled as a member of the County Legislature.

2. To the extent determined necessary by the County Legislature, the County Legislature may establish rules relating to the appointment of a deputy presiding officer, who shall preside in the absence of the presiding officer and perform such other duties as shall be determined by the presiding officer. The presiding officer may appoint an alternate deputy presiding officer, who shall preside in the absence of the presiding officer and the deputy presiding officer and perform such other duties as shall be determined by the presiding officer. The deputy presiding officer and the alternate presiding officer, when presiding at a meeting of the County Legislature, shall cast the vote to which such person is entitled as a member of the County Legislature.

3. The county legislator who receives the second greatest number of votes cast in the election of the presiding officer referred to in subdivision one of this section shall be elected the minority leader and shall have such duties and perform such functions as are assigned to the minority leader by the rules of the County Legislature; provided however that the presiding officer and the minority leader

shall not be enrolled members of the same political party.
(Amended by L. 1948 Ch. 132, in effect March 6, 1948.)

§107. **Approval of ordinances and resolutions by County Executive.** No ordinance or resolution, other than a resolution relating to procedure, shall take effect until the same has been approved by the County Executive; provided that, if any ordinance or resolution is not returned to the County Legislature with a statement of his reasons for not approving the same, within ten days of its presentation to him by the County Legislature, such ordinance or resolution shall be deemed to be approved; and provided, further, that any ordinance or resolution disapproved by the County Executive shall nevertheless become effective if upon reconsideration it be passed by the County Legislature by thirteen affirmative votes; and provided, further, that in the case of the ordinance approving the annual budget of the county, such budget shall become effective as provided in sections three hundred five and three hundred six.

§108. **Vacancies.** Any vacancy in the office of county legislator shall be filled by a special election in the county legislative district from which such legislator was elected, called by the County Executive not less than thirty days prior to the date of the special election and held within sixty days of the occurrence of the vacancy: provided that no such special election shall be required to be held if such vacancy shall occur after the first day of May in any year in which the vacancy could be filled at the general election to be held in November of such year; and provided further that no such special election shall be held if such vacancy shall occur after the first day of June in the last year of the county legislator's term. At such special or general election, a successor shall be elected to hold office for the balance of the term and shall take office immediately upon certification of the results of the election.

§109. **Compensation.**

1. Unless otherwise fixed by ordinance, the annual salary of the county legislators shall be $39,500. Any ordinance varying the annual salary of the county legislators shall be proposed and acted upon prior to the first day of October in any calendar year and shall not become effective until an election of county legislators shall have intervened.

2. The presiding officer, the deputy presiding officer, and the minority leader shall receive such additional compensation as the County Legislature shall determine but in no event shall the additional compensation to be received by the minority leader be less than eighty-five percent of the additional compensation to be received by the presiding officer.
(Amended by L. 1947 Ch. 377 § 1, in effect March 25, 1947.)

§ 110. **Employees.**

1. The County Legislature shall appoint, to serve at its pleasure, a clerk of the County Legislature.

2. Subject to sufficient budget appropriations being made therefore, the County Legislature shall employ such employees as the County Legislature shall determine. The presiding officer shall appoint majority counsel and the majority staff, and the minority leader shall appoint minority counsel and the minority staff.

3. To the extent that the county budget includes an appropriation of funds for legislative staff, exclusive of the office of clerk of the County Legislature, such appropriation of funds shall first be allocated to each county legislator in an amount sufficient to employ at least one staff person. After said allocation, the balance of such appropriation shall be used to employ the staff authorized in subdivision two of this section. In the event of any reduction in the budget of the County Legislature which requires the reduction of the staff and employees of the County Legislature, such reductions shall first be made to the appropriation used to employ the staff authorized in subdivision two of this section.

4. The employees referred to in the foregoing subdivisions of this section shall not be members of the classified service.

§ 111. **Committees.**

1. There shall be established the following standing committees of the County Legislature: rules; finance; public works; public safety; health and social services; government services and operations; planning, development and the environment; and minority affairs.

2. Each such committee shall be responsible, and shall report, to the County Legislature, by such means, in such manner and at such times as the County Legislature may prescribe.

3. Notwithstanding the provisions of subdivision one of this section, the County Legislature may, by resolution, establish additional standing committees and may divide the work and jurisdiction of the committees listed above among the additional committees so established.

4. The size, composition and the appointment of the members of each standing committee shall be determined in accordance with the rules of the County Legislature.

§112. **Legislative districts.**

1. The nineteen county legislative districts shall be set forth in the map attached hereto as Annex A, bounded and described in said Annex A.

2. The County Legislature shall within six months after public announcement of the

enumeration of the inhabitants of Nassau County in each decennial federal census commencing with the federal census for the year 2000, adopt a local law amending Annex A hereto to describe the nineteen county legislative districts which shall be based upon the new census data. Such local law shall comply with the legal and constitutional requirements for equal representation in the County Legislature of the residents of the county.

3. If, as a result of a readjustment or alteration of the county legislative districts as provided in subdivision two of this section, any county legislator shall no longer reside within the boundary lines of the county legislative district such county legislator represents, then, unless such county legislator shall, within twelve months of the effective date of such readjustment or alteration, change such person's residence so as to reside within the boundary lines of such county legislative district, such county legislator shall cease to hold such office, and the vacancy in such office shall be filled in the manner provided in section one hundred eight.

§ 113. **Temporary districting advisory commission; appointment; terms; vacancies; powers and duties; hearings; and approval of plan.**

1.
   (a) There shall be a temporary districting advisory commission established each legislative term in which the legislature is required to reapportion the county legislative districts as a result of the federal decennial census. The commission shall consist of eleven members, who shall serve without compensation, appointed as follows: one member, who shall be chairperson and who shall not be a voting member, appointed by the County Executive, five members appointed by the presiding officer and five members appointed by the minority leader. The appointment of members to the temporary districting advisory commission shall be made no earlier than one year and eight months before, and no later than one year and six months before, the general election of the county legislators to be held in the year two thousand and three and every ten years thereafter in accordance with the provisions of this section.

   (b) In the event of a vacancy by death, resignation or otherwise, a new member shall be appointed in the same manner as the member whose departure from the districting commission created the vacancy to serve the balance of the term remaining.

   (c) The members of the temporary districting advisory commission shall serve a term of ten months.

2. The temporary districting advisory commission may recommend one or more plans to the county Legislature for dividing the county into legislative districts for the election of county legislators which plan shall comply with applicable law.

The temporary districting advisory commission is authorized to hire experts, counsel, consultants and staff as provided for in the budget of the County Legislature and as the temporary districting advisory commission deems necessary. Agencies and departments of county government shall be required to provide technical assistance to the commission.

3. The temporary districting advisory commission shall take all action by not less than six affirmative votes of its members. The temporary districting advisory commission shall conduct all meetings in accordance with applicable law and may hold public hearings to develop a redistricting plan.

4. No later than ten months before the general election of the County Legislature, the temporary districting advisory commission shall transmit its recommendations and any and all plans for dividing the county into districts to the County Legislature. All recommendations from the temporary districting advisory commission shall be available for public inspection at the office of the clerk of the County Legislature.

§ 114. **The County Legislature to adopt plan.** The County Legislature may reject, adopt, revise or amend the redistricting plan recommended by the temporary districting advisory commission or adopt any other redistricting plan, provided that any plan adopted by the County Legislature shall meet all constitutional and statutory requirements. The County Legislature, shall, no later than eight months before such general election of the County Legislature, prepare and adopt by local law a final plan for the redistricting of the County Legislature.
(§ 102 through 114 amended by Local Law No. 11-1994, approved at public referendum November 8, 1994 and in effect January 1, 1996.)

§ 115. [**Allocation of funds for the Nassau County Legislature.**][4] There shall be separate control centers in the Annual Budget and Budget Ordinance for the Majority, Minority, the Office of the Clerk of the Legislature, and Office of Legislative Budget Review. The fund appropriated for the County Legislature in the Annual Budget, exclusive of the funds for the Office of the Clerk of the County Legislature and the Office of Legislative Budget Review, shall be allocated to the Majority and Minority in the proportion that the Majority members of the legislature will bear to nineteen (19) and the proportion that the Minority members of the Legislature will bear to nineteen (19) as of the commencement of the fiscal year for which the budget is adopted. The Country Legislature shall adopt an ordinance or resolution to effect the allocation in December of each year where necessary. Notwithstanding anything else to the contrary, this section may only be altered, amended, repealed or superseded by thirteen affirmative votes of the County Legislature.
(Adopted by the passage of Local Law No. 1-2011; in effect March 8, 2011.)

[4] No title for §115 was included in the Local Law adopting §115. Title added for convenience.

ARTICLE 1-A LOCAL LAWS

Section	150.	Power to adopt and amend local laws.
	150-a.	Introduction of local laws.
	151.	Effect of local law on acts of state legislature.
	152.	Action by County Legislature.
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	157.	Referendum on petition.
	158.	Propositions for the submission of local laws.
	159.	Reconsideration of local law before submission to referendum.
	160.	Filing of local laws.
	161.	Judicial notice.
	162.	Legislative intent.

§ 150. **Power to adopt and amend local laws.**

1. The County Legislature of the county shall have powers of local legislation under the provisions of section two of article nine of the constitution and shall have power to adopt and amend local laws.
   (Subdivision 1, amended by L. 1939 Ch. 700 § 1, in effect June 5, 1939: Local Law No. 11-1994, in effect January 1, 1996.)

2. In the exercise of such provision, the County Legislature of the county shall have power:

   a. to delegate to any local authority power by rule, regulation, resolution or ordinance to provide for carrying into effect the provisions of any local law;

   b. to provide for the enforcement of local laws by legal or equitable proceedings, to prescribe that violations thereof shall constitute misdemeanors and to provide for the punishment of violations thereof by civil penalty, fine, forfeiture or imprisonment, or by two or more of such punishments.
   (Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 150-a. **Introduction of local laws.**

1. A proposed local law may only be introduced by a county legislator. Each proposed local law shall bear the legend "Introduced by _____."

2. The County Executive shall have the right to submit legislative initiatives in the

form of proposed local laws for the coming year as the County Executive may determine. All such legislative initiatives for any calendar year shall be submitted by the County Executive on or prior to the submission by the County Executive to the County Legislature of the County Executive's proposed budget as provided in section three hundred two of this act.

3. Proposed local laws also may be submitted by qualified electors of the county as hereinafter provided; provided, however, no elector of the county may submit more than two proposed local laws in any calendar year. Any such proposed local law must be submitted to the clerk of the County Legislature, accompanied by a petition signed and acknowledged by no less than two thousand qualified voters of the county and in the same manner required by law for submission of a designating petition, except that in order to be valid, such petition shall contain at least fifty signatures of qualified voters from each legislative district. The petition may be made upon separate sheets, and the signatures to each sheet shall be authenticated in the manner provided by section one hundred thirty-five of the Election Law for the authentication of designating petitions. A summary statement of the proposed local law shall be contained on each sheet of each such petition. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. If within three days after filing of such a petition a written objection thereto be filed with the clerk of the County Legislature, the Supreme Court, or any justice thereof, of the judicial district in which the county or any part thereof is located, shall determine any question arising hereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by section three hundred thirty-five of the Election Law.

4. Except as provided herein, prior to submission to the Rules Committee of the County Legislature the County Attorney shall review each proposed local law submitted pursuant to subdivision three of this section and certify that the summary of the proposed local law contained in the petition is an accurate summary and that such local law is legal in form and substance. If the County Attorney is unable to make the certification required by the preceding sentence, the County Attorney shall state the reasons therefore in writing to the clerk of the County Legislature. Upon receipt by the clerk of the County Legislature of the written communication of the County Attorney stating the reasons the County Attorney is unable to make the required certification, such proposed local law shall be deemed rejected without prejudice. Notwithstanding anything contained in this subdivision four to the contrary, qualified electors may choose to submit to the County Attorney a proposed local law for the review set forth in this subdivision prior to circulating the petitions required for local laws pursuant to subdivision three of this section. Upon obtaining the requisite number of valid signatures, any such proposed local law which has been so pre-reviewed by the County Attorney shall be submitted to Rules Committee of the County Legislature.

5. All such proposed local laws shall, upon their submission, be referred to the appropriate committee of the County Legislature, as shall be determined by the presiding officer; provided, however, that local laws submitted pursuant to subdivision three of this section shall be referred to the Rules Committee of the County Legislature. The Office of Legislative Budget Review shall prepare a budget impact message with respect to each proposed local law submitted pursuant to subdivision two or three of this section (other than any proposed local law deemed rejected pursuant to subdivision four of this section). Such budget impact message shall be in accordance with the provisions of subdivision seven of this section.
(Amended by Local Law No. 8-2003, in effect June 12, 2003)

6. In the case of any proposed local law submitted in accordance with the provisions of subdivision two or three of this section, before the end of the calendar year in which such proposed local law is referred to a committee of the County Legislature, as provided in subdivision four of this section, such committee shall meet to consider and act upon such proposed local law. If a majority of the membership of such committee shall determine that such proposed local law should be introduced to the County Legislature for consideration, the county legislators constituting such majority shall, in their names, so introduce such proposed local law.
(Added by Local Law No. 11-1994, in effect January 1, 1996.)

7.

   a) Prior to a vote being had thereon by the County Legislature, the Office of Legislative Budget Review shall prepare and file a fiscal and economic impact statement with respect to every proposed local law introduced by one or more county legislators, except where an emergency exists as provided in section one hundred five of this charter; provided, however, that the Director of the Office of Legislative Budget Review may, in his or her discretion, determine that it is not necessary to prepare the statement required by subdivision b of this section because the proposed local law has no economic impact or such impact is negligible. A copy of the fiscal and economic impact statement shall be distributed to all members of the County Legislature and the staff members of the Majority Leader and Minority Leader.

   b) The fiscal and economic impact statement shall contain, but not be limited to, the following information:

      i) Total estimated financial cost or impact on the county for the first year that the local law takes effect and for the three (3) ensuing years;

      ii) Proposed source(s) of funding;

      iii) If the operation, implementation or terms of the local law requires services

to be performed, the fiscal and economic impact statement shall contain a cost comparison of the cost to the county to provide any services required by the local law by outside contractors as compared to utilizing county personnel. In the event the county budget does not contain positions of employment necessary to perform such tasks, the cost comparison shall indicate what the cost will be to the county to provide such service by county personnel.

iv) Total estimated financial cost upon all budget funds of the county;

v) The property tax impact;

vi) The sales tax impact;

vii) The impact on other fees and revenues; and

viii) The general impact on the economy of Nassau County including, but not limited, to employment, tourism, business and commerce, and real estate information.

(Added by Local Law No. 8-2003, in effect June 12, 2003.)

§ 151. **Effect of local law on acts of State Legislature.** In adopting a local law changing or superseding any provision of an act of the State Legislature which provision does not in terms and in effect apply alike to all counties, the County Legislature shall specify the chapter number, year of enactment, title of statute, section, subsection or subdivision, which it is intended to change or supersede, but the failure so to specify shall not affect the validity of such local law. Such a superseding local law may, in like manner, contain the text of such statute, section, subsection or subdivision and may indicate the changes to be effected in its application to such county by enclosing in brackets the matter to be eliminated therefrom and italicizing or underscoring new matter to be included therein.

(Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 152. **Action by County Legislature.**

1. No such local law shall be passed except by at least ten affirmative votes of the County Legislature. On the final passage of a local law the question shall be taken by ayes and noes which shall be entered in the journal of proceedings. The style of local laws shall be "Be it enacted by the County Legislature of the County of Nassau as follows:"

2. Every such local law shall embrace only one subject. The title shall briefly refer to the subject matter.

3. No such local law shall be passed until it shall have been in final form and upon the desks of the members of the County Legislature at least one week prior to its

final passage.

4. No local law shall be passed by the County Legislature until a public hearing thereon has been had before such body. A notice specifying the title of such local law and the time and place of such public hearing shall be published in the official newspapers of the county at least four days prior to the date of such hearing.
(Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 153. **Approval of local law by County Executive.** Every local law, after its passage by the County Legislature, shall be certified by the Clerk thereof and presented, within five days from the date of passage, to the County Executive for approval. If the County Executive approves it, he shall sign it and return it to such clerk. It shall then be deemed to have been adopted. If he disapproves it, he shall return it to the Clerk with his objections stated in writing and the Clerk shall present the same with such objections to the County Legislature at its next regular meeting and such objections shall be entered in its journal. The County Legislature within thirty days thereafter may reconsider the same. If after such reconsideration thirteen affirmative votes of the County Legislature be cast in favor of re-passing such local law, it shall be deemed adopted, notwithstanding the disapproval of the County Executive. Only one vote shall be had upon such reconsideration. The vote shall be taken by ayes and nos which shall be entered in the journal. If the County Executive shall neither approve nor return to the clerk with his objections a local law presented to him, within thirty days of its passage by the County Legislature, it shall be deemed to be adopted in like manner as if he had signed it. At any time prior to the return of a local law by the County Executive, the County Legislature may recall the same and reconsider its action thereon.
(Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 154. **Restriction on county legislation.** Notwithstanding any provision of this chapter, the County Legislature of the county shall not be deemed authorized by this article to adopt a local law, which supersedes a state statute now in force or hereafter enacted by the Legislature, if such local law:

1. Removes or raises any limitation of law on the amount in which the county may become indebted, or on the amount to be raised in anyone year by tax for county purposes, or for any county purpose;

2. Removes restrictions of law as to the maturities of bonds or other evidences of debt or which changes a provision of law that the issuance thereof shall be subject to a referendum either mandatory or permissive;

3. Applies to or affects any provision of the Labor Law or the Workmen's Compensation Law;

4. Changes any provision of the tenement house law;

5. Applies to or affects existing powers of the State Comptroller in relation to

auditing or examining municipal accounts or prescribing forms of municipal accounting;

6. Applies to or affects any provision of law providing for regulation or elimination of railroad crossings at grade or railroad terminal facilities within the county;

7. Applies to or affects any provision of law relating to the property, affairs or government of any city within the territory of such county;

8. Applies to or affects any provision of law relating to the property, affairs or government of any village within the territory of such county.
(Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 155. **Local law subject to mandatory referendum.** No such local law shall become operative or effective unless and until the same is adopted by the electors of such county at the next general election in such county held not less than sixty days after the adoption thereof by receiving a majority of the total votes cast thereon in (1) the county, (2) every city containing more than twenty-five per centum of the population of the county according to the last preceding federal census, and (3) that part of the county, if any, outside of such city, if it abolishes or creates an elective office or changes the voting or veto power of or the method of removing an elective officer, changes the term of office or reduces the salary of an elective officer during his term of office, abolishes, transfers or curtails any power of an elective officer, changes the form or composition of the elective body of such county, or provides a new form of government for such county. Notwithstanding the provisions of this section if any such local law so provides it shall be submitted at a special election, instead of at the next general election, to be held not less than sixty days after the adoption of such local law, the date for which special election shall be fixed by the County Legislature. In either case such local law shall become operative or effective as provided herein.
(Amended by Local Law No. 12-1965: Local Law No. 4-1966, in effect September 23.1966; Local Law No. 11-1994, in effect January 1, 1996.)

§ 156. **Local laws subject to referendum on petition.** A local law shall be subject to the provisions of the next section, which:

1. Dispenses with a provision of law requiring a public notice or hearing as a condition precedent to official action;

2. Changes a provision of law relating to public bidding, purchases or contracts;

3. Changes a provision of law relating to assessments for taxation or special assessments of property for improvements, or the exercise of the power of condemnation for public improvements;

4. Changes a provision of law relating to the authorization or issuance of county bonds or other obligations;

5. Changes a provision of law relating to the auditing of the county's accounts;

6. Changes a provision of law relating to the maintenance or administration of a pension fund or retirement system in county;

7. Changes a provision of law relating to the alienation or leasing of county property;

8. Increases the salary of an elective officer during his term of office.
(Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 157. **Referendum on petition.** A local law, described in section one hundred fifty-six, if not also subject to mandatory referendum, shall not take effect until at least forty-five days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of such county voting on a proposition for its approval if within forty-five days after its adoption there be filed with the County Clerk a petition signed and acknowledged by qualified electors of such county in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in such county, protesting against such local law. If such petition be so filed, a proposition for the approval of such local law shall be submitted at the next general election held not less than sixty days after the filing of such petition, unless the County Legislature adopts a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election. The petition may be made upon separate sheets, and the signatures to each sheet shall be authenticated in the manner provided by section one hundred thirty-five of the Election Law for the authentication of designating petitions. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. If within three days after the filing of such a petition a written objection thereto be filed with the officer with whom such petition is required by law to be filed the Supreme Court, or any justice thereof, of the judicial district in which such county or any part thereof is located shall determine any question arising hereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by section three hundred thirty-five of the Election Law.
(Amended by Local Law No. 11-1994, in effect January 1, 1996)

§ 158. **Propositions for the submission of local laws.** A proposition for the submission of a local law to the approval of the electors pursuant to this article shall contain the title of such local law. The clerk of the County Legislature with the advice of the County Attorney shall prepare an abstract of such local law concisely stating the title, purpose and effect thereof, and forthwith shall transmit such proposition and such abstract to the election officers charged with the duty of publishing the notice of and furnishing the supplies for such election. A sufficient number of copies of such abstract shall be printed, delivered with the other election supplies, and distributed to the electors at the election. If there be more than one such proposition to be voted upon at such election, such propositions shall be separately and consecutively numbered.
(Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 159. **Reconsideration of local law before submission to referendum.** At any time prior to the election at which a local law is to be submitted to the electors for approval pursuant to this article the County Legislature of the county, not later than fifteen days prior to the election, may reconsider its action thereon and repeal such local law, whereupon the proposition and its approval shall not be submitted at such election, or, if submitted, the vote of the electors thereon shall be without effect.
(Amended by Local Law No. 11-1994, in effect January 1.1996.)

§ 160. **Filing of local laws.** Within five days after the taking effect of a local law, the Clerk of the County Legislature, or other officer designated by the County Legislature, shall file a certified copy thereof in the office of the Secretary of State and in the office of the State Comptroller. Such certified copy shall contain the text only of the local law without the brackets and the matter within the brackets, or the italicizing or underscoring, if any, to indicate the changes made by it. Such local laws shall be published annually as a supplement to the session laws.
(Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 161. **Judicial notice.** The courts shall take judicial notice of all local laws adopted pursuant to this article.

§ 162. **Legislative intent.** It is the intention of the legislature by this article to provide for the full and complete exercise by the County Legislature of powers of local legislation pursuant to the provisions of section two of article nine of the constitution. The powers granted by this article shall be in addition to and not in substitution for all the powers, rights, privileges and functions conferred or imposed upon the county by any other provision of this act or of any other law heretofore or hereafter enacted. Insofar as the provisions of this article are inconsistent therewith, the provisions of this article shall be controlling. This article shall be construed liberally.
(Amended by L. 1939 Ch. 700 § 2, in effect June 5, 1939: Local Law No. 11-1994, in effect January 1, 1996.)

ARTICLE I-B THE OFFICE OF LEGISLATIVE BUDGET REVIEW.

Section	180.	The Office of Legislative Budget Review.
	181.	Director of Office of Legislative Budget Review.
	182.	Legislative committee for Office of Legislative Budget Review.
	183.	Scope of authority, duties, powers and responsibilities.
	184.	County departments and cooperation.

§ 180. **Office of Legislative Budget Review.** There is hereby created an Office of Legislative Budget Review within the County Legislature.
(Added by Local Law No. 11-1994, in effect January 1, 1996.)

§ 181. **Director of Office of Legislative Budget Review.** 1. There is hereby created the position of Director of the Office of Legislative Budget Review. Such director shall serve for a four-year term of service, commencing on the first day of January of an even-numbered year and expiring on the thirty-first day of December of the second consecutive odd-numbered year following the appointment, irrespective of the date of appointment. The Initial appointment made pursuant to this section shall expire on the thirty-first day of December, 1999. Such director shall be solely responsible for the administration of the Office of Legislative Budget Review, hiring its staff and controlling its budget, subject to review of the County Legislature. The County Legislature, by the enactment of a procedural resolution, shall appoint the director. The Director of the Office of Legislative Budget Review and his secretary shall not be members of the classified service.

2. The Director of the Office of Legislative Budget Review shall not be an officer of any political party.

§ 182. **Legislative committee for Office of Legislative Budget Review.**

1. The County Legislature shall create a legislative committee within the County Legislature for the purpose of maintaining general supervision of and liaison with the Office of Legislative Budget Review. Such committee shall meet monthly with the director or at such other times as may be agreed upon, maintain minutes and disperse those minutes to all county legislators. The membership of such committee shall be as follows: the presiding officer of the County Legislature, the minority leader, the chairman of the finance committee, one member appointed by the presiding officer and one member appointed by the minority leader. Before the Director of the Office of Legislative Budget Review, is appointed pursuant to the provisions of section one hundred eighty-one, the committee shall set the qualifications for such office and shall publish a notice that a vacancy exists in such office and shall interview potential candidates for appointment to such office.

2. No one may be interviewed for the position of Director of the Office of Legislative Budget Review until an advertisement has been placed in a newspaper designated as the official newspaper of the county.

3. In the event that the County Legislature seeks to reappoint the same individual who occupies the position of Director of the Office of Legislative Budget Review, the requirements as to the setting forth of qualifications, public notice and interviewing that are described in subsections 1 and 2 of this section shall not apply and such reappointment may occur at any time after November 1 of the last year of the director's term.
(Subd. 3 added by Local Law No. 22-1999, in effect December 15, 2003).

§ 183. **Scope of authority, duties, powers and responsibilities.** The Director of the Office of Legislative Budget Review shall perform the following staff and oversight functions and be charged with the following responsibilities for the County Legislature within the appropriations provided to the Office of Legislative Budget Review:

1. To determine the extent to which legislative policies are being faithfully, efficiently and effectively implemented by administrative officials.

2. To determine whether county programs are achieving their legal and desired objectives by a review of the performance and management efficiency of county departments and agencies. However, a review shall be coordinated with the County Comptroller when a review includes or requires accounting audits.

3. To determine and analyze the soundness of departmental budget estimates and requests for appropriations, revenues, borrowings and such other fiscal modifications throughout the year.

4. To determine and analyze annually the soundness of the proposed county budget and community college budget, including borrowings and taxes.

5. To determine whether the county has adequate plans, facilities, organizational arrangements and management control systems to adequately and effectively accomplish program and legislative policies.

6. Such other duties and responsibilities as the County Legislature may assign.

§ 184. **County departments and cooperation.** County departments and agencies are required to provide timely access to the legislative staff to their personnel and records, assisting the legislative staff in collecting and analyzing factual objective data. Such access shall be construed to include direct access to the county's mainframe and departmental computer systems insofar as the information sought is not otherwise precluded by federal, state or local laws or a collective bargaining arrangement between the county and any of its employees.

ARTICLE I-C
OFFICE OF THE INSPECTOR GENERAL, NASSAU COUNTY

Section	185	Office Created and Established and the Purpose of the Office
	186	Definitions
	187	Authority, Powers, and Functions
	188	Outreach
	189	Minimum qualifications, selection, and term of office
	190	Physical facilities and staffF
	191	Procedure for the finalization of reports and recommendations which make findings as to the person or entity being reviewed or inspected
	192	Reporting
	193	Financial support and budgeting.
	194	Removal
	195	Enforcement
	196	Penalty

§185. **Office Created and Established and Purpose of the Office**.

There is hereby established an independent office of the Inspector General which is created in order to provide increased accountability and oversight of County operations, to detect and prevent waste, fraud, abuse and illegal acts in programs administered or financed by the County, particularly the County's contracting and procurement processes, to promote transparency, efficiency and integrity in the County contracting and procurement process, and to assist in increasing economy, efficiency, and effectiveness in the administration of the County government. The Inspector General shall initiate, conduct, supervise, and coordinate investigations, audits, reviews and examinations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses by elected and appointed County officials, officers, employees, agencies, departments, commissions, boards, offices and all other instrumentalities of the County as well as County vendors, contractors, subcontractors, and lower tier subcontractors, and other parties doing business with the County and/or receiving County funds. The aforementioned shall not be applicable to the County Legislature and the Office of Legislative Budget Review. The Inspector General shall head the Office of the Inspector General. The organization and administration of the Office of the Inspector General shall operate independently in such a manner so as to assure that no interference or influence external to the Office of the Inspector General compromises or undermines the integrity, independence, fairness and objectivity of the Inspector General in fulfilling the statutory duties of the office or deters the Inspector General from zealously

performing such duties.

§186. **Definitions.**

As used in this article:

1. "Documents" shall mean documents, records, papers, correspondence, files and books, in whatever format they are maintained, whether digital, electronic, or paper copy.
2. "County agencies" shall mean all County agencies, departments, commissions, boards, offices, and instrumentalities.
3. "County funds" shall include all County expenditures, including but not limited to expenditures of grant monies and other funds paid out on a pass through basis.

§187. **Authority, Powers and Functions.**

1. The Inspector General shall have the authority to:

    a. investigate, review, examine and audit past, present, and proposed County programs, activities, expenditures, accounts, records, contracts, agreements, purchase orders, change orders, procurements, and transactions including all activities and operations of County agencies, with an emphasis on detecting waste, fraud, and abuse in County procurement;
    b. prepare and publish reports and recommendations to the County Executive and County Legislature, based on the results of such investigations, reviews, examinations and audits. The County Executive and all appointed County officials, officers and employees, agencies, vendors, contractors, their subcontractors, and lower tier subcontractors as well as other parties doing business with the County and/or receiving County funds shall fully cooperate with the Inspector General and his or her staff in the exercise of the Inspector General's functions, authority, and powers. Such cooperation shall include, but not be limited to providing statements, documents, records, and other information during the course of an investigation, audit, examination or review. Such audits shall be conducted in accordance with generally accepted governmental auditing standards. Such investigations will comply with the generally accepted governmental investigatory standards, and where appropriate, the Principals and Standards for Offices of the Inspector General as published and reviewed by the Association of Inspectors General. The Office of the Inspector General shall promulgate and adhere to written policies for conducting investigations, audits, examinations and reviews;
    c. to monitor and analyze all available State and County vendor and contractordatabases relating to County procurement or contracting, County vendor and contractor political contributions to County officials and to political clubs and parties, County vendor and contractor lobbying

disclosure information, and financial disclosure forms of all County elected and appointed officials, officers and employees in order to detect indications of possible instances of patterns or impropriety in connection with the County procurement process.

2. The Inspector General shall have the power to issue directives requiring the production of documents and records, and obtain full and unrestricted access to all documents and records of the County Executive, and all appointed County officials, officers, employees, agencies, their vendors, contractors, subcontractors, and lower tier subcontractors, as well as other persons and entities doing business with the County and/or receiving County funds regarding any such contracts or transactions with the County. Except as otherwise limited in this section, the Inspector General's jurisdiction includes but shall not be limited to all projects, programs, contracts, and transactions that are administered, overseen and/or funded in whole or in part by the County;
3. The Inspector General may require the County Executive and all appointed County officials and employees, including officials, officers and employees of all County agencies, vendors, contractors, their subcontractors, and lower tier subcontractors, as well as other persons and entities doing business with the County and/or receiving County funds to submit to a requested interview and provide sworn statements in connection with matters under review, examination, audit and/or investigation.
4. In the case of a refusal by an official, officer, employee, or other person to comply with a request by the Inspector General for documents, for an interview, or for a sworn statement, the Inspector General shall have the power to subpoena witnesses and to issue subpoenas compelling the production of documents and other information. The Inspector General shall not interfere with any ongoing criminal investigation or prosecution by any prosecutorial office of the state or federal government. In the case of a refusal to obey a subpoena served upon any person, the Inspector General may make an application to any court of competent jurisdiction to issue an order compelling the witness to appear before the Inspector General and to produce evidence if so ordered, or to give testimony relevant to the matter in question. Any person found guilty of willfully refusing to obey a subpoena of the Inspector General shall be guilty of an unclassified misdemeanor and subject to imprisonment for a term of up to one year and a fine of not more than ten thousand dollars.
5. Where the Inspector General suspects a possible criminal violation of any state, federal, or local law, he or she shall forthwith notify the appropriate law enforcement agencies. The County Executive shall promptly notify the Inspector General of possible mismanagement of a contract constituting misuse or loss exceeding $5,000 in public funds, fraud, theft, bribery, or other violations of law which appears to fall within the jurisdiction of the Inspector General, and may notify the Inspector General of any other conduct which may fall within the Inspector Generals (sic) jurisdiction. The County

Executive shall coordinate with the Inspector General to promulgate reporting procedures for notification to the Inspector General.

6. The Inspector General shall have the power, without limitation, to audit, investigate, monitor, inspect, examine and review the operations, activities, and all other aspects of the performance of the County procurement processes including, but not limited to, unsolicited proposals, the preparation of bid specifications and requests for bid specifications and requests for proposal specifications, bid submittals, request for proposal submissions, evaluation of bids and proposals, awards of contracts, agreements and purchase orders, activities of the vendor, contractor, their subcontractors, and lower tier subcontractors, their officers, agents and employees, lobbyists as well as County staff, employees, officers and officials who communicated with the aforementioned entities and/or individuals, or who in any other way were involved in the procurement process, in order to ensure compliance with contract specifications and detect corruption and fraud.
7. The Inspector General shall have the power to receive, review, and investigate any complaints regarding any County-funded projects, programs, contracts, purchase orders, agreements or transactions, and all other activities, or operations of the County Executive and County agencies. The Inspector General shall establish a "hotline" to receive complaints from either anonymous or identified persons.
8. The Inspector General may exercise any of the powers contained in this article upon his or her own initiative.
9. The Inspector General shall be notified in writing prior to any meeting of a procurement selection committee where any matter relating to the procurement of goods or services costing more than one hundred thousand dollars by the County is to be discussed. The notice required by this subsection shall be given to the Inspector General within one business day after a meeting is scheduled. The Inspector General or his or her staff may, at his or her discretion, attend all County meetings relating to the procurement of goods or services as provided herein, and may pose questions and raise concerns consistent with the functions, authority and powers of the Inspector General. The notice requirements of this provision shall apply where the aggregate cost of goods or services obtained from any one vendor or contractor or its affiliate equals or exceeds one hundred thousand dollars in a twelve-month period.
10. The Inspector General's records related to active, non-final audits, investigations, examinations and reviews are confidential and exempt from disclosure to the extent permissible by law.
11. The Inspector General is considered "a County government official" for purposes of whistleblower protection provided by Section 22-4(3)(a) of the Nassau County Administrative Code.
12. The Inspector General may recommend remedial actions and may provide prevention and training services to County officers, officials, employees, and any other persons covered by this Article. The Inspector General may follow up to determine whether recommended remedial actions have been taken.

13. The Inspector General shall establish policies and procedures and monitor the costs of investigations undertaken. The Inspector General shall cooperate with other governmental agencies to recover such costs from other entities involved in misconduct in regard to County, state, or federal funds.
14. The Inspector General shall have the power to review contracts as provided in Section 300-A of Article III of this Charter.
15. The Inspector General shall have the power to issue written approvals as provided in subsection 6 of section 2218 of Article XXII of the Charter.
16. The Inspector General shall assist the Board of Ethics as provided in subparagraph (b) of subsection 10 of Section 2218 of Article XXII of the Charter.
17. The Inspector General may contract with outside entities deemed necessary to perform the function of that office. Any such contract is subject to final approval by the Legislature but such approval shall not be unreasonably withheld.
18. The Inspector General shall have the power to hire staff as provided in subsection 2 of Section 216 of this Article.
19. The Inspector General shall comply with the restrictions of prohibited political activity contained in Section I 00.5 of the Rules of the Chief Administrative Judge of New York State.

§188. **Outreach**. The Inspector General will coordinate with the County Executive to develop awareness and strategies to inform government officials and employees as well as the general public, of the authority and responsibilities of the Office of the Inspector General. Such strategies shall include but not be limited to inclusion in the County government's website a link to the Office of the Inspector General web page, publication of notices in County government newsletters, and posting information about the Office of the Inspector General in government employee break rooms and other common meeting areas. The Inspector General shall include on its website examples that illustrate fraud, waste, mismanagement, misconduct, and abuse.

§189. **Minimum qualifications, selection, and term of office.**

1. Minimum qualifications. The Inspector General shall be a person who:

    a. Has at least ten years of experience in any one or a combination of the following fields:

        i. As a federal, state or local law enforcement officer/official or prosecutor;
        ii. As a federal or state court judge;
        iii. As an inspector general, certified public accountant; or internal auditor;
        iv. As a person with progressive supervisory and managerial experience in an investigative public agency similar to an inspector general's office;

v. As a person responsible for regulatory and compliance issues whether in the public or private sector;

b. Has managed and completed complex investigations involving allegations of fraud, theft, deception, and conspiracy;
c. Has demonstrated the ability to work with local, state, and federal law enforcement agencies and the judiciary;
d. Has a four-year degree from an accredited institution of higher learning and a graduate degree in law or criminal justice or is a certified public accountant;
e. Has not been employed by the County, any municipality, or any other governmental entity subject to the authority of the Office of the Inspector General during the two-year period immediately prior to selection unless such employment has been with the Nassau County Office of the Inspector General;
f. Has not been an officer of a political party for the ten years preceding their appointment.
g. Is a person of integrity and good moral character.

2. Selection.

a. The County Legislature shall create a legislative committee within the County Legislature for the purpose of maintaining general supervision of and liaison with the Office of the Inspector General. The membership of such committee shall be as follows: the Presiding Officer of the County Legislature, the Minority Leader, the chairman of the finance committee, one member appointed by the Presiding Officer and one member appointed by the Minority Leader. Before the Inspector General is appointed pursuant to the provisions of this section, the committee shall publish a notice that a vacancy exists in such office and shall interview potential candidates for appointment to such office. The committee shall, by majority vote, approve nominees for the position of Inspector General.
b. No one may be interviewed for the position of Inspector General until an advertisement has been placed in a newspaper designated as the official newspaper of the county.
c. In the event that the County Legislature seeks to reappoint the same individual who occupies the position of Inspector General, the requirements as to the setting forth of qualifications, public notice and interviewing that are described in this section shall not apply and such reappointment may occur at any time after November 1 of the last year of the director's term.
d. The Legislature, by the enactment of a procedural resolution, shall appoint or reappoint the Inspector General by an affirmative vote of thirteen members of the entire membership of the County Legislature.
e. The Inspector General shall serve for a term of four (4) years. Such Inspector General shall serve for a four-year term of service, commencing

on the first day of January of an even-numbered year and expiring on the thirty- first day of December of the second consecutive odd-numbered year following the appointment, irrespective of the date of appointment.

§190. **Physical facilities and staff.**

1. The County shall provide the Office of the Inspector General with appropriately located office space and sufficient physical facilities together with necessary office equipment and furnishings to enable the Office of the Inspector General to perform its functions.
2. The Inspector General shall have the power to appoint, employ, and remove such deputies, assistants, employees and personnel, including but not limited to investigators, auditors and counsel, and to establish personnel procedures, as he or she deems necessary for the efficient and effective administration of the activities of the Office of the Inspector General within the limits of the relevant appropriations.

§191. **Procedure for finalization of reports and recommendations which make findings as to the persons or entity being reviewed or inspected.**

The Inspector General shall publish and deliver finalized reports and make recommendations to the Legislators, County Executive, County Comptroller and to the County Board of Ethics. Notwithstanding any other provision of this article, whenever the Inspector General determines that it is appropriate to publish and deliver a report or recommendation which contains findings as to the person or entity being reported on or who is the subject of the recommendation, the Inspector General shall provide the affected person or entity a copy of the findings. Such person or entity, who is the subject of a finding, report or recommendation resulting from an investigation or review, shall have twenty-one calendar days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized. In the case of an audit, such person or entity shall have twenty-eight calendar days to submit a written explanation or rebuttal of the audit findings or before the report or recommendation is finalized. The Inspector General shall grant reasonable extensions of time for providing a written explanation or rebuttal upon written request. Such timely submitted written explanation or rebuttal shall be attached by the Inspector General to the finalized report or recommendation. The requirements of this section shall not apply when the Inspector General, in conjunction with the District Attorney or United States Attorney, determines that supplying the affected person or entity with such report would jeopardize a pending or potential criminal investigation.

§192. **Reporting.**

1. Not later than March 31st of each year, the Inspector General shall prepare and publish a written annual report summarizing the activities of the office during the

immediately preceding fiscal year. The report shall be furnished to the County Executive, and the County Comptroller as well as the Presiding Officer and the Minority Leader of the County Legislature. The annual report shall be posted with a link on the Inspector General's web page. The annual report shall include, but need not be limited to:

a. a description of significant abuses and deficiencies relating to the administration of programs and operations disclosed by investigations, audits, reviews, examinations or other activities during the reporting period, with a specific section of the report addressing matters involving the County's procurement process; and
b. a description of the recommendations for corrective action made by the Inspector General during the reporting period with respect to significant problems, abuses, or deficiencies identified, identification of each significant recommendation described in previous annual reports on which corrective action has not been completed, and a summary of each audit, investigation, review, and examination completed during the reporting period.

2. The Inspector General shall meet with representatives of the Majority and Minority delegation of the Nassau County Legislature every six months to review the previous six month's activities and the Inspector General's plans and objectives for the upcoming six months.

§193. **Financial Support and Budgeting.**

1. Pursuant to its annual budgeting processes, the County shall provide sufficient financial resources to the Office of the Inspector General to enable it to fulfill its duties, exercise its powers and accomplish its purposes and objectives as set forth in this Article. There shall be a separate control center in the Annual Budget Ordinance for the Office of the Inspector General.

§194. **Removal.**

1. The Inspector General may be removed only for good cause based upon specified charges of the following:

    a. Dereliction or neglect of duty; or

    b. malfeasance or abuse of power or authority; or

    c. ethical misconduct.

2. The removal process shall be initiated by the County Legislature by procedural resolution. An affirmative vote of thirteen members of the entire membership of the County Legislature shall be required to present the Inspector General with the charges and to proceed to final public hearings before the County Legislature. The County Legislature shall transmit a copy of the charges to the Inspector General at least sixty days prior to any public hearings which shall be convened

by the County Legislature. The Inspector General shall have an opportunity to be heard in person and by his or her counsel at the final public hearings prior to the votes being taken on his or her removal. The Inspector General may only be removed upon the affirmative vote thirteen members of the entire membership of the County Legislature finding the Inspector General guilty of the specified charges. A record of the proceedings, together with the charges and finding thereon, shall be filed with the Clerk of the Legislature. The Inspector General shall be deemed removed by operation of law without a public hearing in the event the Inspector General is convicted of or enters a guilty plea or no contest plea to a state or federal felony.

§195. **Enforcement.**

This article is enforceable by all means provided by law, including seeking declaratory and injunctive relief in any court of competent jurisdiction. Each member of the Nassau County Legislature, the County Executive, the Inspector General (sic) shall have standing to commence a judicial action or proceeding to enforce the provisions of this Article.

§196. **Penalty.**

Any person who:

1. retaliates against, punishes, threatens, harasses, or penalizes, or attempts to retaliate against, punish, threaten, harass, or penalize any person for assisting, communicating or cooperating with the Inspector General; or
2. knowingly interferes, obstructs, impedes or attempts to interfere, obstruct or impede in any investigation, audit, review or examination conducted by the Inspector General, shall be guilty of an unclassified misdemeanor and subject to imprisonment for a tern of no longer than one year and a fine of no more than ten thousand dollars, in addition to any other penalty provided by law. Any potential violation of this section shall be referred to the District Attorney for investigation and prosecution.

(Article I-C added by Local Law No. 11-2017, signed by the County Executive on December 26, 2017.)

ARTICLE II EXECUTIVE

Section	201.	Election: qualifications: compensations.
	202.	Duties.
	203.	Responsibility for administration; powers of appointment and removal.
	204.	Assignment of County Legislature's powers and duties to County Executive.
	205.	Deputy County Executives.
	205 -a	Office of Hispanic Affairs.
	206.	Commissioner of Investigations; appointment; powers: duties.
	207.	Removal of County Executive.
	208.	Office of Management and Budget Division of Capital Programs, Projects and Activities.
	209.	Nassau County Bus System

§ 201. **Election; qualifications; compensation.** There shall be a County Executive who shall be elected from the county at large. He shall be at all times a qualified elector of the county. He shall give his whole time to the duties of the office and shall receive therefore a compensation to be fixed by ordinance.
(Amended by Local Law No. 3-1946 §1, in effect December 16, 1946.)

§ 202. **Duties.** It shall be the duty of the County Executive to prepare and present to the County Legislature the annual budget in manner and form as hereinafter provided, and at the close of each fiscal year, or as soon thereafter as practicable, but no later than March 15, a report of the financial and other transactions of the county including the reports of the several departments of the county government. The report of the financial and other transactions of the county including the reports of the several departments of the county government shall be presented in person before a session of the County Legislature and a suitable abstract of this report shall be printed in pamphlet form for general distribution. He shall also from time to time present to the County Legislature such other information concerning the affairs of the county and such recommendations as he may deem necessary or as the County Legislature may by resolution request.
(Amended by Local Law No. 11-1994, in effect January 1, 1996; amended by Local Law No. 7-2001, in effect June 18, 2001.)

§203. **Responsibility for administration; powers of appointment and removal.**

1. It shall be the duty of the County Executive to supervise, direct, and control, subject to the provisions of the act, the administration of all departments, offices and functions of the county government. In the exercise of this responsibility, the County Executive shall be authorized, in addition to such other powers as may be necessary to maintain the efficient operation of county government, to develop, maintain and administer services on a county-wide basis that are common needs

of all departments of county government, including, but not limited to, personnel and labor management; building security; management of county-owned vehicles; the provision of services to departments involving relations with the press and photography, mail, printing, reproduction and graphic art; grant application and administration; and the receipt and response to communications from members of the public. The County Executive shall appoint, except as otherwise provided in this act, subject to confirmation by the County Legislature, the head of every county department and office and members of county boards and commissions. No individual shall serve as acting head of a county department or office for a period longer than six months without confirmation by the County Legislature, to the extent such confirmation is required under this subsection or any other provision of this Charter. However, upon approval by the County Legislature specific to the acting head, this six month period may be extended by one additional six month period. The County Executive may at any time remove any person so appointed; provided that in the case of members of boards and commissions appointed for definite terms, no removal shall be made until the person to be removed has been serviced with a notice of the reasons for such removal and given an opportunity to be heard, publicly if he or she desires, thereon by the County Executive. The decision of the County Executive shall be final. The County Executive shall also appoint without confirmation by the County Legislature, and remove at his or her pleasure, the employees in his or her own office and such employees shall not be members of the classified service.
(Amended by Local Law No. 1-2012 §1, signed by the County Executive March 12, 2012; amended by Local Law No. 12-2017, signed by the County Executive December 26, 2017.)

2. Not later than the fifteenth day of the months of January, April, July and October in each year, the County Clerk shall publish a list of the existing vacancies in any county board or commission subject to the provisions of this section.

3. The County Executive may establish from time to time such advisory committees or similar bodies as the County Executive may determine to be necessary or desirable for the promotion of the public health, safety or welfare in the county, to encourage economic development in the county or for the promotion of any other objective or the attainment of any other goal determined by the County Executive to be a proper public purpose. In addition, the County Executive may recognize as such an advisory committee any group or organization then existing that serves any such purpose. Any such advisory committee or similar body shall have such duties as may be assigned to it by the County Executive. It is understood that the recognition of any particular group or organization as an advisory committee or similar body shall not confer or be deemed to confer upon such group or organization any greater rights or privileges than hereafter created or recognized by the County Executive as an advisory committee or similar body.
(Amended by L. 1937 Ch. 618 § 3, in effect January 1, 1938: Local Law No. 11-1994, in effect January 1, 1996; Local Law No. 21-2002, in effect November 15, 2002.)

§ 204. **Assignment of County Legislature's powers and duties to County Executive.** The County Legislature may by ordinance devolve upon the County

Executive the exercise or performance of any of its powers and duties, except those which it must exercise or perform by ordinance, as provided in this act or any other law of this state, and except other powers and duties of a distinctly legislative character. The action of the County Executive in any matter so devolved shall have the same effect in law as if performed by the County Legislature.
(Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§205. **Deputy County Executives.** The County Executive shall designate one or more deputies in his office to perform the administrative duties of the County Executive and file such designation with the County Clerk and the Clerk of the County Legislature. The County Executive may indicate therein the extent of such delegation. Any such designation shall remain in effect during the term of the County Executive or until the County Executive files a written revocation with the above said clerks. During the absence or disability of the County Executive and the Deputy County Executives so designated, the Presiding Officer of the County Legislature may perform such administrative duties. The acts so performed by such deputies or presiding officer shall have the same effect in law as if performed by the County Executive.
(Amended by L. 1952, Ch. 591, in effect April 9, 1952; Local Law No. 5- 1979, in effect June 25, 2979; Local Law No. 11-1993, in effect January 1, 1996)

§ 205-a. **Office of Hispanic Affairs.** There is hereby created in the office of the County Executive a coordinating agency for Hispanic Affairs to be known as the Office of Hispanic Affairs. The County Executive shall appoint an advisory board consisting of fifteen members, ten of which shall be Hispanic Americans. The advisory board shall develop and coordinate programs for the Hispanic community and perform such other duties as may be directed by the County Executive. The County Executive shall appoint an executive director for the office. The executive director shall serve at the pleasure of the County Executive. Whenever the term "Coordinating Agency for Spanish Americans" or "C.A.S.A." appears in any provision of the County Government Law of Nassau County, or the Nassau County Administrative Code, or any local law, ordinance or resolution heretofore adopted by the County Legislature, it shall be deemed to mean and refer to the Office of Hispanic Affairs.
(Amended by Local law No. 11-1994, in effect January 1, 1996; and amended by Local Law No. 10-2019, in effect June 11, 2019.)

§ 206. **Commissioner of Investigations; appointment; powers; duties.** The County Executive may from time to time appoint, without confirmation by the County Legislature, a Commissioner of Investigations who shall receive a compensation to be fixed by the County Executive and an appropriation for that amount and purpose shall be included in each annual budget. The Commissioner of Investigations shall have power to examine the financial and other records of the Comptroller and Treasurer and to make such other examinations as he or she may deem to be for the best interest of the county, of the accounts, methods and activities of each department, institution, office or agency of the county and of the towns and special districts, except only the County Legislature and Office of Legislative Budget Review, and to report to the County Executive the findings thereon. The Commissioner of Investigations shall have power to appoint such assistants and deputies within the limits of the appropriation made by the County

Legislature as he or she deems necessary for the performance of his or her duties. Whenever the term "Commissioner of Accounts" appears in any provision of the County Government Law of Nassau County, or the Nassau County Administrative Code, or any local law, ordinance or resolution heretofore adopted by the governing body of Nassau County, it shall be deemed to mean and refer to the Commissioner of Investigations.
(Amended by L 1952, Ch. 591, in effect April 9, 1952: Local Law No. 5-1979, in effect June 25, 1979: Local Law No. 11-1994, in effect January 1, 1996; Local Law No. 21-2002, in effect November 15, 2002.)

§ 207. **Removal of County Executive.** The County Executive may be removed in the manner provided in section thirty-three of the public officers law for the removal of other county officers.

§208. **Office of Management and Budget Division of Capital Programs, Projects and Activities**. In order to enhance the capacity for long term planning and development of capital projects for Nassau County, there is hereby created within the Office of Management and Budget, a division of capital programs, projects and activities. It shall be the responsibility of this division to assist the County Executive in complying with the requirements of Section 310 of this act as they relate to the four year capital plan and the capital budget ordinance.
(Added by Local Law No. 13-2001).

§209. **Nassau County Bus System.**

1. Definitions

a. "Transportation facilities" shall mean any tangible means of moving people and things from place to place or the structures necessary to support the process of moving people and things from place to place.

b. "Bus system" shall mean a bus system, including corresponding paratransit services, which operates pursuant to certain routes and schedules.

c. "Roadway" shall mean any public or private street, highway or road, regardless of location.

2. Operation of a Bus System in Nassau County. There shall be a bus system that will operate on roadways within the County and anywhere else authorized by agreement or by State, Federal or Local Law or on any other roadway upon which a route operated by the Metropolitan Suburban Bus Authority d/b/a Long Island Bus operates as of the enactment of this Local Law. Such system shall be owned by the County, provided that the County may, pursuant to section 119-r of the General Municipal Law and Local Law 15-1972, contract with any person, corporation or public authority for the management, operation and maintenance of the bus system. Any person, corporation or public authority that the County contracts with for the management, operation and maintenance of the bus system shall be authorized to use the transportation facilities owned by the County as provided for in the contract between the County and that person, entity or public authority.

3. Nassau County Bus Transit Committee

a. There is hereby established within the Office of the County Executive a Nassau County Bus Transit Committee (hereinafter "Transit Committee"). The Transit Committee shall review the budgets, fare structures, fees and service proposed by County or the person, entity or public authority with which the County contracts for the

management, operation and maintenance of the bus system established pursuant to subsection 2 of this section, and have the authority to approve, disapprove, propose modifications to or negotiate changes to such budgets, fare structures, fees and service adjustments. The Transit Committee shall meet with the contracted person, entity or public authority as needed to timely review and take such actions as permitted by this law and make recommendations to the County Executive regarding the operation of the bus system. The Transit Committee shall report to the County Executive, with a copy of all reports being sent to the County Legislature, in writing not less than once per quarter of every calendar year on the performance of the contracted operator, if any, and the performance and safety of the bus system generally. The Transit Committee shall hold public hearings whenever there is a proposed fare increase or route reduction or elimination whether said fare increase or route reduction or elimination is proposed by the County or the private operator. The number, scope and procedure for conducting the public hearings shall be determined by the Transit Committee but every such public hearing shall be duly and publicly noticed in the official County newspaper as well as on the County website and there shall be a minimum of two public hearings, one during the day and one in the evening. The last of said public hearings shall take place no sooner than forty-five (45) days prior to any fare increase or route reduction or elimination. On January 1 of each year, the County Executive, in consultation with the Presiding Officer and Minority Leader of the County Legislature, shall have the authority to adjust the powers of the Transit Committee so as to reduce such powers, except that the requirement that the Transit Committee hold quarterly meetings, the Transit Committee's powers to control fares, and the total membership of the Transit Committee may not be altered except by Local Law.

b. The actions of the Transit Committee shall be subject to all applicable laws, rules and regulations pertaining to Nassau County boards and commissions and the members and staff thereof, including, but not limited to, the Nassau County Code of Ethics, codified as section 2218 of the Nassau County Charter, the New York State Freedom of Information Law, codified as Article 6 of the New York State Public Officers Law, and the New York State Open Meetings Law, codified as Article 7 of the New York State Public Officers Law.

c. The Transit Committee shall consist of five members, initially appointed no later than February 15, 2012. The members of the Transit Committee shall be appointed by, and serve at the pleasure of, the County Executive. One member initially appointed to the Transit Committee shall be appointed on the recommendation of the Presiding Officer of the County Legislature and one member initially appointed to the Transit Committee shall be appointed on the recommendation of the Minority Leader of the County Legislature. Each appointee shall, at a minimum, be a Nassau County resident and have professional transportation experience, or other relevant experience, in the New York Metropolitan Transportation Council region. Under no circumstances shall any officer or employee of Nassau County or any entity the County has contracted with to operate the bus system established pursuant to subsection 2 of this section, or any subcontractor to such entity, serve on the Transit Committee.

d. All members of the Transit Committee shall complete, at a minimum, four hours of training each year designed to enable such members to effectively carry out their duties. Such training shall be approved by the County Attorney and may include, but shall not be

limited to, training provided by a regional or county agency, board, council or commission, county attorney's office, state agency, statewide municipal association, college or other similar entity.

e. The members of the Transit Committee may receive a per diem compensation from the County, to be determined by the County Executive in consultation with the Presiding Officer and Minority Leader of the County Legislature, for each day spent in the performance of their duties and they shall be reimbursed by the County for their reasonably necessary expenses actually incurred related to their duties as members of the Transit Committee. A quorum of the Transit Committee shall consist of no fewer than three members. The Transit Committee shall annually elect a chairperson, and prepare written minutes of each of its meetings. Minutes shall at a minimum record all votes and actions taken by the Transit Committee at each meeting, and include copies of all meeting agendas. The County Executive has the discretion to assign County staff to assist the Transit Committee in carrying out its duties.
(Added by Local Law No. 10-2011).

ARTICLE III BUDGET

Section 300-A [Paperwork Reduction]
300-B [Budget Accountability]
300-C [Use of Funds by Departments]
301 Estimates of County Departments
302. Scope of county budget.
302-a. Estimates
303. Budget message.
304. Summary Budget report; filing of budget: hearings.
305. Changes in budget: approval of budget: line item veto.
306. Tax levy; county and town budgets.
307. Transfers of appropriations; supplemental appropriations.
308. Work programs: allotments.
309. Fiscal year, transition provision.
310. Capital Budget, Capital Plan
310* Four Year Financial Plan
311. Quarterly Budget and Cash Position Reports.

§300-A. [**Paperwork Reduction**][5]

1. Purpose

   a. The purposes of this law are to:

      (1) minimize the paperwork burden for individuals, businesses, nonprofit institutions and other entities resulting from the collection of information by Nassau County;

      (2) ensure that information gathered, used or disseminated by or for Nassau County is used in a manner that achieves its greatest possible public benefit and maximum utility;

      (3) coordinate, integrate, and to the extent practicable and appropriate make uniform encumbrance, allotment and approval practices as a means to improve the productivity, efficiency, and effectiveness of Nassau County programs;

[5] No title for §300-A was included in the Local Law adopting §300-A. Title supplied for convenience.

(4) minimize the cost to Nassau County of the creation, collection, maintenance, use, dissemination, and disposition of information;

(5) strengthen the relationship between Nassau County government and federal, state, and other local governments by maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for Nassau County government;

(6) provide for the dissemination [of] information in a manner that makes effective use of computerized resources.

2. Paperwork Reduction

   a. To the extent practicable, all county departments and agencies shall develop paperless systems using computer resources available to them.

3. Approval Path Consolidation

   a. Every contract in the county funded from non-capital sources shall be subject to a 45 days approval path.

   b. For purposes of this law, the term "approval path" shall mean the review, preparation, encumbrance, processing and approval functions required to be performed by various county officials, department heads and employees in relation to contracts in accordance with law, and customary practice and usage of the county from the review of a contract to signature of the County Executive. The term "approval path" shall not be construed to include any period of legislative review nor shall it include any time used to correct a ministerial or mathematical error.

   c. Prior to execution, every contract shall follow the following approval path:

      (1) Contract initiative by Department Head after consultation with office of County Executive and notification to collective bargaining units;

      (2) Certification of Budget Office that funds are available and services are appropriate;

      (3) Notification of the Inspector General, subject to the Inspector General's powers of review and investigation. Each proposed contract presented to the Legislature for approval shall be accompanied by a written statement as to whether it was reviewed or investigated by the Inspector General, and an indication of the results of any such review or investigation.

      (4) Preparation of Contract by County Attorney including approval as to form in accordance with § 2206 of the County Government Law;

(5) Approval of Insurance Department if insurance is required;

(6) Approval by Office of County Executive after consultation with department head;

(7) Approval and/or encumbrance of funds by County Comptroller;

(8) Submission to County Legislature for legislative approval if same is required;

(9) Signature of County Executive.
(Amended by Local Law No. 11-2017, signed by the County Executive on December 26, 2017).

4. Reduction of Attachments to Contracts

a. Every contract shall have annexed the following documents:

(1) Executive Order #1-1993 Compliance Checklist;

(2) Contract Advisement;

(3) Contract Routing Slip/Profile
(Added by Local Law No. 16-1999, in effect January 1, 2000)

§ 300-B. [**Budget Accountability**][6]

1. Purpose

a. This Law establishes a comprehensive budget process that includes out year planning and budgeting; that identifies and closes budget gaps in the current and next year; that includes specific description and analyses of revenue and expense estimates, service enhancements and reductions and deficit reduction programs; that requires an annual budget update, which will force fiscal discipline on the county. Implementation of this law will require much greater monitoring and control of agency spending and more detailed and long range revenue projections. Additionally, the four-year planning process will force the county to identify structural budget problems as well as identify and implement structural budget solutions.

2. Budget Requirements

a. In addition to the information set forth in section 302 of the County Government Law of Nassau County for the next ensuing fiscal year, the

[6] No title for §300-B was included in the Local Law adopting §300-B. Title supplied for convenience.

proposed budget of revenue and expenditure shall contain the following information:

(1) revenue estimates for the following three (3) fiscal years after the next ensuing fiscal year;

(2) appropriation estimates far the following three (3) fiscal years after the next ensuing fiscal year; and

(3) the other information required by this Law;

(4) and the information required by Resolution 321-D-1999, except that such information shall be supplied for a three (3) year period and not the two (2) year period set forth therein.

3. Revenue Estimates

a. Revenue estimate categories for the following three (3) fiscal years shall include, but not be limited to, the following:

(1) revenue estimates from sales taxes, property taxes, miscellaneous revenues, anticipated federal and state aid, categorical grants and anticipated asset sales;

(2) the impact of any tax increases or reductions and anticipated changes in federal or state aid based on new legislation shall be included in revenue estimates; and

(3) the other information required by this Law;

(4) the information required by Resolution 321-D-1999, except that such information shall be supplied for a three (3) year period and not the two (2) year period set forth therein.

4. Appropriation Estimates

a. Appropriation estimate categories for the following three (3) fiscal years shall include, but not be limited to, the following:

(1) Estimates on personal service appropriations, other than personal service appropriations, debt service appropriations and other miscellaneous appropriations;

(2) These estimates shall include, but not be limited to, the out year costs of labor contracts, changes in the capital program which will impact debt service, anticipated events which will significantly impact on the expense

budget, planned reductions or increases to agency budgets and any other foreseeable changes in expenditures shall be included in the appropriation estimates;

(3) the other information required by this Law;

(4) the information required by Resolution 321-D-1999, except that such information shall be supplied for a three (3) year period and not the two (2) year period set forth therein.

5. Revenue and Expense Assumptions and Agency Explanation

   a. The budget for the following three (3) fiscal years shall contain a description and explanation of all the revenue and expense assumptions as well as a section on each agency which explains the impact of any increases or decreases in agency spending.

6. Budget Gap Elimination Programs

   a. The budget shall also include specific budget gap elimination programs for any identified budget gap. The budget gap elimination program shall include details on agency spending and revenue increases and project them out for all the years in the financial plan.

7. Annual Budget Update Reporting Requirements

   a. There shall be an annual update to the budget, released six months after the adopted budget. The update shall include the following:

      (1) All realized or projected changes in revenues and appropriations since the release of the adopted budget.

      (2) Amended deficit reduction plans to reflect any realized or projected changes in revenues and appropriations since the release of the adopted budget on the overall revenue and expense projections.

8. Additional Reporting Requirements

a. Upon the receipt by the Office of Management and Budget, the Office of the County Comptroller or the Office of Legislative Budget Review of credible information that budgeted spending or budgeted revenues of Nassau County may be significantly higher or lower, with 'significant' defined as a variance of at least 5% from the quarterly budgeted revenue or pro-rated revenue as projected by the Office of Legislative Budget Review or the Office of the County Comptroller, than were projected at the time that the budget for the current fiscal year was adopted, the Office of Management and Budget, the

Office of the County Comptroller or the Office of Legislative Budget Review shall notify in writing the Presiding Officer, the Minority Leader, the Chair of the Finance Committee and the Majority and Minority Counsel within seventy-two hours of receipt of such information.

b. Upon a determination by the Office of Management and Budget, the Office of the Comptroller, the Office of Legislative Budget Review or the Office of the County Attorney that a person or entity with which Nassau County has entered into a contractual arrangement is acting in a manner that would constitute a material breach of the contract, then the Office of Management and Budget, the Office of the Comptroller, the Office of Legislative Budget Review or the Office of the County Attorney shall notify in writing and confidentially the Presiding Officer, the Minority Leader, the Chair of the Finance Committee and the Majority and Minority Counsels within seventy-two hours of such determination.

c. Each year, department heads of the county government shall be required to report in writing to the County Legislature as part of the annual budget update to be released six months after the budget is adopted, on their Department's goals, policies, practices, activities, and personnel structure, and such Department Heads shall be available, subject to the call of the Legislature, to make such reports at a public hearing of the Legislature.

(Added by Local Law No. 17-1999, in effect January 1, 2000).

§ 300-C. **[Use of Funds by Departments]**[7]

1. Purpose

a. The County Legislature hereby finds that it must exercise fiscal oversight of the budget which it adopts. In order to monitor expenditures by department, a mechanism must be established to require departments to request additional funding from the Legislature.

b. This Law will provide the Legislature with oversight over the use of appropriations heretofore authorized by the County Legislature through the use of budgeted discretionary reserve accounts and through the use of quarterly appropriations and allotments.

2. Establishment of new Object Classes of Appropriation

a. In addition to the requirements of section 302 of the County Government Law of Nassau County, the county budget and Annual Budget Ordinance shall contain the following enumerated Object Classes of Appropriation:

(1) AA(1) Salaries, Wages & Fees 1st Quarter

[7] No title for §300-C was included in the Local Law adopting §300-C. Title supplied for convenience.

(2) AA(2) Salaries, Wages & Fees 2nd Quarter
(3) AA(3) Salaries, Wages & Fees 3rd Quarter
(4) AA(4) Salaries, Wages & Fees 4th Quarter
(5) AB(1) Fringe Benefits 1st Quarter
(6) AB(2) Fringe Benefits 2nd Quarter
(7) AB(3) Fringe Benefits 3rd Quarter
(8) AB(4) Fringe Benefits 4th Quarter
(9) BB(1) Equipment 1st Quarter
(10) BB(2) Equipment 2nd Quarter
(11) BB(3) Equipment 3rd Quarter
(12) BB(4) Equipment 4th Quarter
(13) CC(1) Materials & Supplies 1st Quarter
(14) CC(2) Materials & Supplies 2nd Quarter
(15) CC(3) Materials & Supplies 3rd Quarter
(16) CC(4) Materials & Supplies 4th Quarter
(17) DD(1) General Expenses 1st Quarter
(18) DD(2) General Expenses 2nd Quarter
(19) DD(3) General Expenses 3rd Quarter
(20) DD(4) General Expenses 4th Quarter
(21) DE(1) Contractual Expenses 1st Quarter
(22) DE(2) Contractual Expenses 2nd Quarter
(23) DE(3) Contractual Expenses 3rd Quarter
(24) DE(4) Contractual Expenses 4th Quarter
(25) DF(1) Utility Costs 1st Quarter
(26) DF(2) Utility Costs 2nd Quarter
(27) DF(3) Utility Costs 3rd Quarter
(28) DF(4) Utility Costs 4th Quarter
(29) DG(1) Various Direct Expenses 1st Quarter
(30) DG(2) Various Direct Expenses 2nd Quarter
(31) DG(3) Various Direct Expenses 3rd Quarter
(32) DG(4) Various Direct Expenses 4th Quarter
(33) GA(1) Local Government Assistant Program 1st Quarter
(34) GA(2) Local Government Assistant Program 2nd Quarter
(35) GA(3) Local Government Assistant Program 3rd Quarter
(36) GA(4) Local Government Assistant Program 4th Quarter
(37) GS(1) General Services Expenses 1st Quarter
(38) GS(2) General Services Expenses 2nd Quarter
(39) GS(3) General Services Expenses 3rd Quarter
(40) GS(4) General Services Expenses 4th Quarter
(41) HH(1) Inter-fund Charges 1st Quarter
(42) HH(2) Inter-fund Charges 2nd Quarter
(43) HH(3) Inter-fund Charges 3rd Quarter
(44) HH(4) Inter-fund Charges 4th Quarter
(45) MM(1) Mass Transportation Expenses 1st Quarter
(46) MM(2) Mass Transportation Expenses 2nd Quarter
(47) MM(3) Mass Transportation Expenses 3rd Quarter

(48) MM(4) Mass Transportation Expenses 4th Quarter
(49) OO(1) Other Expenses 1st Quarter
(50) OO(2) Other Expenses 2nd Quarter
(51) OO(3) Other Expenses 3rd Quarter
(52) OO(4) Other Expenses 4th Quarter
(53) SS(1) Recipient Grants 1st Quarter
(54) SS(2) Recipient Grants 2nd Quarter
(55) SS(3) Recipient Grants 3rd Quarter
(56) SS(4) Recipient Grants 4th Quarter
(57) TT(1) Purchased Services 1st Quarter
(58) TT(2) Purchased Services 2nd Quarter
(59) TT(3) Purchased Services 3rd Quarter
(60) TT(4) Purchased Services 4th Quarter
(61) WW(1) Emergency Vendor Payments 1st Quarter
(62) WW(2) Emergency Vendor Payments 2nd Quarter
(63) WW(3) Emergency Vendor Payments 3rd Quarter
(64) WW(4) Emergency Vendor Payments 4th Quarter
(65) XX(1) Medicaid Expenses 1st Quarter
(66) XX(2) Medicaid Expenses 2nd Quarter
(67) XX(3) Medicaid Expenses 3rd Quarter
(68) XX(4) Medicaid Expenses 4th Quarter
(69) FF(1) Interest Expense 1st Quarter
(70) FF(2) Interest Expense 2nd Quarter
(71) FF(3) Interest Expense 3rd Quarter
(72) FF(4) Interest Expense 4th Quarter
(73) JJ(1) Departmental Resource Expense 1st Quarter
(74) JJ(2) Departmental Resource Expense 2nd Quarter
(75) JJ(3) Departmental Resource Expense 3rd Quarter
(76) JJ(4) Departmental Resource Expense 4th Quarter
(77) GG(1) Principal Expense 1st Quarter
(78) GG(2) Principal Expense 2nd Quarter
(79) GG(3) Principal Expense 3rd Quarter
(80) GG(4) Principal Expense 4th Quarter
(81) JA(1) Reserve for Contingencies 1st Quarter
(82) JA(2) Reserve for Contingencies 2nd Quarter
(83) JA(3) Reserve for Contingencies 3rd Quarter
(84) JA(4) Reserve for Contingencies 4th Quarter
(85) JC(I) Reserve for Disallowance 1st Quarter
(86) JC(2) Reserve for Disallowance 2nd Quarter
(87) JC(3) Reserve for Disallowance 3rd Quarter
(88) JC(4) Reserve for Disallowance 4th Quarter
(89) LD(1) Transfer to Nassau Community College Fund 1st Quarter
(90) LD(2) Transfer to Nassau Community College Fund 2nd Quarter
(91) LD(3) Transfer to Nassau Community College Fund 3rd Quarter
(92) LD(4) Transfer to Nassau Community College Fund 4th Quarter
(93) LK(1) Inter-fund transfer to Fire Marshall 1st Quarter

(94) LK(2) Inter-fund transfer to Fire Marshall 2nd Quarter
(95) LK(3) Inter-fund transfer to Fire Marshall 3rd Quarter
(96) LK(4) Inter-fund transfer to Fire Marshall 4th Quarter
(97) LN(1) Transfer to Police Department Headquarters Fund 1st Quarter
(98) LN(2) Transfer to Police Department Headquarters Fund 2nd Quarter
(99) LN(3) Transfer to Police Department Headquarters Fund 3rd Quarter
(100) LN(4) Transfer to Police Department Headquarters Fund 4th Quarter
(101) LO(1) Transfer to County Parks Fund 1st Quarter
(102) LO(2) Transfer to County Parks Fund 2nd Quarter
(103) LO(3) Transfer to County Parks Fund 3rd Quarter
(104) LO(4) Transfer to County Parks Fund 4th Quarter

3. Use of funds by Department

a. The funds appropriated by the County Legislature shall be restricted as follows:

(1) AA(1) Salaries, Wages & Fees 1st Quarter shall only be used to pay salaries, wages and fees expenses of the department for the first quarter of the fiscal year.
(2) AA(2) Salaries, Wages & Fees 2nd Quarter shall only be used to pay salaries, wages and fees expenses of the department for the second quarter of the fiscal year.
(3) AA(3) Salaries, Wages & Fees 3rd Quarter shall only be used to pay salaries, wages and fees expenses of the department for the third quarter of the fiscal year.
(4) AA(4) Salaries, Wages & Fees 4th Quarter shall only be used to pay salaries, wages and fees expenses of the department for the fourth quarter of the fiscal year.
(5) AB(1) Fringe Benefits 1st Quarter shall only be used to pay fringe, benefit expenses of the department for the first quarter of the fiscal year.
(6) AB(2) Fringe Benefits 2nd Quarter shall only be used to pay fringe benefit expenses of the department for the second quarter of the fiscal year.
(7) AB(3) Fringe Benefits 3rd Quarter shall only be used to pay fringe benefit expenses of the department for the third quarter of the fiscal year.
(8) AB(4) Fringe Benefits 4th Quarter shall only be used to pay fringe benefit expenses of the department for the fourth quarter of the fiscal year.
(9) BB(1) Equipment 1st Quarter shall only be used to pay equipment expenses of the department for the first quarter of the

fiscal year.

(10) BB(2) Equipment 2nd Quarter shall only be used to pay equipment expenses of the department for the second quarter of the fiscal year.

(11) BB(3) Equipment 3rd Quarter shall only be used to pay equipment expenses of the department for the third quarter of the fiscal year.

(12) BB(4) Equipment 4th Quarter shall only be used to pay equipment expenses of the department for the fourth quarter of the fiscal year.

(13) CC(1) Materials & Supplies 1st Quarter shall only be used to pay materials and supplies expenses of the department for the first quarter of the fiscal year.

(14) CC(2) Materials & Supplies 2nd Quarter shall only be used to pay materials and supplies expenses of the department for the second quarter of the fiscal year.

(15) CC(3) Materials & Supplies 3rd Quarter shall only be used to pay materials and supplies expenses of the department for the third quarter of the fiscal year.

(16) CC(4) Materials & Supplies 4th Quarter shall only be used to pay materials and supplies expenses of the department for the fourth quarter of the fiscal year.

(17) DD(1) General Expenses 1st Quarter shall only be used to pay general expenses of the department for the first quarter of the fiscal year.

(18) DD(2) General Expenses 2nd Quarter shall only be used to pay general expenses of the department for the second quarter of the fiscal year.

(19) DD(3) General Expenses 3rd Quarter shall only be used to pay general expenses of the department for the third quarter of the fiscal year.

(20) DD(4) General Expenses 4th Quarter shall only be used to pay general expenses of the department for the fourth quarter of the fiscal year.

(21) DE(1) Contractual Expenses 1st Quarter shall only be used to pay contractual expenses of the department for the first quarter of the fiscal year.

(22) DE(2) Contractual Expenses 2nd Quarter shall only be used to pay contractual expenses of the department for the second quarter of the fiscal year.

(23) DE(3) Contractual Expenses 3rd Quarter shall only be used to pay contractual expenses of the department for the third quarter of the fiscal year.

(24) DE(4) Contractual Expenses 4th Quarter shall only be used to pay contractual expenses of the department for the fourth quarter of the fiscal year.

(25) DF(1) Utility Costs 1st Quarter shall only be used to pay utility expenses of the department for the first quarter of the fiscal year.

(26) DF(2) Utility Costs 2nd Quarter shall only be used to pay utility expenses of the department for the second quarter of the fiscal year.

(27) DF(3) Utility Costs 3rd Quarter shall only be used to pay utility expenses of the department for the third quarter of the fiscal year.

(28) DF(4) Utility Costs 4th Quarter shall only be used to pay utility expenses of the department for the fourth quarter of the fiscal year.

(29) DG(1) Various Direct Expenses 1st Quarter shall only be used to pay direct expenses of the department for the first quarter of the fiscal year.

(30) DG(2) Various Direct Expenses 2nd Quarter shall only be used to pay direct expenses of the department for the second quarter of the fiscal year.

(31) DG(3) Various Direct Expenses 3rd Quarter shall only be used to pay direct expenses of the department for the third quarter of the fiscal year.

(32) DG(4) Various Direct Expenses 4th Quarter shall only be used to pay direct expenses of the department for the fourth quarter of the fiscal year.

(33) GA(1) Local Government Assistant Program 1st Quarter shall only be used to pay Local Government Assistant Program expenses of the department for the first quarter of the fiscal year.

(34) GA(2) Local Government Assistant Program 2nd Quarter shall only be used to pay Local Government Assistant Program expenses of the department for the second quarter of the fiscal year.

(35) GA(3) Local Government Assistant Program 3rd Quarter shall only be used to pay Local Government Assistant Program expenses of the department for the third quarter of the fiscal year.

(36) GA(4) Local Government Assistant Program 4th Quarter shall only be used to pay Local Government Assistant Program expenses of the department for the fourth quarter of the fiscal year.

(37) GS(1) General Services Expenses 1st Quarter shall only be used to pay General Services expenses of the department for the first quarter of the fiscal year.

(38) GS(2) General Services Expenses 2nd Quarter shall only be used to pay General Services expenses of the department for the second quarter of the fiscal year.

(39) GS(3) General Services Expenses 3rd Quarter shall only be used to pay General Services expenses of the department for the third quarter of the fiscal year.

(40) GS(4) General Services Expenses 4th Quarter shall only be used

to pay General Services expenses of the department for the fourth quarter of the fiscal year.

(41) HH(1) Inter-fund Charges 1st Quarter shall only be used to pay Inter-fund Charges of the department for the first quarter of the fiscal year.

(42) HH(2) Inter-fund Charges 2nd Quarter shall only be used to pay Inter-fund Charges of the department for the second quarter of the fiscal year.

(43) HH(3) Inter-fund Charges 3rd Quarter shall only be used to pay Inter-fund Charges of the department for the third quarter of the fiscal year.

(44) HH(4) Inter-fund Charges 4th Quarter shall only be used to pay Inter-fund Charges of the department for the fourth quarter of the fiscal year.

(45) MM(1) Mass Transportation Expenses 1st Quarter shall only be used to pay Mass Transportation Expenses of the department for the first quarter of the fiscal year.

(46) MM(2) Mass Transportation Expenses 2nd Quarter shall only be used to pay Mass Transportation Expenses of the department for the second quarter of the fiscal year.

(47) MM(3) Mass Transportation Expenses 3rd Quarter shall only be used to pay Mass Transportation Expenses of the department for the third quarter of the fiscal year.

(48) MM(4) Mass Transportation Expenses 4th Quarter shall only be used to pay Mass Transportation Expenses of the department for the fourth quarter of the fiscal year.

(49) OO(1) Other Expenses 1st Quarter shall only be used to pay other expenses of the department for the first quarter of the fiscal year.

(50) OO(2) Other Expenses 2nd Quarter shall only be used to pay other expenses of the department for the second quarter of the fiscal year.

(51) OO(3) Other Expenses 3rd Quarter shall only be used to pay other expenses of the department for the third quarter of the fiscal year.

(52) OO(4) Other Expenses 4th Quarter shall only be used to pay other expenses of the department for the fourth quarter of the fiscal year.

(53) SS(1) Recipient Grants 1st Quarter shall only be used to pay recipient grant expenses of the department for the first quarter of the fiscal year.

(54) SS(2) Recipient Grants 2nd Quarter shall only be used to pay recipient grant expenses of the department for the second quarter of the fiscal year.

(55) SS(3) Recipient Grants 3rd Quarter shall only be used to pay recipient grant expenses of the department for the third quarter of

the fiscal year.

(56) SS(4) Recipient Grants 4th Quarter shall only be used to pay recipient grant expenses of the department for the fourth quarter of the fiscal year.

(57) TT(1) Purchased Services 1st Quarter shall only be used to pay purchased services expenses of the department for the first quarter of the fiscal year.

(58) TT(2) Purchased Services 2nd Quarter shall only be used to pay purchased services expenses of the department for the second quarter of the fiscal year.

(59) TT(3) Purchased Services 3rd Quarter shall only be used to pay purchased services expenses of the department for the third quarter of the fiscal year.

(60) TT(4) Purchased Services 4th Quarter shall only be used to pay purchased services expenses of the department for the fourth quarter of the fiscal year.

(61) WW(1) Emergency Vendor Payments 1st Quarter shall only be used to pay emergency vendor payments of the department for the first quarter of the fiscal year.

(62) WW(2) Emergency Vendor Payments 2nd Quarter shall only be used to pay emergency vendor payments of the department for the second quarter of the fiscal year.

(63) WW(3) Emergency Vendor Payments 3rd Quarter shall only be used to pay emergency vendor payments of the department for the third quarter of the fiscal year.

(64) WW(4) Emergency Vendor Payments 4th Quarter shall only be used to pay emergency vendor payments of the department for the fourth quarter of the fiscal year.

(65) XX(1) Medicaid Expenses 1st Quarter shall only be used to pay Medicaid expenses of the department for the first quarter of the fiscal year.

(66) XX(2) Medicaid Expenses 2nd Quarter shall only be used to pay Medicaid expenses of the department for the second quarter of the fiscal year.

(67) XX(3) Medicaid Expenses 3rd Quarter shall only be used to pay Medicaid expenses of the department for the third quarter of the fiscal year.

(68) XX(4) Medicaid Expenses 4th Quarter shall only be used to pay Medicaid expenses of the department for the fourth quarter of the fiscal year.

(69) FF(1) Interest Expense 1st Quarter shall only be used to pay interest expenses of the department for the first quarter of the fiscal year.

(70) FF(2) Interest Expense 2nd Quarter shall only be used to pay interest expenses of the department for the second quarter of the fiscal year.

(71) FF(3) Interest Expense 3rd Quarter shall only be used to pay interest expenses of the department for the third quarter of the fiscal year.

(72) FF(4) Interest Expense 4th Quarter shall only be used to pay interest expenses of the department for the fourth quarter of the fiscal year.

(73) JJ(1) Departmental Resource Expense 1st Quarter shall only be used to pay legislatively approved and justified expenses of the department for the first quarter of the fiscal year.

(74) JJ(2) Departmental Resource Expense 2nd Quarter shall only be used to pay legislatively approved and justified expenses of the department for the second quarter of the fiscal year.

(75) JJ(3) Departmental Resource Expense 3rd Quarter shall only be used to pay legislatively approved and justified expenses of the department for the third quarter of the fiscal year.

(76) JJ(4) Departmental Resource Expense 4th Quarter shall only be used to pay legislatively approved and justified expenses of the department for the fourth quarter of the fiscal year.

(77) GG(1) Principal Expense 1st Quarter shall only be used to pay Principal expenses of the department for the first quarter of the fiscal year.

(78) GG(2) Principal Expense 2nd Quarter shall only be used to pay Principal expenses of the department for the second quarter of the fiscal year.

(79) GG(3) Principal Expense 3rd Quarter shall only be used to pay Principal expenses of the department for the third quarter of the fiscal year.

(80) GG(4) Principal Expense 4th Quarter shall only be used to pay Principal expenses of the department for the fourth quarter of the fiscal year.

(81) JA(1) Reserve for Contingencies 1st Quarter shall only be used to pay Reserve for Contingency expenses of the department for the first quarter of the fiscal year.

(82) JA(2) Reserve for Contingencies 2nd Quarter shall only be used to pay Reserve for Contingency expenses of the department for the second quarter of the fiscal year.

(83) JA(3) Reserve for Contingencies 3rd Quarter shall only be used to pay Reserve for Contingency expenses of the department for the third quarter of the fiscal year.

(84) JA(4) Reserve for Contingencies 4th Quarter shall only be used to pay Reserve for Contingency expenses of the department for the fourth quarter of the fiscal year.

(85) JC(1) Reserve for Disallowance 1st Quarter shall only be used to pay Reserve for Disallowance expenses of the department for the first quarter of the fiscal year.

(86) JC(2) Reserve for Disallowance 2nd Quarter shall only be used

to pay Reserve for Disallowance expenses of the department for the second quarter of the fiscal year.

(87) JC(3) Reserve for Disallowance 3rd Quarter shall only be used to pay Reserve for Disallowance expenses of the department for the third quarter of the fiscal year.

(88) JC(4) Reserve for Disallowance 4th Quarter shall only be used to pay Reserve for Disallowance expenses of the department for the fourth quarter of the fiscal year.

(89) LD(1) Transfer to Nassau Community College Fund 1st Quarter shall only be used to pay Transfer to Nassau Community College Fund expenses of the department for the first quarter of the fiscal year.

(90) LD(2) Transfer to Nassau Community College Fund 2nd Quarter shall only be used to pay Transfer to Nassau Community College Fund expenses of the department for the second quarter of the fiscal year.

(91) LD(3) Transfer to Nassau Community College Fund 3rd Quarter shall only be used to pay Transfer to Nassau Community College Fund expenses of the department for the third quarter of the fiscal year.

(92) LD(4) Transfer to Nassau Community College Fund 4th Quarter shall only be used to pay Transfer to Nassau Community College Fund expenses of the department for the fourth quarter of the fiscal year.

(93) LK(1) Inter-fund transfer to Fire Marshall 1st Quarter shall only be used to pay Inter-fund transfer to Fire Marshall expenses of the department for the first quarter of the fiscal year.

(94) LK(2) Inter-fund transfer to Fire Marshall 2nd Quarter shall only be used to pay Inter-fund transfer to Fire Marshall expenses of the department for the second quarter of the fiscal year.

(95) LK(3) Inter-fund transfer to Fire Marshall 3rd Quarter shall only be used to pay Inter-fund transfer to Fire Marshall expenses of the department for the third quarter of the fiscal year.

(96) LK(4) Inter-fund transfer to Fire Marshall 4th Quarter shall only be used to pay Inter-fund transfer to Fire Marshall expenses of the department for the fourth quarter of the fiscal year.

(97) LN(1) Transfer to Police Department Headquarters Fund 1st Quarter shall only be used to pay Transfer to Police Department Headquarters Fund expenses of the department for the first quarter of the fiscal year.

(98) LN(2) Transfer to Police Department Headquarters Fund 2nd Quarter shall only be used to pay Transfer to Police Department Headquarters Fund expenses of the department for the second quarter of the fiscal year.

(99) LN(3) Transfer to Police Department Headquarters Fund 3rd

Quarter shall only be used to pay Transfer to Police Department Headquarters Fund expenses of the department for the third quarter of the fiscal year.

(100) LN (4) Transfer to Police Department Headquarters Fund 4th Quarter shall only be used to pay Transfer to Police Department Headquarters Fund expenses of the department for the fourth quarter of the fiscal year.

(101) LO(1) Transfer to County Parks Fund 1st Quarter shall only be used to pay Transfer to County Parks Fund expenses of the department for the first quarter of the fiscal year.

(102) LO(2) Transfer to County Park Fund 2nd Quarter shall only be used to pay Transfer to County Parks Fund expenses of the department for the second quarter of the fiscal year.

(103) LO(3) Transfer to County Parks Fund 3rd Quarter shall only be used to pay Transfer to County Parks Fund expenses of the department for the third quarter of the fiscal year.

(104) LO(4) Transfer to County Parks Fund 4th Quarter shall only be used to pay Transfer to County Parks Fund expenses of the department for the fourth quarter of the fiscal year.

4. Transfer of Appropriations

   a. Transfers of appropriations between the enumerated quarterly object classes of appropriation may be made in accordance with § 307 of the County Government Law of Nassau County.

   b. To the extent that the funds budgeted in the enumerated quarterly object classes of appropriation are not requested by a Department, the unexpended balance shall lapse at the end of the fiscal year except as set forth in § 307 of the County Government Law of Nassau County.

5. Limitation of funds

   a. The aggregate amount of any of the enumerated quarterly object classes of appropriation shall not exceed the legal maximum amount of funds which may be budgeted in accordance with the laws of the State of New York.
   (Added by Local Law No. 18-1999, in effect November 15, 1999)

§ 301. **Estimates of county departments.** Not later than the fifteenth day of August in each year, the head of each department, institution, office and agency of the county government, shall furnish to the County Executive, on forms, supplied by him, estimates of the revenue and expenditure of their several departments, institutions, offices, agencies or districts for the next ensuing fiscal year, detailed by organization units and the character and object of expenditure, accompanied by an inventory of all equipment, material and supplies on hand and such other supporting data as the County Executive may request.

(Amended by L. 1948, Ch 714, in effect March 31, 1948; Local Law No. 11-1994, in effect January 1, 1996; L. 1995, Ch 14, in effect March 16, 1995.)

§ 302. **Scope of county budget.** Not later than September 15 in each year the County Executive shall submit to the Board of Supervisors a proposed budget of revenue and expenditure for the ensuing fiscal year for the county. The proposed county budget shall contain:

1. a statement of all revenues which estimated will be received by the county during the ensuing fiscal year, other than the proceeds of the tax levy of the ensuing fiscal year, deducting the amount, if any, required to be deposited to the credit of any sinking fund;

2. a statement of the amount estimated to be collected from the tax levy of the ensuing fiscal year;

3. a statement of the receipts anticipated during the ensuing fiscal year from the sale of bonds or other borrowing;

4. a statement of the amount of the sinking fund, if any, which is available and which should be applied to the payment of the principal of any bonded indebtedness of the county falling due during the ensuing fiscal year;

5. a statement of the estimated cash balance, except unreserved, undesignated fund balances, after deducting commitments estimated to be outstanding at the close of the current fiscal year, in each fund, applicable to expenditures of the ensuing fiscal year; and any estimated deficit in any fund required to be made up in the ensuing fiscal year;

6. an estimate of the several amounts which the County Executive deems necessary for conducting the business of the county for each department, institution, office and agency thereof, separately stated, and for other purposes contemplated by this act and otherwise by law for the ensuing fiscal year; the above being classified so as to show separately: (a) the ordinary recurring expenses of the operation and maintenance of the county government; (b) any extraordinary or non-recurring expenses to be financed from current revenue; and (c) any extraordinary or any capital expenditure to be financed from the proceeds of bond issues, and in the event that any such capital expenditure is to be ultimately paid for in whole or in part from the proceeds of assessments on property specially benefited, the portion of such capital expenditure to be so assessed shall be separately shown;

7. the amount necessary to pay the principal and interest of any bonded or other indebtedness of the county becoming due during the ensuing fiscal year:

8. the amount of any judgment recovered against the county and payable during the ensuing fiscal year;

9. in the discretion of the County Executive, an estimated amount to provide for uncollected taxes including school distinct taxes, which amount shall be a county charge;

10. any other matter which the County Executive deems advisable;

11. for the period October 1, 1995 through December 31, 1996, the County Executive must submit no later than August 1, 1995 to the Board of Supervisors a proposed budget of revenue and expenditure for that period. The Board of Supervisors must conduct a hearing In accordance with this chapter and adopt a budget for the period October 1, 1995 through December 31, 1996 no later than September 15, 1995;

12. thereafter, beginning with the proposed budget for the 1997 county fiscal year, the County Executive must submit a proposed budget no later than September 15 and the Board of Supervisors must conduct a hearing and adopt a budget no later than October 30.

The proposed budget shall be so arranged as to give in parallel columns the following comparative information: (1) receipts and expenditures for the last completed fiscal year; (2) the budget *of* the current fiscal year; (3) the actual receipts and expenditures for the first nine months of the current fiscal year; (4) departmental requests for the ensuing fiscal year; and (5) the recommendations of the executive as above provided.

(Opening paragraph amended by L 1931 Ch. 618 § 5, in effect January 1, 1938; subd. 9, added and former subd. 9 renumbered as subd. 10 by L. 1945 Ch. 453 §2, in effect April 2, 1945; Amended by Local Law No. 11-1994, in effect January 1, 1996; Opening paragraph amended and subd. 11 & 12 added by L. 1995 Ch 14, in effect March 16, 1995: Opening paragraph and subd. 12 amended by L. 1995 Ch. 561, in effect August 8, 1995; subdivision 5 amended by Local Law No. 3-2004)

§302-a. **Estimates.**

1.

a. No later than June 15, 1995, the head of each department, institution, office and agency of the county government shall furnish to the County Executive estimates of revenue expenditure for the period October 1, 1995 to December 31, 1996 in the same form as if they were submitting estimates for full year budgets pursuant to section 301 of the county charter. The County Executive shall submit to the Board of Supervisors a proposed budget no later than August 1, 1995 for revenue and expenditure for the period October 1, 1995 to December 31, 1996. The proposed budget shall contain:

(1) a statement of all revenues which it is estimated will be received by the county during the period October 1, 1995 through December 31, 1996, other than the proceeds of the tax levy of this period, deducting the

amount, if any, required to be deposited to the credit of any sinking fund;

(2) a statement of the amount estimated to be collected from the tax levy from October 1, 1995 through December 31, 1996;

(3) a statement of the receipts anticipated during the period October 1, 1995 through December 31, 1996 from the sale of bonds or other borrowing;

(4) a statement of the amount of the sinking fund, if any, which is available and which should be applied to the payment of the principal of any bonded indebtedness of the county falling due during the period October 1, 1995 through December 31, 1996;

(5) a statement of the estimated cash balance, after deducting commitments estimated to be outstanding at the close of the current fiscal year, in each fund, applicable to expenditures of the period October 1, 1995 through December 31, 1996, and any estimated deficit in any fund required to be made up in this period;

(6) an estimate of the several amounts which the County Executive deems necessary for conducting the business of the county for each department, institution, office and agency thereof, separately stated, and for other purposes contemplated by this chapter and otherwise by law for the period October 1, 1995 through December 31, 1996; the above being classified so as to show separately: (a) the ordinary recurring expenses of the operation and maintenance of the county government; (b) any extraordinary or non-recurring expenses to be financed from current revenue; and (c) any extraordinary or any capital expenditure to be financed from the proceeds of bonds issued, and in the event that any such capital expenditure is to be ultimately paid for in whole or in part from the proceeds of assessments on property specially benefited the portion of such capital expenditure to be so assessed shall be separately shown;

(7) the amount necessary to pay the principal and interest of any bonded or other indebtedness of the county becoming due during the period October 1, 1995 through December 31, 1996;

(8) the amount of any judgment recovered against the county and payable during the period October 1, 1995 through December 31, 1996;

(9) in the discretion of the County Executive, an estimated amount to provide for uncollected taxes including school districts taxes, which amount shall be a county charge:

(10) any other matter which the County Executive deems advisable.

b. The proposed budget shall be so arranged as to give in parallel columns the following comparative information: (1) receipts and expenditures for the last completed fiscal year; (2) the budget of the current fiscal year; (3) the actual receipts and expenditures for the first nine months of the current fiscal year; (4) departmental requests for the period October 1, 1995 through December 31, 1996; and (5) the recommendations of the executive as above provided.

2. The County Executive shall also submit a budget message for the period October 31, 1995 through December 31, 1996 pursuant to section 306 of this chapter as well as other requirements regarding the budget contained therein and in related sections.

3. The Board of Supervisors shall publish, review, conduct a hearing, make changes where advisable and pass a budget no later than September 15, 1995 immediately providing for necessary appropriation ordinances and all appropriate and necessary warrants and extensions to various town and county agencies as needed for the issuance of county tax bills in accordance with the law for the period October 1, 1995 through December 31, 1996 for the county levy and county special districts as needed for the period October 1, 1995 through December 31, 1996, by September 15, 1995. The receiver of taxes of the various towns and cities may issue (2) tax bills for the period October 1, 1995 through December 31, 1996. One bill for the period October 1, 1995 through December 31, 1995 and an additional bill for the period January 1, 1996 through December 31, 1996. Payment may be made in two equal installments for the period January 1, 1996 through December 31, 1996 and shall be made in accordance with section 5-15.0 of the Nassau County Administrative Code including applicable discounts.

4. County taxes for October 1, 1995 through December 31, 1995 will be due and payable November 10, 1995 with no penalty if taxes are paid prior to December 10, 1995. Penalties for taxes unpaid as of December 10, 1995 shall accrue at 1 percent per month until paid. Penalties for non-payment for the period January 1, 1996 through December 31, 1996 shall be in accordance with section 5-17.0 of the Nassau County Administrative Code.

5. Town and city receivers of taxes shall make his return of unpaid taxes (as otherwise directed by law).
(Added by L. 1995 Ch. 14, in effect March 16, 1995; Section, by its terms is inin effect on and after January 1, 1997.)

§ 303. **Budget message.** The County Executive shall submit with the proposed budget a budget message explaining the main features of the budget and including a summary of the proposed budget. He shall also submit at the same time a draft of an ordinance referring to the proposed budget and making provision for the conduct of the county government for the ensuing fiscal year, which need not be itemized further than by departments and by kinds of expenditure, as follows: (1) personal service; (2) materials and supplies; (3) expenses (contractual expenses); and (4) capital outlays. He

shall also submit at the same time a draft of an ordinance fixing the tax levy necessary to support the county budget.
(Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 304. **Summary budget report; filing of budget; hearings.** There shall be filed with the proposed budget a summary budget report and supporting schedules which shall exhibit the proposed operating budget by fund, operating revenue summary, capital appropriations, sewer operation budgets, tax rates and budgetary analyses by department and the aggregate figures of the proposed budget in such a manner as to show a balanced relationship between the total estimated expenditures and the total estimated income for the ensuing fiscal year, and which shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the appropriations for the current fiscal year. The summary budget report shall also include a summary of the tax increases or decreases (by each fund) and spending increases or decreases (by each department, institution, office and agency) incorporated in the proposed budget and shall contain such additional information as is deemed advisable by the County Executive, or as the County Legislature by resolution may require.

Not less than three copies of the proposed county budget and summary budget report shall be filed with the clerk of the County Legislature and, promptly upon receipt by the clerk of the County Legislature thereof, shall be open to public inspection by any person at all times during which the office of the Clerk of the County Legislature shall be open. The County Legislature shall, within ten days after the filing of the budget with the clerk of the County Legislature in each year, publish at least twice, at intervals of one week, in the official newspapers, a copy of the budget message and a notice of the time, not less than five days after the date of the second publication, at which the County Legislature will hold a public hearing on the county budget. At such hearing any person may be heard for or against the estimates as presented by the County Executive, or any item thereof. Such hearing shall be adjourned from day to day until all who desire have been heard. The County Legislature may schedule such additional hearings as may be advisable.
(Former § 304, L. 1936, Ch. 879, repealed and former § 305 renumbered to be § 304 by L. 1937, Ch. 618, in effect January 1, 1938; Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 305. **Changes in budget; approval of budget; line item veto.** After the conclusion of such hearings the County Legislature may strike out or reduce any item of appropriation in the county budget. Before, however, inserting any additional item or increasing any item of appropriation, the County Legislature must publish, at least twice in the official newspapers, a notice setting forth the nature of the proposed changes in the budget and fixing the time, not less than five days after the second publication, at which it will hold a public hearing thereon. After such hearing, which may be adjourned from day to day, the County Legislature may insert the additional item or items and make the increase or increases to the amount in each case indicated by the published notice or to a lesser amount; provided that the County Executive may veto any such addition or increase and that no such addition or increase shall be passed over his veto by less than thirteen affirmative votes of the County Legislature.

The proposed county budget, as changed, altered or revised, shall be finally approved by ordinance of the County Legislature. In approving such budget, the County

Legislature shall vote separately on that portion of the budget relating to the County Legislature.

Within ten days of the final approval of the county budget by the County Legislature, the County Executive shall have the right to veto any item in such budget that constitutes a change from the budget proposed by the County Executive, while at the same time approving the remainder of such budget. In such event, the County Executive shall return the budget ordinance to the County Legislature with a statement of his reasons for vetoing each such Item. The County Legislature within seven days thereafter may reconsider any such Item. If after such reconsideration thirteen affirmative votes of the County Legislature be cast in favor of replacing any such item, such item shall be deemed approved, notwithstanding the veto of the County Executive.

(Former § 306 L. 1936 Ch. 879 amended and renumbered to be § 305 by L. 1937 Ch. 618 § 8, in effect January 1, 1938; Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 306. **Tax levy; county and town budgets.**

1. When the county budget shall have been finally adopted, an appropriation ordinance for such budget, with such amendments as may be necessary to make it conform to the budget as adopted, shall be passed by the County Legislature, and taxes for the ensuing year, including state, county and county special district taxes and assessments, shall be levied not later than the preceding October 30 for the ensuing tax year. The County Legislature shall fix by ordinance the time at which town budgets shall be filed for the purpose of making such levy.
2. In the event that a county budget shall not have been finally adopted by the preceding October 30 for any ensuing fiscal year, the clerk of the County Legislature shall certify that the budget has not been adopted and shall further certify the amount of the levy for the current fiscal year. The filing of such certificate in the office of the Department of Assessment shall have the force and effect of a levy of an exigency tax in the amount specified in such certificate. The amount so levied shall be referred to as the exigency tax for the ensuing fiscal year. The exigency tax shall be in an amount equal to one hundred percent of the amount that was levied for county purposes for the current fiscal year. The County Legislature shall finally adopt a budget as soon thereafter as is possible and thereupon may levy a residual tax. The residual tax shall be in an amount equal to the difference between the taxes required by such budget and the amount levied as the exigency tax.

2a. [Editor's note: Deemed repealed by operation of law on January 1, 2013.]

3. When the towns have filed their budgets with the county, an ordinance for such budgets shall be passed by the County Legislature and taxes for the towns' ensuing fiscal years, including town and town special district taxes and assessments, shall be levied not later than the third Monday in December. The County Legislature shall fix by ordinance the time at which town budgets shall be filed for the purpose of making such levy.

(Former § 307 L. 1936 Ch. 879 amended and renumbered to be § 306 by L. 1937 Ch. 618 § 9, in effect January 1, 1938; Amended by L. 1995 Ch. 14, in effect March 16, 1995; Local Law No. 11-1994, in effect January 1, 1996; amended by Local Law No. 23-2012, in effect November 27, 2012.)

§ 307. **Transfers of appropriations; supplemental appropriations.** No money shall be spent by the county, nor shall any obligation for the spending of money be incurred, unless in pursuance of the annual appropriation ordinance therefore, except as provided in this section, and the unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year; provided, that nothing herein contained shall be taken to prevent the making of contracts for improvements or works not to be completed during the fiscal year, and any appropriation in furtherance thereof shall continue in force until the purpose for which it was made shall have been accomplished or abandoned. Transfers of appropriations within the same department may be authorized by the County Legislature on the recommendation of the County Executive, and transfers between departments may, upon like recommendation, be authorized by the County Legislature by ten affirmative votes of the County Legislature; provided, however, that any such transfer of monies appropriated in the budgets of the Comptroller, the County Clerk or the District Attorney may be authorized only during the last two months of the fiscal year. Supplemental appropriations from any moneys not otherwise appropriated may be made at any time upon recommendation of the County Executive by thirteen affirmative votes of the County Legislature.
(Amended by L. 1943 Ch. 710 §101. as last amended by L. 1945 Ch. 338. in effect September 2, 1945; former §308, L. 1936 Ch. 879, amended and renumbered to be 307 by L. 1937 Ch. 618 §10; amendment required by Local Finance Law § 29.00.30.00 and 40.00; Amended by Local Law No. 11 -1994, in effect January 1, 1996; amended by Local Law No. 10-2002, in effect October 3, 2002; amended by Local Law No. 7-2009; in effect May 5, 2009.)

§ 308. **Work programs; allotments.** In the Annual Budget Ordinance, the County Legislature shall make appropriations by quarter for any department of the county. Immediately before the beginning of the fiscal year the head of each department, institution, office or agency of the county government shall submit to the county executive a work program for the year, which program shall include all appropriations for its operation and maintenance and purchase of equipment, and shall show the requested allotments of said appropriations for such department, institution, office or agency, by quarters, for the entire fiscal year, which allotments may not exceed the quarterly appropriations set forth in the annual budget ordinance approved by the County Legislature. The County Executive shall review the requested allotments in the light of the work program of the department, institution, office, or agency concerned, and may, if he deems necessary, revise, alter, or change such allotments before authorizing the same. The amount of each quarterly allotment may not exceed the quarterly appropriation and the aggregate of such allotments shall not exceed the total appropriation available to said department, institution, office or agency for the fiscal year. The Comptroller shall authorize all expenditures for the departments, institutions, offices and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. The approved allotments may be revised during the fiscal year by the County Executive, or upon application by the head of any department, institution, office or agency, approved by the County Executive. If at any time during the fiscal year the County Executive shall ascertain that the probable income, plus fund balances, for the year will be less than the total appropriations, he may reconsider the work programs and allotments of the several

departments, institutions, offices and agencies and revise them so as to forestall the making of expenditures in excess of the said income and fund balances. The term income as used in this section shall include any moneys raised or to be raised by the issuance of bonds or notes authorized to be issued by any ordinance adopted by the County Legislature, provided said moneys may be lawfully used to meet such appropriations.
(Former §309 L. 936 Ch. 879, amended and renumbered to be § 308 by L. 1937 Ch. 618 §1, in effect January 1, 1938: former § 310 L 1936 Ch. 879 repealed by L.1937 Ch 618 §2, in effect January 1, 1938; Amended by Local Law No. 11-1994, in effect January 1, 1996; amended by Local Law No. 18-1999, in effect November 15, 1999.)

§ 309 **Fiscal year, transition provision.** Effective October first, nineteen hundred ninety-six, the fiscal year of the county shall begin on October first of each year and end on the following September thirtieth. In order to give effect to such change in the county's fiscal year, the fiscal year that commences on January first, nineteen hundred ninety-six shall end on September thirtieth, nineteen hundred ninety-six. Notwithstanding anything to the contrary contained in this act, with respect to the fiscal year commencing on January first, nineteen hundred ninety-six, in the event that a county budget shall not have been finally adopted by the third Monday in December, nineteen hundred ninety-five, the clerk of the Board of Supervisors shall certify that the budget has not been adopted and shall further certify the amount of the levy for the fiscal year ending December thirty-first, nineteen hundred ninety-five. The filing of such certificate in the office of the Board of Assessors shall have the force and effect of a levy of an exigency tax in the amount specified in such certificate. The amount so levied shall be referred to as the exigency tax for the fiscal year ending September thirty, nineteen hundred ninety-six. The exigency tax shall be in an amount equal to seventy-five percent of the amount that was levied for county purposes for the year ending December thirty-first, nineteen hundred ninety-five. The Board of Supervisors or the County Legislature, as the case may be, shall finally adopt a budget as soon thereafter as is possible and thereupon may levy a residual tax. The residual tax shall be in an amount equal to the difference between the taxes required by such budget and the amount levied as the exigency tax.
(Added by Local Law No. 11-1994, in effect January 1, 1996; Section not presently in effect as superceded by L. 1995 Ch. 14 and L. 1995 Ch. 561 which provided for a twelve month fiscal year commencing January 1, 1997 and after.)

§ 310. **Capital Plan and Capital Budget.**[8]

a) Not later than the fifteenth day of October each year, the County Executive shall submit to the County Legislature a proposed four year capital plan, the first year of which shall be referred to as the proposed capital budget and which shall commence on the first day of the upcoming fiscal year. Such plan shall include details, descriptions and projections of proposed capital programs, projects and activities that are at least as extensive in character as were included in the capital plan adopted on April 2, 2001 by the Capital Planning Committee pursuant to section 2219 of the County Government Law of Nassau County and shall also include descriptions and projections regarding all of the proposed funding sources

[8] There are two §310.

for each capital program, project or activity contained in the four year capital plan. Such plan shall also include (i) a report on the outstanding indebtedness of the county and of the Nassau County Interim Finance Authority, including an analysis of the amounts payable in each future year, (ii) a report on previously approved capital programs, projects and activities which have not been completed, (iii) a report on authorized but unissued serial bonds, and (iv) projections of the county's outstanding indebtedness assuming completion of pending capital programs, projects and activities and assuming authorization and financing of all proposed capital programs, projects and activities included in such plan. The County Legislature may, by resolution adopted by the first day of March of each year, set forth requirements for additional details, descriptions and projections that shall be included in the four year capital plan, and such requirements for additional details, descriptions and projections shall remain effective until superseded by a subsequent resolution. Along with the submission of a proposed four year capital plan, the County Executive shall submit to the County Legislature an ordinance, to be referred to as the proposed capital budget ordinance, setting forth the proposed capital budget, including a listing of the capital programs, projects and activities, other than judgments and settlements, which are proposed to be authorized in the first year of the four year capital plan and the cost estimates associated therewith. However, nothing in this section shall be construed to be inconsistent with the requirement that an ordinance authorizing capital borrowing be approved by thirteen affirmative votes of the County Legislature. Along with the submission of the proposed four year capital plan, the County Executive shall also submit a capital budget message including a summary and explaining the main features of the proposed capital budget.

As used herein, capital programs, projects and activities are those programs, projects and activities involving (i) the acquisition, construction, reconstruction, rehabilitation or other improvement of any physical public betterment or improvement, land or rights in land. machinery, apparatus, furnishings or equipment, and (ii) planning, engineering studies, design, environmental impact studies, and other preliminary costs and expenses related to such capital programs, projects and activities.

(Amended by Local Law No. 11-2003, in effect June 12, 2003)

b) Not less than three copies of the proposed four year capital plan and the budget message relating to the proposed capital budget shall be filed with the Clerk of the County Legislature and, promptly upon receipt by the Clerk of the County Legislature thereof, shall be open to public inspection and be available for purchase by any person at all times during which the office of the Clerk of the County Legislature shall be open. The County Legislature shall, within fifteen days after the filing of the proposed capital plan with the Clerk of the County Legislature in each year, publish at least twice, at intervals of one week, in the official newspapers, a copy of the budget message relating to the proposed capital budget and a notice of the time, not less than five days after the date of the second publication, at which the County Legislature will hold a public hearing on the proposed capital budget. At such hearing, any person may be heard for or against

the proposed capital budget, or any item thereof. Such hearing shall be recessed from day to day until all who desire to be heard have been heard. The County Legislature may schedule such additional hearing as may be advisable.

c) After the conclusion of such hearings, the County Legislature may delete any program, project or activity from the proposed capital budget ordinance. The County Legislature may also add capital programs, projects or activities to the capital budget ordinance, including the cost estimates associated therewith, that were not contained in the proposed capital budget ordinance. Before, however, making such additions, the County Legislature shall publish, at least twice in the official newspapers, a notice setting forth the nature of the proposed changes from the capital budget message and fixing the time, not less than two days after the second publication, at which it will hold a public hearing thereon. During such time, the County Legislature shall solicit the recommendations of the Office of Management and Budgets and the Office of Legislative Budget Review with respect to such additional capital programs, projects or activities. After such hearing, which may be recessed from day to day, the County Legislature may make all or some of such additions in capital programs, projects or activities as were referred in the public notice or to a lesser amount.

The capital budget ordinance shall be voted on by the County Legislature by December 15. If such ordinance is not adopted by said date, then, until such ordinance is adopted subsequent to that date, none of the pre-construction or construction of capital programs, projects or activities that have not otherwise or previously been approved shall be permitted during the first year of the four year capital plan. The County Legislature shall also vote by December 15 by resolution to adopt a four year capital plan, which shall be consistent with the capital budget ordinance as adopted.

Within ten days of the final approval of such ordinance by the County Legislature, the County Executive shall have the right to veto any item in such ordinance, while at the same time approving the remainder of such ordinance. In such event, the County Executive shall return such ordinance to the County Legislature with a statement of the reasons for vetoing such item. The County Legislature within seven days thereafter may reconsider any such item so vetoed. If after such reconsideration, thirteen affirmative votes of the County Legislature shall be cast in favor of repassing any such item; such item shall be deemed approved, notwithstanding the veto of the County Executive. Subsequent to the approval of the capital budget ordinance, the County Executive and County Legislature shall not propose any additional capital program, project or activity the pre-construction or construction of which would take place during the first year of the four year capital plan, except as provided by subsection (d) of this section.

(Amended by Local Law No. 11-2003, in effect June 12, 2003)

d) The County Executive or the County Legislature may propose, at any time subsequent to the passage of the capital budget ordinance, an ordinance to amend the capital budget, including the cost estimates associated with such amendments.

Prior to such amendments to the capital budget ordinance, the County Executive and the County Legislature shall solicit the recommendations of the Office of Management and Budgets and the Office of Legislative review with respect to such amendments. Such amendments that provide for additional programs, projects or activities may, however, be approved only if the County Legislature, by thirteen affirmative votes, declares a capital budget emergency, and subsequently approves the ordinance with at least ten affirmative votes. Subsequent to the approval of an ordinance to amend the capital budget, the County Executive may amend the capital plan so as to conform it to the capital budget as amended.
(Amended by Local Law No. 11-2003, in effect June 12, 2003)

e) The approval by the County Legislature of the capital budget ordinance shall be deemed to approve the pre-construction phases of the capital programs, projects or activities included in the first year of the four year capital plan and shall be deemed to approve the preparation of the bid specifications and the solicitation of bids related thereto, provided that nothing herein shall be deemed to approve the awarding of any purchase order or contract for a capital program, project or activity without an approved bond ordinance or a duly authorized appropriation of necessary funds. The approval by the County Legislature of the capital budget ordinance shall also be deemed to approve the construction phases of the capital programs, projects and activities included in the first year of the four year capital plan if the pre-construction phases have been approved by prior legislative action and shall be deemed to approve the preparation of the bid specifications and the solicitation of the bids related thereto, provided that nothing herein shall be deemed to approve the awarding of any purchase order or contract for a capital program, project or activity without an approved bond ordinance or a duly authorized appropriation of the necessary funds. The County Attorney shall submit to the County Legislature such proposed bond ordinances as shall be necessary or desirable to authorize the bonds contemplated by the capital budget as approved. Bond ordinances may authorize borrowing for (i) the full amount of contracts entered into in furtherance of capital programs, projects or activities initiated or continued in the capital budget as approved and (ii) both the pre-construction and construction phases of capital programs, projects or activities initiated or continued in the capital budget as approved. Notwithstanding the foregoing sentence, borrowing for, and expenditures made pursuant to, such capital programs, projects or activities shall in every case be limited to the amounts set forth in the capital budget for each phase of such capital programs, projects or activities. Ordinances authorizing the borrowing of funds to finance programs, projects or activities included within the capital budget ordinance and making certain environmental determinations pursuant to the State Environmental Quality Review Act with respect to such capital programs, projects or activities shall be referred only to the Finance and Rules Committee of the County Legislature and, subsequent thereto, to the County Legislature for review and approval. Resolutions authorizing the acceptance of bids shall be reviewed and approved by the County Legislature as otherwise approved by law.

(Added by Local Law No. 13-2001, in effect subject to referendum on Nov. 6, 2001, subject to a one year suspension to end March 1, 2003 upon a request of the County Executive subject to the approval of the County Legislature; amended by Local Law No. 11-2003.)

§ 310. **Four Year Financial Plan**[9]

Definitions: For purposes of this section, the following terms shall have the following meanings:

"Major funds" shall mean the county's operating funds, the sewer and storm water resources district, and the sewer and storm water finance authority.

"Financial plan" shall mean the four year financial plan submitted by the County Executive to the Legislature pursuant to subdivisions (a) and (b) of this section.

"Revised financial plan" shall mean the four year financial plan submitted by the County Executive to the Legislature after the adoption of the budget.

"Modified financial plan" shall mean the four year financial plan submitted by the County Executive to the Legislature no later than June thirtieth of the fiscal year following the adoption of the final financial plan pursuant to subdivision (g) of this section and including any alterations in the financial plan necessitated by changed circumstances.

"Final financial plan" shall mean the revised financial plan including any modifications made by the Legislature pursuant to subdivision (e) of this section.

"Out-year" means any year in the financial plan subsequent to the current year.

(a) Each year the County Executive shall prepare and file with the Clerk of the Legislature a four year financial plan not later than the date required for the filing of the county budget. Such financial plan shall cover the major funds.

(b) The financial plan shall: (i) provide a reasonable baseline estimate of expenditures and revenues for each of the major funds for each year of the plan in the event that no further actions are undertaken by the county affecting the major funds; (ii) identify and describe in reasonable detail all actions necessary and sufficient to ensure, with respect to each of the major funds for each fiscal year of the plan, that any projected baseline gap is closed and that annual aggregate operating expenses for such fiscal year shall not exceed annual aggregate operating revenues for such fiscal year; (iii) provide that each of the major funds of the county will be balanced in each year of the plan in accordance with generally

[9] There are two §310.

accepted accounting principles; (iv) identify and describe all reserves and all unreserved fund balances that are available to make one-time payments and offset unforeseen or unusual expenditure increases or reductions in revenue; (v) identify and describe anticipated threats to the success of the financial plan; and (vi) identify and describe contingencies and opportunities which may be available or which may occur during the plan period to enhance the probability of the success of the financial plan.

(c) Upon the adoption of a budget in accordance with the provisions of this article, the County Executive shall, if necessary, revise the financial plan to reflect the adopted budget. The County Executive shall submit such revised financial plan to the Legislature within thirty days following adoption of the budget.

(d) The Legislature may modify the revised financial plan submitted pursuant to subdivision (c) of this section by adding or deleting items on the basis that such plan: (i) is incomplete; (ii) fails to contain projections of revenues and expenditures that are based on reasonable and appropriate assumptions and methods of estimation; (iii) fails to provide that operations of the county will be conducted within the cash resources available according to the Legislature's revenue estimates; or (iv) fails to comply with the requirements of this section or of other applicable laws.

(e) Any modification by the Legislature to the revised financial plan must be in accordance with the adopted budget and must result in a balanced budget for the plan years in question. The County Executive may veto in whole or in part any such modification and, in the event that he/she exercises such veto, shall resubmit the revised financial plan to the Legislature for a vote. Thirteen affirmative votes shall be required to override a veto by the County Executive of a legislative modification or part thereof.

(f) The Legislature shall adopt the final financial plan on or before December thirty-first.

(g) No later than June thirtieth of the fiscal year following the adoption of the final financial plan, the County Executive shall re-examine the expenditure and revenue estimates included in the final financial plan and file a report summarizing such re-examination with the clerk of the Legislature. In the event that the County Executive identifies actual or anticipated reductions in revenues or increases in expenditures that are likely to adversely impact the county's projected financial position in the out-years of the financial plan, the County Executive shall submit to the Legislature a modified financial plan, along with the report summarizing the re-examination, which may include new cost-cutting or revenue enhancing initiatives, that will realign the county's projected revenues and expenditures in order to achieve a balanced budget in the outyears of the modified financial plan.

(h) The Legislature may further amend the modified financial plan within sixty days of the submission by the County Executive by adding items to or deleting items from the modified financial plan in such a manner as to render the budget balanced relative to the base for each affected outyear. The Legislature shall adopt a modified financial plan within sixty days of submission of the modified financial plan by the County Executive. The County Executive may veto in whole or in part any legislative amendment to the modified financial plan and, in the event that he/she exercises such veto, shall resubmit the modified financial plan to the Legislature for a vote. Thirteen affirmative votes shall be required to override the County Executive's veto.
(Added by Local Law No. 3-2004.)

§311. **Quarterly Budget and Cash Position Reports**

(a) The terms "final financial plan" and "major funds" shall have the same meaning in this section as they do in section three hundred ten of this article.

(b) [10] The County Executive shall prepare a quarterly budget report of summarized budget data for each of the major funds. The quarterly budget report shall include an executive summary which will provide an overview of the county's projected year-end financial position, its progress relative to the implementation of its final financial plan, adopted pursuant to section three hundred ten of this article, threats to the county's projected year-end performance, and opportunities and contingencies that may be available to improve the county's projected year-end performance.

(b) For each of the major funds, and for each entity within each of the major funds, the quarterly budget report shall present, by object code: (i) the expense or revenue estimate included in the adopted budget for the current fiscal year; (ii) any modifications made to the expense or revenue estimate included in the adopted budget for the current fiscal year; (iii) the actual expense or revenue incurred during the prior fiscal year; (iv) the actual expense or revenue incurred through the reporting period for the current fiscal year; (v) the expense or revenue projection through the end of the current fiscal year; (vi) the variance in the current fiscal year between projected expenses or revenues and the expenses or revenues included in the adopted budget; and (vii) an explanation of such variances.

(c) The quarterly budget report shall also incorporate a presentation of key performance indicators, which shall include but not be limited to workforce levels, overtime data, inmate population, utility costs, and health and human service trends, as well as a summary of the status of major initiatives included in the final financial plan adopted pursuant to section three hundred ten of this article.

[10] There are two subsection "b"

(d) The County Executive shall also prepare a quarterly report of cash position for each of the major funds which shall summarize and compare, at an object code level, actual cash receipts and disbursements with the estimates contained in the cash flow projections, together with variances and their respective explanations.

(e) To the extent necessary to achieve year-end balanced operations in the major funds the County Executive shall submit quarterly reports, accompanied by the necessary budget amendments to resolve any unfavorable budget or cash flow variances in the current budget year.

(f) These reports shall be filed with the clerk of the Legislature no later than thirty days after the end of each quarter.
(Added by section 2 of Local Law No. 3-2004, which took effect at the conclusion of the interim finance period designated by the Nassau County Interim Finance Authority Act, Public Authorities Law §3650 *et seq,* as such law may from time to time be amended.)

ARTICLE IV COMPTROLLER

Section	401.	Election; powers.
	402.	Duties.
	403.	Restrictions on payment of claims.
	404.	Accounts.
	405.	Special district audits.

§ 401. **Election; powers.** There shall be a County Comptroller who shall be elected from the county at large. He shall, except as otherwise provided in this act, have all the powers and duties of a County Comptroller under the laws of this state, including but not limited to the powers and duties specified in this article. He shall receive a compensation to be fixed by ordinance. He shall appoint three deputies who shall have the power to act for and in place of the Comptroller in all regards, and other officers and employees of his office as may be provided by ordinance. He shall submit estimates for his office to the County Executive in the same manner as provided in the preceding article for all county officers.

(Amended by Local Law No. 3-1946; § 2 amended by Local Law No. 7-1975 (known as Local Law No. 4-1974 for purposes of filing with the Secretary of State), in effect October 6, 1995; amended by Local Law No. 2-1999 in effect May 5, 1999.)

§ 402. **Duties.** The Comptroller shall:

1. keep and supervise all accounts which may be required for purposes of administrative direction and financial control;

2. prescribe the form of receipts, vouchers, bills, or claims to be filed by all departments, institutions, offices and agencies of the government;

3. examine and approve all contracts, purchase orders, and other documents by which the county incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will be available when such obligations shall have become due and payable, and record such obligations as encumbrances of the respective appropriations from which such obligations are to be paid;

4. audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the county, and determine the regularity, legality, and correctness of the same;

5. prepare monthly reports of all receipts and expenditures of the county and submit the same to the County Executive, the County Legislature, and the head of each department, institution, office or agency directly concerned;

6. examine and audit of his own motion or when directed to do so by resolution of the County Legislature, the accounts and records of any town or special district and make reports from time to time when requested by the County Executive or County Legislature on the financial condition of the county or any or all of its political subdivisions;

7. prescribe the form of, inspect and annually audit any accounts or records of financial transactions which may be maintained by any department, institution, office or agency of the county apart from, or subsidiary to, the general accounts;

8. in connection with the proposed county budget for each fiscal year, on or before the date of the annual budget hearing required by section three hundred four of this act, render an opinion as to the reasonableness of the estimates contained in such proposed budget relating to non-real property tax revenues;

9. on or before the thirty-first day of July of each year commencing July thirty- first, two thousand three, prepare a report on the status of the budget for the first six months of the current fiscal year, which shall include an opinion, for such period, as to whether a surplus or deficit shall exist; and
(Amended by Local Law No. 3-2003, in effect March 5, 2003)

10. perform such other duties pertaining to the financial records of the county as may be directed by the County Legislature, the County Executive or by any law or by any fiscal officer of the state authorized so to do by law.
(Amended by L. 1931 Ch. 618 § 14, in effect January 1, 1938; Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 403. **Restrictions on payment of claims.** No claim against the county except for debt service pay rolls and judgments or other amounts required to be paid by the county, pursuant to court orders, shall be paid except upon a voucher verified by the oath of the claimant or accompanied by a certificate made by the claimant to the same effect as is required on an account to be verified by affidavit, and certified by the head of the appropriate department, institution, office or agency of the county government, and in the case of purchases for the stores account by the purchasing agent, and by means of a warrant on the Treasurer signed by the Comptroller. No warrant shall be issued for the purpose of meeting any pay roll or item thereof until the same has been certified as correct by the civil service commission.
(Amended by L. 1948 Ch. 133. in effect March, 1948.)

§ 404. **Accounts.** Accounts shall be kept for each specific item of appropriation made by the County Legislature, and every warrant on the treasury shall state specifically against which of said appropriations the warrant is drawn. Each such account shall show in detail the appropriation made by the County Legislature, any transfer to or from such appropriation, the amount drawn thereon, unpaid obligations charged against it, and the unencumbered balance to the credit thereof.
(Amended by Local Law No. 11-1994, in effect January 1, 1996.)

§ 405. **Special district audits.** Each special district shall annually, within sixty days after the conclusion of its fiscal year, file with the Comptroller an audit covering the financial operations of such fiscal year, made by a certified public accountant. If any special district fails to file such an audit within such period of sixty days, the Comptroller may cause an audit to be made by the members of his staff and shall keep a copy of such audit on file with the other audits. When the Comptroller shall make such an audit, the special district shall pay to the county the cost of such audit as certified by the Comptroller.
(Amended by L. 1954 Ch. 551, in effect April 7, 1954.)

ARTICLE V COUNTY TREASURER

Section	501.	Appointment.
	502.	Powers.
	503.	Duties concerning loan transactions.

§ 501. **Appointment.** There shall be a County Treasurer who shall be appointed by the County Executive subject to confirmation by the Board of Supervisors, and at the date on which this act becomes effective in the county the elective office of the County Treasurer shall be abolished therein.

§ 502. **Powers.** The Treasurer shall have, except as otherwise provided in this act, all the powers and duties of County Treasurers under the laws of this state applicable to the county. He shall be the chief fiscal officer of the county and shall appoint such deputies and other employees to his office as may be provided by ordinance.
(Amended by Local Law No. 3. 1965, in effect February 17, 1965)

§ 503. **Duty, concerning loan transactions.** The Treasurer shall forthwith notify the Comptroller of all borrowings by the county.
(Amended by L. 1943 Ch. 710 § 102, as last amended by L. 1945 Ch. 338, in effect September 2, 1945: formerly amended by L. 1937 Ch. 618 § 16: amendment required by Local Finance Law § 2.00 (5), 20.00, 30.00, 56.00, 61.00 and 163.00.)

ARTICLE VI DEPARTMENT OF ASSESSMENT

Section	601.	Department Established
	602.	Duties.
	603.	Rules and regulations.
	604.	Duty of other officers to furnish information.
	605.	Publicity of roll; hearing.
	606.	Correction of roll; extension of taxes.
	607.	Use of county assessment roll by village or city.
	608.	Town assessors abolished
	609.	Reference to Board of Assessors.

§ 601. Department established. a. There shall be a Department of Assessment, the head of which shall be the County Assessor, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, for a term of three years. No individual shall serve as acting assessor for a period longer than six months without confirmation by the County Legislature and no individual shall serve as acting assessor for any period of time without meeting the minimum qualifications established by subdivisions one, two or three of subsection b of this section. However, upon approval of the County Legislature, this six month period may be extended by one additional six month period. The Assessor may appoint such officers and employees, within the appropriations therefor, as are necessary to effectuate the purposes of the department and may appoint such Deputy Assessors as he or she shall find necessary and appropriate, who may act on behalf and in place of the Assessor in the exercise of his or her duties.

b. Minimum qualification standards for Assessor. The County Assessor shall have the following qualifications:

1. (i) a degree from an accredited four-year college; and (ii) one year of satisfactory full-time paid experience in an occupation involving the valuation of real property, including but not limited to assessor, appraiser, valuation data manager, or real property appraisal aide, where such experience primarily involved collection and recording of property inventory data, preparation of comparable sales analysis reports, preparation of signed valuation, appraisal estimates or reports using cost, income or market data approaches to value; provided, however, that the listing of real property for potential sale or the preparation of asking prices for real estate for potential sale, using multiple listing reports or other published asking prices shall not be considered qualifying experience.; or

2 (i.) a degree from an accredited two-year college; and (ii) two years of satisfactory full-time paid experience described in subparagraph (ii) of paragraph one of this subdivision; or

3. designation by the International Institute of Assessing Officers as one of the following:

i Certified Assessment Evaluator

ii. Assessment Administration Specialist

iii.Cadastral Mapping Specialist
iv.Personal Property Specialist
v.Residential Evaluation Specialist.

4. In addition, every assessor shall attain certification as a New York State certified assessor within three years of beginning his or her initial term of office. Any assessor who begins a new term of office without having attained certification during a prior term of office shall attain certification within twelve months of beginning such new term, but in no event shall any assessor be required to attain certification in less than thirty-six months of time in office.
(Amended by Local Law No. 12-2017, signed by the County Executive on December 26, 2017).

§ 602. **Duties**. It shall be the duty of the Assessor in the manner hereinafter provided to assess all property situated in the County and liable to taxation for state, county, town, school and/or special district purposes and to prepare the assessment roll with the assistance of the Deputy Assessors; provided, however, that nothing herein contained shall prevent any city or village in which the school budget is a part of the city or village budget from levying school taxes on the city or village assessment roll. There shall be no equalization of assessed valuations among the towns and cities within the County, notwithstanding any other provision of law.

§ 603. **Rules and regulations.** a. It shall be the duty of the Assessor to adopt such rules and regulations as will establish an equitable and scientific system of assessing property for taxation. The rules so adopted, and all amendments thereof, shall be published on the county web site and made available to any taxpayer of the County upon application to the Assessor

b. Such system shall provide for recording separately the value of each parcel of land and the value of any building or structure thereon. It shall be the duty of the Assessor to prepare and maintain tax maps and land value maps which shall be completed as promptly as possible and in no event later than three years from the in effective date of this act. The expense of preparing and acquiring such maps shall be a county charge and the County Legislature may raise the necessary funds required for such purposes in whole or in part by the issuance of the bonds of the County therefor. The tax maps shall show the dimensions of each separately assessed parcel of land within the county, and the land value maps shall show the value per foot, according to a standard unit of depth, of all lots abutting on any street, highway or other public way or place in the county; but as to acreage tracts the land value maps shall show the value per acre.

c. Upon the completion of such tax maps and the land value maps, the Assessor shall, and at any time prior thereto may further adopt rules for the determination of: (1) the value of property not of the standard unit of depth shown on the land value maps, (2) the effect of side street influence on the value of property located at Intersections, (3) the value of property of odd shapes and sizes: and (4) the value of buildings and structures which shall include the factors of cost of construction on some unit basis for each type of construction based on either area or content, depreciation, obsolescence, and market value.

d. The tax map in existence on July first, nineteen hundred forty-six is hereby continued and shall be thereafter known as the "county land and tax map." The Assessor

shall make such changes in the county land and tax map as from time to time may be necessary to keep such map accurate to serve as the tax map of the Assessor and for the recording and indexing work of the County Clerk, delineating particularly all streets, avenues, roads, boulevards, parkways and waterfronts of the county and all blocks bounded by such streets, avenues, roads, boulevards, parkways and waterfronts and all the sections into which the county shall be divided.

§ 604. **Duty of other officers to furnish information**. All applications for building permits shall be made in duplicate and all persons authorized to issue building permits in the county or any town, city, or village therein, shall, not less frequently than once a month, deliver to the Assessor a copy of such applications. The County Clerk shall, not less frequently than once a month, upon written request from the Assessor, compile and furnish a list of such mortgages, deeds, and other instruments conveying an interest in real property, showing the location of such property, the amount of the mortgage and the consideration recited in such mortgage, deed or conveyance, the nature of the interest conveyed by the instrument, and from whom and to whom such interest was conveyed, as the Assessor may require and deliver a copy of such list to him or her.

§ 605. **The roll as the County's intellectual property; publicity of roll; hearing; release of copies of the roll**.

(a) The roll, whether it be referred to as the tentative roll, the final roll, the tax roll or any other designation, is the intellectual property of the County and its contents shall be controlled by the County as provided by law. The County shall not relinquish ownership of the roll.

(b) Upon the completion of the assessment roll one or more hard copies of the same shall be placed on file in such public places as may be designated by the Assessor, who shall forthwith cause to be published in the official newspapers, during the first week in January, a message stating that the roll has been completed, designating the places where the several portions of the same have been placed on file and where they may be examined during business hours every business day and at least one evening each week until the third Tuesday of January on which day at the designated times and places, at least one place in each town, any person aggrieved by the assessment may appear and be heard in relation thereto.

(c) Release of copies of the roll for non-commercial purposes shall be governed by the Public Officers Law. Parties receiving copies of the roll for non-commercial purposes shall execute an affidavit that the copy of the roll will not be used for commercial purposes and may be required to execute the necessary documents for a confession of judgment for the amount of the County's license fee for use of the roll. Transfer by a party receiving a copy of the roll to a third party shall constitute a commercial use of the roll, because of the availability of the roll directly from the County for non-commercial purposes.

(d) The Assessor, on behalf of the County, may release a copy of the roll in any format and grant a license to any party for the commercial use of the roll upon the payment of the license fee. The license fee shall be set by ordinance and may not be waived.

(e) Commercial use of the roll includes, but is not limited to, the solicitation of

clients, the analysis of the roll for trends or patterns, and the transfer of a copy of the roll in any medium to a third party.
(Amended by Local Law No. 12-2016)

§ 606. **Correction of roll: extension of taxes.**
a. The Assessor shall make corrections if any in the assessment roll as he or she may deem necessary and shall transmit to the County Legislature a statement, verified by oath of the Assessor, of the total assessed valuation of the county and of each town, city, village, school district and each special district and works benefit area, and a similar statement of the assessed valuation of each city and village to the respective governing bodies thereof. When the County Legislature shall have adopted the budget and levied the taxes and assessments on the properties in the towns and cities for the ensuing fiscal year, the Assessor shall extend such taxes and assessments by placing on the roll opposite the valuation of each parcel of property in the towns and cities the sum to be paid in taxes thereon on account of such levy. When the taxes and assessments have been so extended, a copy of that portion of the roll which contains the properties situated in each town or city shall be delivered to the receiver of taxes thereof and the Assessor shall file with the clerk of the County Legislature a certificate to the effect that such taxes and assessments have been so extended in accordance with the ordinance levying such taxes and assessments. Such certificate of the Assessor when so filed shall be conclusive as to the extension of such taxes and assessments in accordance with such ordinance, and thereupon a warrant for the collection of such taxes and assessments shall be delivered to the receiver of each town or city, which warrant shall be sealed with the seal of the county and signed by the County Executive or, in his absence or inability to act, by the presiding officer of the County Legislature and by the clerk of the County Legislature and shall be in such form as may be otherwise provided by law and shall be annexed by the clerk of the County Legislature to such portion of said roll delivered to each receiver at the end thereof. The receivers of taxes of the towns and cities shall attend at the office of the clerk of the County Legislature with the portion of said roll to which said warrant is to be annexed and to receive the warrant so annexed. Any surplus existing or hereafter arising from the extension of taxes in excess of the amounts raised for the adopted budget shall be credited to the county, and any deficiencies existing or hereafter arising from the extension of taxes for the adopted budgets shall be a county charge.

b. When the County Legislature shall have adopted the budget by September 15, 1995 for the period October 1, 1995 through December 31, 1996 and as of the preceding October 30 for any ensuing fiscal year, and shall have levied the taxes and assessments for county purposes on the properties in the towns and cities for the ensuing fiscal year, and shall have levied the taxes and assessments for town purposes by the third Monday in December, in each instance the Assessor shall extend such taxes and assessments by placing on the roll opposite the valuation of each parcel of property in the towns and cities the sum to be paid in taxes thereon on account of such levies.
(Amended by Local Law No. 18-2010, in effect November 11, 2010.[11])

[11] Local Law No. 18-2010 was declared "unconstitutional, invalid, unenforceable and void" in *Matter of Baldwin Union Free School District v. County of Nassau*, 22 N.Y.3d 606 (2014).

§ 607. **Use of county assessment roll by village or city**. The Board of Trustees of any village or the mayor and council of any city in the county may, by resolution, authorize its assessor or assessors to use the assessment roll of the county of the current year as the basis for the village or city assessment. Such resolution shall be effective until revoked by subsequent resolution, and the Board of Trustees of such village or mayor and council of such city shall forthwith notify the state Department of Taxation and Finance and the Assessor of the adoption of such resolution or its revocation. When any village or city has so authorized the use of the county assessment roll, the Assessor shall deliver to the assessor or assessors of such village or city two copies of that portion of the county assessment roll which relates to property situated in such village or city; provided that such village or city shall pay the actual cost of copying such portion of the roll as certified by the Assessor.

§ 608. **Town assessors abolished**. The powers previously transferred by this County Government Law to the Board of Assessors are hereby transferred to the Assessor.

§ 609. **Reference to Board of Assessors**. Notwithstanding any provision of section 523-b of the New York State Real Property Tax Law whenever the term "Board of Assessors" appears in any provision of the County Government Law of Nassau County, or the Nassau County Administrative Code, or any local law, ordinance or resolution heretofore adopted by the Nassau County Legislature, it shall be deemed to mean and refer to the Assessor.
(Amended by Local Law No. 7-2008, in effect January 1, 2009, following an affirmative vote by referendum.)

ARTICLE VII DEPARTMENT OF SHARED SERVICES

Section 701. Department established.
702. Duties; competitive bids.
703. Stores account
704. Requisitions.
705. Commissioner may act for towns, cities, villages and districts.
706 Shared Services
707 Effect on Other County Departments

§ 701. Department Established.

1. There shall be a Department of Shared Services, the head of which shall be the Commissioner of Shared Services who shall be appointed by the County Executive subject to confirmation by the County Legislature. The Commissioner shall appoint such other officers and employees of the department, within the appropriation therefor, as are necessary to effectuate the purposes of the department.

2. The Commissioner shall designate an individual or individuals, who shall be Deputy Commissioners, to perform the administrative duties of and in the place and stead of the Commissioner during the absence, disability or unavailability of said Commissioner and shall file such designations with the County Clerk and the Clerk of the Legislature The Commissioner may indicate the manner and extent of such designation.
(Amended by Local Law No. 1-1958: Local Law No. 19-1965; Local Law No. 9-1971 in affect September 17, 1971; Local Law No. 4-1980, in effect June 9, 1980; amended by Local Law No. 1-2000, in effect February 2, 2000; amended by Local Law No. 10-2010, in effect June 22, 2010).

§ 702. **Purchasing and Inventory Duties: Competitive Bids**

a) The Commissioner shall make all purchases and all contracts for supplies, materials, equipment of every nature for the county and services in connection with the operation, renovation and maintenance of county facilities and equipment for any county department, institution, office or agency for which the county may in any event be liable provided that the County Legislature may by resolution except from the operation of this article by two-thirds vote of the voting strength thereof exempt such further purchases as the Commissioner or his designee may recommend in writing

b) Before making any purchase, the Commissioner or his designee shall give opportunity for competition under such rules and regulations as may be from time to time established by ordinance; provided that in case any single purchase or contract shall involve an expenditure of more than ten thousand dollars, it shall

be made from or let by sealed bids or proposals, after pubic notice published at least once in the official newspapers at least five days prior to the day on which such sealed bids or proposals are to be opened, to the lowest bidder who shall give security for the performance of this contract, if required by the Commissioner or his designee; except that the Commissioner or his designee may award such contract to a bidder other than the lowest bidder, as aforesaid, where such other bidder maintains a place of business in or sells supplies, materials or equipment manufactured in the County of Nassau or in adjoining municipality and submits a bid not exceeding ten percent more than the otherwise lowest bidder.

c) The Commissioner shall supply a copy of the public notice to the Clerk of the County Legislature.

d) The awarding of any contract exceeding $100,000 shall be subject to the approval of the Rules Committee of the County Legislature. In case of an emergency, upon the recommendation in writing by the Commissioner or his designee setting forth the nature of the emergency, the County Executive may authorize the Commissioner or his designee to immediately purchase in the open market the necessary materials, supplies, equipment or services in connection with the operation, renovation and maintenance of county facilities or equipment, notwithstanding that the emergency purchase may involve the expenditure of more than ten thousand dollars. Any emergency purchase made pursuant to this section shall be limited to the amount and term deemed necessary in the sole direction of the Commissioner or his designee to remediate the emergency. If such contract involves an expenditure of $100,000 or more, a resolution ratifying the act of the Commissioner awarding the contract shall be introduced to the County Legislature for consideration at its next available legislative meeting in accordance with the rules of the County Legislature. In addition, at the time such ratifying resolution is called at all committee meetings and the legislative meeting, the Commissioner, or his designee, must appear before the County Legislature and justify the expenditure. Without a resolution passed by the County Legislature, any contract executed by the Commissioner or his designee which is exempt from the public notice requirements and the bid procedures of this section by reason of an emergency shall be limited to a term of one (1) year and to expenditure equal to $100,000 plus any funds expended to remediate the emergency prior to the legislative meeting at which such ratifying resolution was voted upon.

e) Any contract exceeding $100,000 that is subject to the approval of the Rules Committee of the County Legislature pursuant to subsection (d) of this section shall recite the maximum amount of the consideration or cost or a sum certain, which shall be determined by the Department's Chief Contracting Officer or his or her designee.

f) Without a resolution passed by the County Legislature, any open services

contract executed by the Commissioner or his designee shall be limited to an expenditure of one hundred thousand ($100,000) dollars and to a term of one (1) year. In addition, without a resolution passed by the County Legislature, no person, firm, entity, principal of any firm or entity or affiliated person, affiliated firm, affiliated entity or affiliated principal of any firm or entity shall, in any year, be awarded open services contracts by the Commissioner the aggregate amount of expenditures under which exceed three hundred thousand ($300,000) dollars.

(Amended by Local Law No. 12-1991, in effect January 1, 1992; Local Law No. 6-1992, in effect May 21, 1992; amended by Local Law No. 10-1995, in effect November 17, 1995; amended by L. 1951 Ch. 820; Local Law No. 1, 1958; Local Law No. 19-1965: Local Law No. 9, 1971, in effect September 27, 1971: Local Law No. 11-1979, in effect September 10, 1979; Local Law No. 7-1980, in effect July 23, 1980; Local Law No. 3-1984, in effect February 2, 1984; Local Law No. 3-1988, in effect August 4, 1988; Local Law No. 1-1989, in effect March 6, 1989; Local Law No. 2-1991, in effect May 10,1991; Local Law No. 3-1992, in effect April 30, 1992, Local Law No. 15-1992 in effect October 29, 1992; Local Law No. 1-1993, in effect May 6, 1993; Local Law No. 5-1993, in effect February 3, 1994; Local Law No. 2-1994, in effect July 7, 1994; Local Law No. 3-1995 in effect June 22, 1995; Local Law No. 10-1995, in effect November 17, 1995; Local Law No. 16-1996, in effect January 3, 1997; Local Law No. 6-1997, in effect January 1, 1998; Local Law No. 2-1998, in effect February 26, 1998; Local Law No. 10-1998, in effect December 30, 1998; Local Law 11-1998 Local Law No. 11-1999, in effect, in effect October 17, 1999; amended by Local Law No. 1-2000, in effect February 2, 2000; amended by Local Law No. 12-2003, in effect June 27, 2003; Amended by Local Law No. 10-2010, in effect June 22, 2010; amended by Local Law No. 3-2019, in effect on April 27, 2019).

§ 703. **Stores account.** The Commissioner shall have charge of such storerooms and warehouses of the county as may be provided by resolution of the County Legislature. Supplies, materials or equipment required by any department, institution, office or agency of the county may be furnished upon requisition from the stores under the control of the Commissioner and, whenever so furnished, shall be paid for by the department, institution, office or agency to which furnished by means of a warrant payable to the credit of the stores account. The Commissioner shall not make any purchases for, or furnish from stores under his control to, any department, institution, office or agency, any supplies, materials or equipment unless there be to the credit of such department, institution, office or agency an unencumbered balance of an appropriation applicable to such purchase sufficient to pay for such supplies, material of equipment.
(Amended by Local Law No. 1-1958: Local Law No 19-1965. Local Law No. 9-1971 in effect September 27, 1971: Local Law No. 4-1980 in effect June 8, 1980; amended by Local Law No. 1-2000, in effect February 2, 2000; Amended by Local Law No. 10-2010, in effect June 22, 2010).

§ 704. **Requisitions.** At such times during each quarter of each fiscal year as the Commissioner may designate, it shall be the duty of the heads of each department, institution, office or agency to submit to the Commissioner on forms to be supplied by him a requisition for all supplies, materials and equipment the purchase of which has been authorized by the budget for such fiscal year and the necessity for the purchase of which can be clearly foreseen, together with the dates on which such supplies, materials or equipment will be required.
(Amended by Local Law No. 1-1945; Local Law No. 1-1958: Local Law No. 19-1965: Local Law No. 9-1971, in effect September 27, 1971: Local Law No. 4-1980, in effect June 9, 1980; amended by Local Law

No. 1-2000, in effect February 2, 2000; Amended by Local Law No. 10-2010, in effect June 22, 2010).

§705. **Commissioner may act for town, cities, villages and districts**. The Commissioner, upon the request of any town, city, village, school district or special district in the county, may act as purchasing agent for such town, city, village, school district or special district, either for all or part of its purchase, upon such conditions as may be prescribed by ordinance.
(Amended by Local Law No. 1. 1958: Local Law No. 19-1965. Local Law No. 9-1971, in effect September 27, 1971, Local Law No. 3-1980, in effect June 9, 1980; amended by Local Law No. 1-2000, in effect February 2, 2000; Amended by Local Law No. 10-2010, in effect June 22, 2010.)

§706. **Shared Services.** Upon the written direction of the County Executive, any of the following shared services shall be performed, in whole or in part, by the Department of Shared Services, on behalf of some or all County agencies to the extent directed by the County Executive:

(a) Financial management functions including, but not limited to, accounting, claims, deposits, payments, and loans.
(b) Payroll and personnel administration;
(c) Property management functions including, but not limited to, building maintenance, building services, custodial services, heating and ventilation management, facilities planning, real estate administration, public safety, and abandoned property;
(d) Information Technology support functions, including, but not limited to, support services for computers, systems and programming, and telephones;
(e) Motor vehicle support functions, including, but not limited to, housing, maintenance, inventory and repair
(f) Environmental planning and initiatives, including, but not limited to, fuel and energy consumption
(g) Printing and graphics functions
(h) Record maintenance functions
(i) Mail services
(j) Public relations and constituent affairs
(k) Secretarial and clerical services
(l) Functions related to labor relations and negotiations
(m) Other services that are necessary for the effective functioning of more than one County Department.

(Added by Local Law No. 10-2010, in effect June 22, 2010)

§707. **Effect on other County Departments.** Nothing herein shall limit the power of any County Department, agency or office to perform any such services to the extent authorized by other provisions of state or local law.
(Added by Local Law No. 10-2010, in effect June 22, 2010)

ARTICLE VIII DEPARTMENT OF POLICE

Section 801. Department established.
802. Powers and duties.
803. Entrance into and withdrawal from county police district.
804. Contracts with county police department.

§ 801. **Department established.** There shall be a Department of Police, the head of which shall be the Commissioner of Police.

§ 802. **Powers and duties.** Except as otherwise provided in this act, the County Police District, if there be one, and the organization, powers, and duties of the police department shall continue to be as provided by the laws of this state relating to police, applicable to the county and in force on the date when this act becomes effective in the county, and the Commissioner of Police shall be and have the powers and duties of chief of police as therein provided. All portions of any town, unincorporated as a village or a city at the date on which this act becomes effective in the county or not included in a town police district on such date, irrespective of the inclusion thereof in a village or city incorporated or erected after such date, shall continue to be a part of the County Police District, provided however, this shall not apply to any territory which may hereafter be annexed to a city or village existing at the date on which this act becomes effective.
(Amended by L. 1950 Ch. 450, in effect April 5, 1950.)

§ 803. **Entrance into and withdrawal from county police district.** 1. Any city, village or police district not a part of the County Police District at or after the date on which this act becomes effective in the county and any city, village or police district desiring to become a part of the County Police District after having withdrawn from same pursuant to this section may by ordinance or resolution of its Board of Trustees or other governing body, request that the territory of such city, village or police district become a part of the County Police District on the first day of January next succeeding the effective date of such ordinance or resolution and that its police force be made a part of the County Police Force. In no event shall a city, village or police district be permitted to become a part of the County Police District after having withdrawn from it unless, at the time of the adoption of an ordinance or resolution by its board of trustees or other governing body, it shall be receiving police services from the county under contract and shall have been receiving it for a minimum uninterrupted period of five (5) years. Thereupon, the County Legislature, if it shall approve the request, may, by resolution, constitute the territory of such city, village or town police district a precinct or a part of the precinct of the county and constitute the police force of such city, village, or town police distinct members of the police force of the county. In the instance of any city, or of a village or town police

district to which rules of the state civil service commission have been extended, the police force of such city, village or town police district shall become members of the police force of the county with such rank as shall be certified to the County Legislature by the civil service commission having jurisdiction thereof. In the case of all other villages or town police districts, the police force of such village or town police district shall become members of the police force of the county with such rank as may be agreed upon by the County Legislature and the governing body of such village or town police district. Any such city or village may withdraw from the county police district on the last day of any county fiscal year provided that such ordinance or resolution shall not go into effect for thirty days after its adoption, and if in the meantime a petition of qualified electors equal to ten per centum of the total vote cast in such city or village at the last preceding city or village election shall be filed with the city or village clerk, as the case may be, such ordinance or resolution shall be referred to the people at the next ensuing city or village election, and shall not take effect unless a majority of those voting on the proposition vote in the affirmative; provided that such former police of such city or village as at that time are members of the county police department shall by the act of such withdrawal be returned to their former status as members of such city or village police.

(Amended by L. 1937 Ch. 618 §2, in effect January 1, 1938: Local Law No. 11-1994, in effect January 1, 1996: Local Law No. 14-1996, in effect December 18, 1996.)

§ 804. **Contracts with county police department.** Any city, village, or police district, not a part of the county police district, may by ordinance, in the case of a city, or by resolution of the governing body, in the case of a village or police district, enter into a contract with the county police department for a term of not less than two years, by which the county police department will agree to provide a specified degree and type of police protection at a price to be set forth in such contract. It shall be competent in such contract to provide for the number of police to be assigned to duty in such city, village, or district, and the number, ranks and rates of pay of city, village, or district police to be taken into the county police force; provided that, on the termination of such contract, such former police of such city, village or district as at that time are members of the county police department, shall by the act of terminating such contract be returned to their former status as members of the city, village, or district police. Nothing therein contained shall be taken to limit the power of the Commissioner of Police in removing, demoting, or otherwise disciplining any member of the county police force.

ARTICLE IX DEPARTMENT OF HEALTH

Section 901. County Health District; department established; powers.
902. Board of Health; appointment; term.
903. Board of Health; organization; powers.
904. Local Board of Health abolished.
905. County Health Commissioner; qualifications; term; powers: duties.
906. Medical Examiner; qualifications; powers and duties.

§ 901. **County Health District; department established; powers.** The county, including the towns, cities and villages situated therein, shall be a county health district. There shall be a county Department of Health, the head of which shall be the county Board of Health, which shall possess all the powers of and duties conferred or imposed upon local boards of health by the public health law and sanitary code of the state as the same now are or may hereafter be. The Board of Health shall have jurisdiction over the office of county medical examiner.

§ 902. **Board of Health; appointment; term.** The county Board of Health shall consist of five members who shall be residents of the county health district, and two of whom shall be physicians licensed to practice in the State of New York. The physician members of the county Board of Health shall be appointed from a list of ten resident physicians of the county submitted by the county medical society; provided that if the County Executive does not wish to fill any or all vacancies to which a physician must be appointed from such list, he may request the submission of a second list of ten, and from such lists together the appointment or appointments shall be made. The term of each member of the Board of Health shall be five years, except that the first appointment shall be for the terms of five, four, three, two and one years, respectively.

§ 903. **Board of Health; organization; powers.** The county Board of Health shall annually elect one of its members as chairman and one as vice-chairman, and it shall hold regular meetings not less frequently than once a month. It shall adopt its own rules for the transaction of business and shall keep a record of its proceedings. Three members shall constitute a quorum. The county Board of Health shall appoint the county Health Commissioner and such other officers and employees of the department as may be authorized by the Board of Supervisors with the exception of the chief medical examiner who shall be appointed by the County Executive.

§ 904. **Local Board of Health abolished.** When the county Board of Health shall have been appointed and organized, and the county health commissioner shall have been appointed and assumed the duties of his office, the local boards of health and health officers of all cities, towns, and incorporated villages shall thereupon cease to exist as

such, except that the health officer of each local board of health shall be permitted to complete the term for which he was appointed, serving as a deputy of the county health commissioner, provided, that local health ordinances, rules and regulations not in conflict with the county health ordinances, the public health law of the state or regulations made in accordance therewith may be adopted and enforced by appropriate penalties by any town, city or village within the county.

§ 905. **County Health Commissioner, qualifications, term; powers; duties.** The county Board of Health shall appoint a county Health Commissioner who, in addition to his duties as county Health Commissioner, may be designated by the county Board of Health as its secretary at no additional compensation. Such county health commissioner shall possess such qualifications for office as shall have been approved by the Public Health Council of the State of New York. He shall serve for a term of six years and shall not be removed during the term for which he shall have been appointed, except upon written charges after a hearing upon notice. The county Health Commissioner shall devote his whole time to the duties of his office. The county Health Commissioner shall possess all the powers and duties conferred upon local health officers by the public health law and the state sanitary code as the same now are or may hereafter be, except those powers and duties vested by law in the chief medical examiner. The county Health Commissioner may, upon authorization of the county Board of Health and the Board of Supervisors, appoint such additional deputies, assistant deputies, and other employees as may be required. Such additional deputies and assistant deputies shall have the qualifications prescribed for such positions by the Public Health Council of the State of New York. The county Health Commissioner may designate in writing a deputy to whom shall be delegated all the powers and duties of the, county Health Commissioner when such county Health Commissioner is unable to act by reason of absence of disability.

§ 906. **Medical Examiner; qualifications; powers and duties.**

1. There shall be an office of county Medical Examiner which shall be under the jurisdiction of the county Board of Health. The head of such office shall be the Chief Medical Examiner. He shall be appointed by the County Executive and shall be a member of the classified civil service. The Chief Medical Examiner shall be a physician licensed to practice medicine in the State of New York and a pathologist experienced, skilled and certified in forensic pathology for at least five years. He shall appoint, upon authorization of the county Board of Health and the Board of Supervisors, such deputy medical examiners and other assistants and employees as may be required.

2. Whenever in the county any person shall die from criminal violence or criminal neglect, or by a casualty, or by poisoning, or by suicide, or suddenly or unexpectedly when in apparent health, or when unattended by a physician, or in a jail, or correction facility or when in custody of any other law enforcement agency in the county, or in any suspicious and unusual manner, or related to a diagnostic or therapeutic procedure, or when an application is made pursuant to law for a

permit to cremate the body of a person, which application shall be forwarded to the office of county Medical Examiner, or disease, injury or toxic agent resulting from employment, the Chief Medical Examiner or a deputy medical examiner, or an investigator designated by the Chief Medical Examiner, shall immediately upon notification take charge of the dead body and investigate the facts concerning the circumstances of death and obtain the names and addresses of as many witnesses thereto as may be practical, and file a written report of the investigation in the office of county Medical Examiner. The Chief Medical Examiner or his designated representative shall be authorized to take possession of any property which he deems necessary in establishing the manner or cause of death. Upon completion of the investigation, the office of county Medical Examiner shall dispose of the property according to law. Nothing herein contained shall prevent the release of such property at any time pursuant to the order of any court having jurisdiction in the premises. If in the opinion of the Chief Medical Examiner or a deputy medical examiner an autopsy is necessary, the same shall be performed by the Chief Medical Examiner or a deputy. A detailed description of the findings of such autopsy and the conclusions drawn there from shall be filed in the office of the county medical examiner. The Chief Medical Examiner or a deputy shall be authorized to remove tissue and fluid to determine the cause and manner of death and may retain all such tissue and fluid so removed. All property, tissue or fluid retained for the purpose of determining the cause and manner of death shall be under the control and jurisdiction of the office of county Medical Examiner and the laboratories of such office unless the Chief Medical Examiner or a deputy shall deem it necessary to forward such property, tissue or fluid to any other county department, office or agency or to any state, federal or private agency either within or without the county. If, when the duties of the Chief Medical Examiner with regard to the body are completed, the body remains unclaimed, the Chief Medical Examiner shall have authority to make an order for the disposition thereof as a county charge.

3. It shall be the duty of any person who may become aware of the death of any person under the circumstances previously referred to in this section to report such death forthwith to the office of county Medical Examiner or to a police officer of the county or a city, village, or police district therein. The police officer in charge of the station upon receiving such notification shall immediately notify the office of county Medical Examiner. Any person who shall willfully neglect or refuse to report such death or who without authorization from the Chief Medical Examiner shall willfully touch, remove or disturb the body of any such person or willfully touch, remove or disturb the clothing, or any article upon or near such body, shall be guilty of a misdemeanor, and maybe punished by a fine of not exceeding five hundred dollars or by imprisonment for a period not exceeding six months or by both such fine and imprisonment.

4.

   a. The Office of the County Medical Examiner, shall keep full and complete

records, properly indexed, stating the name, if known, of every person whose death is investigated, the place where the body was found, the date of death, if known, and if not known, the date or approximate date as determined by the investigation, to which there shall be attached the original report of the Medical Examiner, and the detailed findings of the autopsy, if any. Such records shall be open to inspection by the District Attorney. The Chief Medical Examiner shall promptly deliver to the District Attorney copies of all records relating to every death as to which there is, in his judgment, or that of the deputy medical examiner making the examination, any indication of criminality.

b. Upon application of the personal representative, spouse or next of kin of the deceased to the County Medical Examiner, a copy of autopsy report, shall be furnished to such applicant. Upon proper application of any person who is or may be affected in a civil or criminal action by the contents of the record of any investigation, or upon application of any person having a substantial interest therein, an order may be made by a court of record, or by a Justice of the Supreme Court, that the record of that investigation be made available for his inspection, or that a transcript thereof be furnished to him or both.
(Table of contents, § 901, § 903 and §905 amended, and § 906 added, by Local Law No. 3-1976, in effect January 1, 1976; subdivision 4 of § 906 amended by Local Law No. 20-1984 in effect October 29, 1984.)

5. The office of county Medical Examiner may render toxicological analyses for the general public on a fee basis, in accordance with regulations and procedures established by the Chief Medical Examiner. The Chief Medical Examiner shall establish and may amend a fee schedule subject to the approval of the County Executive. If any county agency or institution has been paid for toxicological services performed by the Chief Medical Examiner, such payment shall be remitted or credited to the office of county Medical Examiner.
(Table of contents, § 905 amended, and §906 added, by Local Law No. 3-1976, in effect January 1, 1976.)

ARTICLE X. DEPARTMENT OF HUMAN SERVICES.

Section	1001	Department established
	1002	Office for the Aging
	1003	Office of Mental Health, Chemical Dependency and Developmental Disabilities.
	1004	Office of the Physically Challenged
	1005	Office of Youth Services

§ 1001. Department established. a. There shall be a Department of Human Services, the head of which shall be the Commissioner of Human Services, who shall be appointed by the County Executive subject to confirmation by the County Legislature. The Commissioner shall appoint such other officers and employees of the department as he or she shall deem necessary within the appropriations provided therefor. The department shall advocate on behalf of, and work to address the needs of: youth; the physically challenged; the aging; and those in need of mental health, chemical dependency, and developmental disability services. The Commissioner shall appoint one (1) Deputy Commissioner solely to fulfill the functions previously performed by the Commissioner of the Nassau County Department of Senior Citizen Affairs, and other such Directors, subject to the provisions in subdivision b of this section, who shall have the authority to act for and in place of the Commissioner in their designated fields.

b. Within the Department of Human Services, there shall be an: Office for the Aging; an Office for the Physically Challenged; and an Office of Mental Health, Chemical Dependency and Developmental Disabilities. Each office shall have the powers as set forth within this Article, and may also perform such additional duties as may be assigned to them by the County Executive or the Commissioner of Human Services, consistent with State and local law. The Commissioner shall appoint one (1) Deputy Commissioner to serve exclusively as the head of the Office of the Aging, solely performing the functions of the previous Commissioner of the Nassau County Department of Senior Citizen Affairs, and may appoint other such Directors, who shall direct the various offices of the Department of Human Services, in addition to performing such other functions as may be assigned to them by the Commissioner. However, notwithstanding any other provision of this article, the Deputy Commissioner of the Office for the Aging shall not perform any other functions except those previously performed by the Commissioner of the Nassau County Department of Senior Citizen Affairs. Nothing herein shall prevent the hiring of employees who may provide services to multiple offices within the Department, provided that a qualified full-time Deputy Commissioner and an adequate number of qualified staff are maintained in the Nassau County Department of Human Services' Office for the Aging.

c. There shall also be housed, within the Department, an Office of Youth Services. The Office of Youth Services shall not have a Director appointed by the Commissioner but, rather, shall consist of a twenty-member Youth Board, an Executive Director to the Youth Board, and any additional personnel hired by the Youth Board within appropriations therefor. Nothing herein shall bar the appointment of any employee of the Department of Human Services to the position of Executive Director of the Board. With the consent of the Commissioner, the Board may also utilize the services of any employee of the Department of Human Services, provided that a qualified full-time Deputy Commissioner and an adequate number of qualified staff are maintained in the Nassau County Department of Human Services' Office for the Aging.
(Amended by Local Law No. 4-2011, signed by the County Executive June 14, 2011; Amended by Local Law No. 2-2012, signed by the County Executive April 23, 2012.)

§1002. Office for the Aging. Within the Department of Human Services, there shall be an Office for the Aging. Consistent with provision of the New York State Elder Law ("Elder Law") and the federal Older Americans Act ("OAA"), as amended, the Office for the Aging will be the designated Area Agency on Aging ("AAA") in Nassau County, and will function solely as a single purpose agency that has adequate and qualified staffing. A full time Deputy Commissioner acting exclusively as the head of the Office for the Aging and performing solely those functions previously performed by the Commissioner of the Nassau County Department of Senior Citizen Affairs shall be appointed by the Commissioner to administer the AAA in fulfilling its designated roles and responsibilities as contained in the Elder Law and OAA, as amended, and other programs as required, the Deputy Commissioner will be responsible for achieving the goals and implementing the services associated with the New York State approved Nassau County Four Year Plan and subsequent annual plans, to include adhering to all incorporated Standard Assurances.
(Amended by Local Law No. 4-2011, signed by the County Executive June 14, 2011; Amended by Local Law No. 2-2012, in signed by the County Executive April 23, 2012.)

§1003. Office of Mental Health, Chemical Dependency and Developmental Disabilities. 1. Within the Department of Human Services, there shall be an Office of Mental Health, Chemical Dependency and Developmental Disabilities, which shall have the following powers and duties:

(a) Review services and local facilities for the mentally disabled of the area which it serves and their relationship to local need; determine needs of the mentally disabled of such area; and encourage programs of prevention, diagnosis, care, treatment, social and vocational rehabilitation, special education and training, consultation, and public education of mental disabilities;

(b) After consultation with the County Executive, develop a program of services for the County of Nassau, establish long range goals for the county; government in its program for the mentally disabled, and develop intermediate range plans and forecasts, listing priorities and estimated costs;

(c) Plan with the Department of Mental Hygiene of the State of New York and its facilities for the delivery of services to the mentally disabled;

(d) Seek to assure that under the goals and plans required pursuant to this subdivision: all population groups are adequately covered; that sufficient services are available for all the mentally disabled within its purview; that there is coordination and cooperation among county providers of services; that the County of Nassau program is coordinated and integrated with the programs of the Department of Mental Hygiene of the State of New York; and that there is continuity of care among all providers of services;

(e) Submit annually to the Department of Mental Hygiene of the State of New York for its approval and subsequent state aid, a report of long range goals and specific intermediate range plans, as modified since the preceding report, along with either a local services plan or a unified services plan pursuant to article eleven of the mental hygiene law for the next fiscal year of the county government of Nassau County;

(f) Have the power, upon the approval of the County Executive and the Legislature, to enter into contracts for the provision of services and the construction of facilities and have the power, when necessary, to approve construction projects. Such powers shall be exercised pursuant to the County Government Law and Administrative Code of Nassau County;

(g) Establish procedures for the execution of a local services plan or a unified services plan as approved by the County Executive and the Legislature and the Commissioner of Mental Hygiene of the State of New York, including regulations to guide the provision of services by all organizations and individuals within its program;

(h) Make policy for and exercise general supervisory authority over or administer local services and facilities provided or supervised by it, whether directly or through agreements, including responsibility for the proper performance of the services provided by other facilities of the county government and by voluntary and private facilities which have been incorporated into its comprehensive program;

(i) Further programs for special education and training, including career incentive and manpower and development; have the power to conduct or to contract, pursuant to the County Government Law of the County of Nassau, for such research as may be useful to discharge its administrative duties and for the promotion of scientific knowledge of the mental disabilities; to serve as a center for the promotion of community and public understanding of mental disabilities and of services necessary for their care and treatment; to seek the cooperation and to cooperate with other public health and social services agencies, public and private, in advancing the program of local or unified services;

(j) Submit an annual report to the County Executive and the Legislature and the Community Mental Health, Developmental Disabilities and Chemical Dependency Advisory Board;

(k) Provide local or unified services and facilities directly, or to contract, pursuant to the county government law of the County of Nassau, for the provision of those services by another department, office, commission, council, board or subdivision of the county government of Nassau County, or by other units of local or state government, by voluntary agencies, or by professionally qualified individuals;

(l) Develop and administer effective policies and programs for the prevention, control and treatment of chemical dependency, and the rehabilitation of alcoholics and drug addicts and make appropriate recommendations to the County Executive and the Legislature;

(m) Receive and expend grants from the state, federal or county governments or from private individuals, corporations or associations for the purpose of actively implementing the stated purpose of this section;

(n) Supplement and aid in coordinating the activities of public and private agencies devoted in whole or in part to the prevention of chemical dependency, and serve as a consultant to such agencies;

(o) Develop programs, personnel and facilities, walk-in and residential treatment centers in conformity with and, in coordination with other county agencies having an interest in the field including, without limitation, the Mental Health Board, the Board of Health, Nassau University Medical Center, the Police Department and the Department of Probation;

(p) Perform research and develop a body of current information, statistics, records and data with regard to chemical dependency within the County of Nassau;

(q) Develop and coordinate educational programs and stimulate countywide efforts to control chemical dependency;

(r) Examine and to evaluate all existing and future activities, operations and programs conducted by all county agencies in the area of chemical dependency and serve as a clearing house for all county agencies in regard to their programs of education relating to chemical dependency and the prevention thereof;

(s) Perform such other duties as may be assigned by the County Executive or the Commissioner of Human Services; and

(t) The Office may, with the approval of the Legislature, establish rules and regulations for the administration of any walk-in center within its jurisdiction. For those able to pay for treatment received in these county facilities, the department may recommend to the Legislature the enactment of an ordinance establishing a fee schedule for such treatment.

2. Community Mental Health, Developmental Disabilities and Chemical Dependency Advisory Board.

(a). A Community Mental Health, Developmental Disabilities and Chemical Dependency Advisory Board is hereby established to advise the Director of Mental Health, Chemical Dependency and Developmental Disabilities Services and the Commissioner of Human Services on matters concerning mental health, developmental

disabilities and chemical dependency. The board shall consist of fifteen members, five to be appointed by the Majority, four by the Minority and six by the County Executive. Whenever practicable at least one member appointed by the County Executive shall be a licensed physician and one member shall be a certified psychologist; and otherwise at least two members shall be licensed physicians, such members to have demonstrated an interest in the field of services for the mentally disabled. The other members shall represent the community interest in all the problems of the mentally disabled and shall include representatives from community agencies for the mentally ill, the mentally retarded, and developmentally disabled, and those suffering from chemical dependency. A member shall be designated by the County Executive as chair. The community services board shall have separate subcommittees for mental health, developmental disabilities and chemical dependency. Each separate subcommittee shall have no more than nine members, except that the subcommittee for mental health shall have no more than eleven members. All subcommittee members shall be appointed by the County Executive. Three members of each such subcommittee shall be members of the board. Each separate subcommittee shall be composed of persons who have demonstrated an interest in the field of services for the particular class of mentally disabled and shall include former patients, parents or relatives of such mentally disabled persons and community agencies serving the particular class of mentally disabled, except that each subcommittee for mental health shall include at least two members who are or were consumers of mental health services, and at least two members who are parents or relatives of persons with mental illness. Each separate subcommittee shall advise the community services board and the director of community services regarding the exercise of all policy-making functions vested in such board or director, as such functions pertain to the field of services for the particular class of mentally disabled individuals represented by such subcommittee. In addition, each subcommittee for mental health shall be authorized to annually evaluate the local services plan, and shall be authorized to report on the consistency of such plan with the needs of persons with serious mental illness, including children and adolescents with serious emotional disturbances. Any such report shall be forwarded annually to the community services board and the director of community services and a copy shall also be sent to the commissioner prior to the submissions of the local services plan.

(b) A person's public office or employment shall not bar appointment as a member of the board or a subcommittee thereof, nor shall membership serve as a bar to other public office or employment; provided, however, that no employee of the Office or of an Office facility may hereafter be appointed as a member of the board or a subcommittee thereof.

(c) All terms shall be four years for members of the board and for members of subcommittees. Vacancies shall be filled for unexpired terms. No person may be appointed to serve as a member of the board or a subcommittee for more than two terms consecutively.

(d) The Legislature shall reimburse board members for the reasonable expenses incurred in the performance of their duties and may also provide by ordinance for per diem compensation, but only their reasonable expenses shall be reimbursed as an operating cost.

(e) The Legislature may remove a board or subcommittee member for cause, after written notice of charges and an opportunity for the member to be heard.
(Amended by Local Law No. 4-2011, signed by the County Executive June 14, 2011.)

§1004. Office for the Physically Challenged. Within the Department of Human Services, there shall be an Office for the Physically Challenged, which shall have the following powers and duties:

(a) to advise and assist the County Executive in developing programs designed to help meet the needs of the physically challenged;
(b) to promote public awareness of resources available to the physically challenged, and to refer the public to the appropriate departments and agencies of the state and federal governments for advice, assistance and available services in connection with particular problems; and
(c) to administer the handicapped parking program pursuant to the New York State Vehicle and Traffic Law.
(Amended by Local Law No. 4-2011, signed by the County Executive June 14, 2011; Amended by Local Law No. 2-2012, signed by the County Executive April 23, 2012.)

§1005. Office of Youth Services. There shall be an Office of Youth Services devoted to the needs of persons under twenty-one years of age. The Office shall support the Nassau County Youth Board, which shall consist of twenty members to be appointed by the County Executive, subject to confirmation by the Legislature. One member of the Youth Board shall be designated as chairman by the County Executive. Each Board member shall be appointed for a term of three years. Vacancies on this Board shall be filled for the unexpired term in the same manner as original appointments. In addition to the foregoing, the senior judge of the Family Court, the County Attorney, the Director of Probation, the Executive Director of the Commission on Human Rights, the Commissioner of Labor Relations, the Commissioner of Police, the Commissioner of Human Services and the Deputy Commissioner of Public Works for Recreation and Parks shall be ex officio members of the Board without vote. The chairman and all members of the Board shall serve without salary or compensation but shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article. The Legislature may appropriate sufficient sums to meet the capital and operating expenses of the Board. The County Executive shall appoint an executive director, subject to confirmation by the Legislature, who shall act as secretary of said Board and perform such other duties as shall be assigned to him by the Board. The Board shall authorize the employment of such additional personnel as it deems necessary within appropriations. The Board shall have the following powers and duties:

(a) Develop effective policies and programs for the prevention and control of delinquency and crimes by youths;
(b) Supplement and aid in coordinating the activities of public, private and religious agencies devoted in whole or in part to the prevention of delinquency and youth crime and serve as a consultant to such agencies;
(c) Encourage closer cooperation between employers, labor, schools, churches, recreation commissions, state and local employment bureaus, service clubs, and other public and private agencies so as to stimulate employment for youth

and encourage sound youth programs on the basis of community planning;

(d) Receive and expend grants from the state, federal or county governments or from private individuals, corporations or associations and establish reasonable bases for allocations of these funds to youth programs so as to serve most in effectly the purpose of this article;

(e) Devise, analyze, accept or reject plans for the creation or expansion of recreation and youth service projects or other youth programs as defined by laws of the State of New York and make appropriate recommendations to the County Executive and the Legislature;

(f) Obtain, assemble and develop statistical records and data including those that reflect the incidence and trends of delinquency and youthful crimes and offenses in the county. Make necessary studies and recommendations for the guidance, treatment, techniques of and facilities for rehabilitation of adjudicated juvenile delinquents, neglected children, youthful offenders, wayward minors, and youth convicted of crime and conduct public educational forums on youth problems and needs;

(g) Appoint such advisory groups and committees as may be necessary to carry out its powers and duties; and

(h) Submit an annual report to the County Executive and the Legislature.

(Amended by Local Law No. 14-1974, in effect November 27, 1974, Amended by Local Law No. 5-1985, in effect June 11, 1985, Amendment by Local Law No. 6-1985, in effect August 19, 1985, Amended by Local Law No. 11-1985, in effect November 18, 1985, Amended by Local Law No. 5-1990, in effect July 2, 1990, Amended by Local Law No. 5-2003 in effect April 3, 2003, Amended by Local Law No. 6-2003, in effect April 3, 2003, Amended by Local Law No. 4-2011, signed by the County Executive June 14, 2011.)

Article X-A Nassau County Youth Board. Repealed.

(Repealed by Local Law No. 4-2011, in effect June 14, 2011. Editor's Note: Nassau County Youth Board incorporated into Department of Human Services:)

ARTICLE XI COUNTY ATTORNEY

Title A

Section 1101. County Attorney; employees.
1102. General powers and duties.

§ 1101. **County Attorney; employees.** There shall be a County Attorney who shall be an attorney admitted to practice law in this state. The County Attorney shall appoint such deputies, officers and employees of his office as may be provided by ordinance. Within the appropriation therefore and when authorized by the County Executive, the County Attorney may employ such special counsel as may be necessary.
(Amended by Local Law No. 6-1964; in effect November 11, 1964: Local Law No. 6-1966 in effect November 4, 1966.)

§ 1102. **General powers and duties.** The County Attorney shall represent the county and all departments, officers, institutions and agencies thereof, in all litigation and proceedings, shall act as legal adviser of the county and all departments, institutions, officers, agencies, or offices thereof, draw contracts, ordinances, resolutions or local laws at the request of the County Executive and shall have such other powers and duties, not inconsistent with the terms of this act, as are now, or may hereafter be, conferred or imposed by law or ordinance. The County Attorney upon the request of the governing body of any city, town, village, school district, special district or public authority operating within the county and with which the county has a relationship, may act as the legal adviser or representative thereof on such terms as may be agreed upon between the County Executive and the said governing body.
(Amended by L. 1937 Ch. 618 § 25; Local Law No. 2-1974 in effect February 25, 1974: Local Law No. 11-1994, in effect January 1, 1996)

Title B

Registration of Lobbyists

Section 1110 Definitions
1111 Statement of Registration
1112 Termination of retainer, employment, or designation
1113 Periodic Reporting
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§1110. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Title shall be as follows:

(a) The term "lobbyist" shall mean every person or organization retained, employed or designated by any client to engage in lobbying before the County of Nassau, its agencies, boards, commissions, department heads, or committees, including but not limited to the Open Space and Parks Advisory Committee, the Planning Commission, any agencies, boards, commissions, department heads, or committees with respect to the zoning or the use, development or improvement of real property subject to County regulation, or any agencies, boards, commissions, department heads, or committees with respect to requests for proposals, bidding, procurement or contracting for services for the County, or the County Executive or the County Legislature. The term "lobbyist" shall not include any officer, director, trustee, employee, counsel or agent of the County of Nassau, or the State of New York, when discharging his or her official duties.

(b) The term "client" shall mean every person or organization who retains, employs or designates any person or organization to carry on lobbying activities on behalf of such client.

(c) (1) The term "lobbying" or "lobbying activities" shall mean any attempt to influence:

(i) any determination made by the Nassau County Legislature or any member thereof with respect to the introduction, passage, defeat, or substance of any local legislation or resolution;

(ii) any determination made by the County Executive to support, oppose, approve, or disapprove any local legislation or resolution, whether or not such legislation or resolution has been introduced in the County Legislature;

(iii) any determination made by an elected county official or an officer or employee of the county with respect to the procurement of goods, services or construction, including the preparation of contract specifications, including but not limited to the preparation of requests for proposals, or the solicitation, award or administration of a contract, or with

[12] Sections 1121 through 1123 were not included in the table as enacted by the County Legislature.

respect the solicitation, award or administration of a grant, loan, or agreement involving the disbursement of public monies;

(iv) any determination made by the County Executive, the County Legislature, or by the County of Nassau, its agencies, boards, commissions, department heads, or committees, including but not limited to the Open Space and Parks Advisory Committee, the Planning Commission, any agencies, boards, commissions, department heads, or committees with respect to the zoning or the use, development or improvement of real property subject to County regulation, or any agencies, boards, commissions, department heads, or committees with respect to requests for proposals, bidding, procurement or contracting for services for the County;

(v) any determination made by an elected county official or an officer or employee of the county with respect to the terms of the acquisition or disposition by the county of any interest in real property, with respect to a license or permit for the use of real property of or by the county, or with respect to a franchise, concession or revocable consent;

(vi) the proposal, adoption, amendment or rejection by an agency of any rule having the force and effect of law;

(vii) the decision to hold, or the timing or outcome of, any rate making proceeding before an agency;

(viii) the agenda or any determination of a board or commission;

(ix) any determination regarding the calendaring or scope of any legislature oversight hearing;

(x) the issuance, repeal, modification or substance of a county executive order; or

(xi) any determination made by an elected county official or an officer or employee of the county to support or oppose any state or federal legislation, rule or regulation, including any determination made to support or oppose that is contingent on any amendment of such legislation, rule or regulation, whether or not such legislation has been formally introduced and whether or not such rule or regulation has been formally proposed.

(2) The term "lobbying" or “lobbying activities” shall not include:

(i) Persons engaged in drafting legislation, rules, regulations or rates; persons advising clients and rendering opinions on proposed legislation, rules, regulations or rates, where such professional services are not otherwise connected with legislative or executive action on such legislation or administrative action on such rules, regulations or rates;

(ii) Newspapers and other periodicals and radio and television stations and owners and employees thereof, provided that their activities in connection with proposed legislation,

rules, regulations or rates are limited to the publication or broadcast of news items, editorials or other comment, or paid advertisements;

(iii) Persons who participate as witnesses, attorneys or other representatives in public rule-making or rate-making proceedings of a County agency, with respect to all participation by such persons which is part of the public record thereof and all preparation by such persons for such participation;

(iv) Persons who attempt to influence a County agency in an adjudicatory proceeding, as defined by § 102 of the New York State Administrative Procedure Act; and

(d) The term "organization" shall include any corporation, company, foundation, association, labor organization, firm, partnership, society, or joint stock company.

(e) The terms “expenditure” or “expense” shall mean any expenditures incurred by or reimbursed to the lobbyist for lobbying, but shall not include contributions reportable pursuant to Article 14 of the New York Election Law.

§1111. Statement of registration.

(a) (1) Every lobbyist shall annually file with the County Attorney, on forms prescribed by the County Attorney, a statement of registration for each calendar year, provided, however, that the filing of such statement of registration shall not be required of any lobbyist who in any year does not earn or incur an amount in excess of one thousand dollars reportable compensation and expenses for the purposes of lobbying, or is an officer, director, trustee or employee of any public corporation when acting in such official capacity. Nothing herein shall be construed to relieve any public corporation of the obligation to file such statements and reports as required by this title.

(2) Such filing shall be completed on or before January fifteenth by those persons who have been retained, employed or designated as lobbyists on or before December thirty-first of the previous calendar year who reasonably anticipate that in the coming year they will earn or incur combined reportable compensation and expenses in an amount in excess of one thousand dollars. For those lobbyists retained, employed or designated after December thirty-first, and for those lobbyists who, subsequent to their retainer, employment or designation, reasonably anticipate combined reportable compensation and expenses in excess of such amount, such filing must be completed within fifteen days thereafter.

(b) Such statements of registration shall be kept in electronic form and shall be available for public inspection on the County website.

(c) Such statement of registration shall contain:

(1) The name, address and telephone number of the lobbyist.

(2) The name, address and telephone number of the client by whom or on whose behalf the lobbyist is retained, employed or designated.

(3) If such lobbyist is retained or employed pursuant to a written agreement of retainer or employment, a copy of such shall also be attached, and if such retainer or employment is oral, a written statement of the substance thereof shall be included.

(4) A written authorization from the client by whom the lobbyist is authorized to lobby, unless such lobbyist has filed a written agreement of retainer or employment.

(5) A description of the general subject or subjects on which the lobbyist is lobbying or expects to lobby.

(6) The name of the person, organization or legislative body before whom or which the lobbyist is lobbying or expects to lobby.

(7) A list of the campaign committees to which a contribution have been made within the previous year pursuant to the New York State Election Law for any of the following Nassau County elected offices or for any candidate for the following Nassau County elected offices: the County Executive, the County Clerk, the Comptroller, the District Attorney, or any County Legislator.

(8) The following certification:

The undersigned affirms and so swears that he/she has read and understood the foregoing statements and they are, to his/her knowledge, true and accurate.

The undersigned further certifies and affirms that the contribution(s) to the campaign committees listed above were made freely and without duress, threat or any promise of a governmental benefit or in exchange for any benefit or remuneration.

Dated:_____

Signed:_____

Print

Name:_____

Title:_____

(d) Whenever there is a change in the information filed by the lobbyist in the original statement of registration, other than a change to information submitted pursuant to paragraphs five and six of subdivision (b) of this section, an amended statement shall be submitted to the County Attorney on forms prescribed by the County Attorney within ten days after such change occurs.

(e) Each statement of registration filed annually by each lobbyist shall be accompanied by a registration fee of two hundred dollars. Any change to a statement of registration shall be accompanied by a fee of fifty dollars.
(Section 1111 amended by Local Law No. 12-2015, in effect April 1, 2016).

§1112. Termination of retainer, employment, or designation.

Upon the termination of a lobbyist's retainer, employment or designation, such lobbyist and the client on whose behalf such service has been rendered shall both give notice to the County Attorney in the electronic filing system within thirty days after the lobbyist ceases the activity that required such lobbyist to file a statement of registration; however, such lobbyist shall nevertheless comply with the reporting requirements of section 1113 of this title and the reporting requirements for the last periodic reporting period up to the date such activity has ceased as required by this title and both such parties shall each file the annual report required by section 1114 of this title.

§1113. Periodic Reporting.

(a) (1) Any lobbyist required to file a statement of registration pursuant to section 1111 of this title who in any lobbying year earns or incurs combined reportable compensation and expenses in an amount in excess of one thousand dollars as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying, shall file with the County Attorney periodic reports, on forms prescribed by the County Attorney, by the fifteenth day next succeeding the end of the reporting period on which the cumulative total for such lobbying year equaled such sum. Such reporting periods shall be the period from January 1 to March 31, April 1 to May 31, June 1 to August 31 and August 31 to December 31.

(2) Any lobbyist making a report pursuant to paragraph one of this subdivision shall thereafter file with the County Attorney, on forms prescribed by the County Attorney, a periodic report for each reporting period that such person earns or incurs combined reportable compensation and expenses in an amount in excess of one hundred dollars for the purposes of lobbying during such reporting period. Such report shall be filed not later than the fifteenth day next succeeding the end of such reporting period and shall include the amounts so earned or incurred during such reporting period and the cumulative total during the lobbying year.

(b) Such periodic report shall contain:

(1) the name, address and telephone number of the lobbyist;

(2) the name, address and telephone number of the client by whom or on whose behalf the lobbyist is retained, employed or designated;

(3) a description of the subject or subjects on which the lobbyist has lobbied, also including information sufficient to identify the local law or resolution, procurement, real property, rule, rate making proceeding, determination of a board or commission, or other matter on which the lobbyist has lobbied;

(4) the names of the persons, organizations and/or agencies before which the lobbyist has lobbied;

(5) (i) the compensation paid or owed to the lobbyist, and any expenses or incurred by the lobbyist for the purpose of lobbying.

(ii) expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate of fifty dollars or less and if more than fifty dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expense is more than fifty dollars on behalf of any one person, the name of such person shall be listed.

(iii) for the purpose of this paragraph, expenses shall not include:

(A) personal sustenance, lodging and travel disbursements of such lobbyist;

(B) expenses, not in excess of one hundred dollars in any one calendar year, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.

(iv) expenses paid or incurred for compensation other than that of the lobbyist shall be listed in the aggregate.

(v) expenses of more than fifty dollars shall be paid by check or substantiated by receipts and such checks and receipts shall be kept on file by the lobbyist for a period of three years.

(vi) the expenses reimbursed by the client.

(c) Notwithstanding any inconsistent provision of this section, where a lobbyist required to file a statement of registration pursuant to section 1111 of this title is not required to file a periodic report pursuant to subdivision (a) or (b) of this section because such lobbyist has not earned or incurred compensation and expenses as therein specified, such lobbyist shall file a periodic report stating that such lobbyist has not earned or incurred such compensation and expenses by the fifteenth day next succeeding the end of the reporting period.

(d) Whenever there is a change in the information filed by a lobbyist in a report filed pursuant to this section, an amended report shall be submitted to the County Attorney on forms prescribed by the County Attorney.

(e) (1) All such periodic reports shall be subject to review by the County Attorney.

(2) Such periodic reports shall be kept in electronic form and shall be available for public inspection on the County website.

§1114. Annual reports.

(a) Annual reports shall be filed by:

(1) every lobbyist required to file a statement of registration pursuant to section 1111 of this title;

(2) any client retaining, employing or designating a lobbyist or lobbyists, if during the year such client owed an amount in excess of five thousand dollars or, if the lobbyist is an architect or engineer, or an architecture or engineering firm, ten thousand dollars, of combined reportable compensation and expenses, as provided in paragraph five of subdivision (c) of this section, for the purposes of lobbying.

(b) Such report pursuant to paragraph one of subdivision (a) of this section shall be filed with the County Attorney, on forms prescribed by the County Attorney, by the fifteenth day of January following the year for which such report is made and shall contain on an annual cumulative basis all the information required in periodic reports by section 1113 of this title;

(c) Such report pursuant to paragraph two of subdivision (a) of this section shall be filed with the County Attorney on forms prescribed by the County Attorney by the fifteenth day of January next following the year for which such report is made and shall contain:

(1) the name, address and telephone number of the client;

(2) the name, address and telephone number of each lobbyist retained, employed or designated by such client;

(3) a description of the subject or subjects on which each lobbyist retained, employed or designated by such client has lobbied, including information sufficient to identify the local law or resolution, procurement, real property, rule, rate making proceeding, determination of a board or commission, or other matter on which each lobbyist retained, employed or designated by such client has lobbied;

(4) the names of the persons and agencies before which such lobbyist has lobbied;

(5) (i) the compensation earned by such lobbyist, and any other expenses paid or incurred by such client for the purpose of lobbying.

(ii) any expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate of fifty dollars or less and if more than fifty dollars such

expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expenses are more than fifty dollars on behalf of any one person, the name of such person shall be listed.

(iii) for the purposes of this paragraph, expenses shall not include:

(A) personal sustenance, lodging and travel disbursements of such lobbyist and client;

(B) expenses, not in excess of one hundred dollars, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.

(iv) expenses paid or incurred for salaries other than that of the lobbyist shall be listed in the aggregate.

(v) expenses of more than fifty dollars must be paid by check or substantiated by receipts.

(d) (1) All such annual reports shall be subject to review by the County Attorney.

(2) Such annual reports shall be kept in electronic form and shall be available for public inspection on the County website.

§1115. Contingent retainer.

No client shall retain or employ any lobbyist for compensation, the rate or amount of which compensation in whole or part is contingent or dependent upon legislative, executive or administrative action where efforts by a lobbyist to influence such action are subject to the jurisdiction of the County Attorney, and no person shall accept such a retainer or employment.

§1116. Retention of records.

Every person to whom this title is applicable shall keep for at least three years a detailed and exact account of:

(a) all compensation of any amount or value whatsoever;

(b) the name and address of every person paying or promising to pay compensation of fifty dollars or more and the date thereof;

(c) all expenditures made by or on behalf of the client; and

(d) the name and address of every person to whom any item of expenditure exceeding fifty dollars is made, the date thereof and receipted bill for such expenditure.

§1117. Certification.

All statements and reports required under this title shall contain the following declaration: "I certify that all statements made on this statement are true, correct and complete to the best of my knowledge and belief and I understand that the willful making of any false statement of material fact herein will subject me to the provisions of law relevant to the making and filing of false instruments and will render such statement null and void."

§1118. Penalties.

(a) Any person or organization who or which knowingly and willfully violates any provision of this title shall be guilty of a Class A misdemeanor punishable by a fine not to exceed five thousand dollars and/or a term of imprisonment not to exceed one year. For the purposes of this subsection, the chief administrative officer of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report unless some other person, prior to the due date thereof, has been duly designated to make and file such statement or report.

(b) A person or organization who fails to file a statement or report within the time required for the filing of such report shall be subject to a civil penalty, in an amount not to exceed five thousand dollars, to be assessed by the Commission. Such assessment may only be imposed after written notice of such failure and the expiration of a reasonable period within which to cure the failure.

(c) Following a failure to make and file a statement or report required by this chapter, the Commission shall notify the person or organization of such fact by certified mail, and that such filing must be made within 15 days of the date of such notice. The failure to file any statement or report within the time provided for in this subsection shall constitute a Class A misdemeanor.

(d) Any person or organization who violates any provision of this section not punishable under subdivisions (a), (b) or (c) of this section shall be subject to a civil penalty, in an amount not to exceed five thousand dollars, to be assessed by the County Attorney.

§1119. Filing with Clerk of the Legislature.

Any lobbyist filing any form with the County Attorney pursuant to this title shall file a copy with the Clerk of the Legislature.

§1120. Rules and Regulations.

The County Attorney is hereby authorized, empowered and directed to promulgate and issue such rules and regulations as it may deem necessary to implement and carry out this title.

§1121. New York State Registration Requirements

(d)[13] Any lobbyist that is required to file a Statement of Registration pursuant to Section 1- e of the New York State Legislative Law shall be deemed to have complied with the registration and reporting requirements of this Title provided that the lobbyist files a copy of such Statement of Registration with the County Attorney and Clerk of the Legislature.

(e) Any such lobbyist filing pursuant to this section must provide as an addendum to the Statement of Registration a list of all campaign committees to which contributions have been made within the previous year pursuant to the New York State Election Law for any of the following Nassau County Elected officials or candidates for the offices of: the County Executive, the County Clerk, the Comptroller, the District Attorney, or any County Legislator.

(f) Any such lobbyist filing pursuant to this section must provide as an addendum to the Statement of Registration the following verification:

> The undersigned affirms and so swears that he/she has read and understood the foregoing statements and they are, to his/her knowledge, true and accurate.
>
> The undersigned further certifies and affirms that the contribution(s) made to the campaign committees identified above were made freely and without

[13] So numbered in local law.

duress, threat or any promise of a governmental benefit or in exchange for any benefit or remuneration.

Dated:_____

Signed:_____
Print
Name:_____

Title:_____

(Section 1121 amended by Local Law No. 12-2015, in effect April 1, 2016).

§1122. Vendor Disclosure

Any person or organization, prior to executing any contract with the County of Nassau, shall cause to be filed with the County Attorney the following form

:

COUNTY OF NASSAU

CONSULTANT'S, CONTRACTOR'S AND VENDOR'S DISCLOSURE FORM

1. Name of the Entity:_____

Address:_____

City, State and Zip Code:_____

2. Entity's Vendor Identification Number:_____

3. Type of Business: ____Public Corp ____Partnership ____Joint Venture

____Ltd. Liability Co ____Closely Held Corp _____Other (specify)

4. List names and addresses of all principals; that is, all individuals serving on the Board of Directors or comparable body, all partners and limited partners, all corporate officers, all parties

of Joint Ventures, and all members and officers of limited liability companies (attach additional sheets if necessary):

_____

_____

_____

_____

_____

_____

5. List names and addresses of all shareholders, members, or partners of the firm. If the shareholder is not an individual, list the individual shareholders/partners/members. If a Publicly held Corporation, include a copy of the 10K in lieu of completing this section.

_____

_____

_____

_____

_____

6. List all affiliated and related companies and their relationship to the firm entered on line 1. above (if none, enter "None"). Attach a separate disclosure form for each affiliated or subsidiary company that may take part in the performance of this contract. Such disclosure shall be updated to include affiliated or subsidiary companies not previously disclosed that participate in the performance of the contract.

_____

_____

_____

_____

_____

7. List all lobbyists whose services were utilized at any stage in this matter (i.e., pre-bid, bid, post-bid, etc.). The term "lobbyist" means any and every person or organization retained, employed or designated by any client to influence - or promote a matter before - Nassau County, its agencies, boards, commissions, department heads, legislators or committees, including but not limited to the Open Space and Parks Advisory Committee and Planning Commission. Such matters include, but are not limited to, requests for proposals, development or improvement of real property subject to County regulation, procurements. The term "lobbyist" does not include any officer, director, trustee, employee, counsel or agent of the County of Nassau, or State of New York, when discharging his or her official duties.

(a) Name, title, business address and telephone number of lobbyist(s):

_____

_____

_____

_____

_____

_____

(b) Describe lobbying activity of each lobbyist. **See below for a complete description of lobbying activities.**

_____

_____

_____

_____

_____

_____

(c) List whether and where the person/organization is registered as a lobbyist (e.g., Nassau County, New York State):

_____

_____

_____

_____

8. VERIFICATION: This section must be signed by a principal of the consultant, contractor or Vendor authorized as a signatory of the firm for the purpose of executing Contracts.

The undersigned affirms and so swears that he/she has read and understood the foregoing statements and they are, to his/her knowledge, true and accurate.

Dated:_____ Signed:_____

Print Name:_____

Title:_____

The term <u>lobbying</u> shall mean any attempt to influence: any determination made by the Nassau County Legislature, or any member thereof, with respect to the introduction, passage, defeat, or substance of any local legislation or resolution; any determination by the County Executive to support, oppose, approve or disapprove any local legislation or resolution, whether or not such legislation has been introduced in the County Legislature; any determination by an elected County official or an officer or employee of the County with respect to the procurement of goods, services or construction, including the preparation of contract specifications, including by not limited to the preparation of requests for proposals, or solicitation, award or administration of a contract or with respect to the solicitation, award or administration of a grant, loan, or agreement involving the disbursement of public monies; any determination made by the County Executive, County Legislature, or by the County of Nassau, its agencies, boards, commissions, department heads or committees, including but not limited to the Open Space and Parks Advisory Committee, the Planning Commission, with respect to the zoning, use, development or improvement of real property subject to County regulation, or any agencies, boards, commissions, department heads or committees with respect to requests for proposals, bidding, procurement or contracting for services for the County; any determination made by an elected county official or an officer or employee of the county with respect to the terms of the acquisition or disposition by the county of any interest in real property, with respect to a license or permit for the use of real property of or by the county, or with respect to a franchise, concession or revocable consent; the proposal, adoption, amendment or rejection by an agency of any rule having the force and effect of law; the decision to hold, timing or outcome of any rate making proceeding before an agency; the agenda or any determination of a board or commission; any determination regarding the calendaring or scope of any legislature oversight hearing;

the issuance, repeal, modification or substance of a County Executive Order; or any determination made by an elected county official or an officer or employee of the county to support or oppose any state or federal legislation, rule or regulation, including any determination made to support or oppose that is contingent on any amendment of such legislation, rule or regulation, whether or not such legislation has been formally introduced and whether or not such rule or regulation has been formally proposed.

§1122(a) Disclosure of Campaign Contributions

c)[14] Any person or organization, prior to the consideration of the Rules Committee of the Nassau County Legislature, or for contracts not subject to the review of the Rules Committee of the Nassau County Legislature, prior to the execution by the County Executive, shall file or cause to be filed with the County Attorney as an addendum to the Vendor Disclosure Form described in §1122 of the County Government Law of Nassau County the following form:

COUNTY OF NASSAU

POLITICAL CAMPAIGN CONTRIBUTION DISCLOSURE FORM

1. Has the vendor or any corporate officers of the vendor provided campaign contributions pursuant to the New York State Election Law in (a) the period beginning April 1, 2016 and ending on the date of this disclosure, or (b), beginning April 1, 2018, the period beginning two years prior to the date of this disclosure and ending on the date of this disclosure, to the campaign committees of any of the following Nassau County elected officials or to the campaign committees of any candidates for any of the following Nassau County elected offices: the County Executive, the County Clerk, the Comptroller, the District Attorney, or any County Legislator? If yes, to what campaign committee?

_____

_____

_____

_____

2. VERIFICATION: This section must be signed by a principal of the consultant, contractor or Vendor authorized as a signatory of the firm for the purpose of executing Contracts.

[14] So numbered in local law.

The undersigned affirms and so swears that he/she has read and understood the foregoing statements and they are, to his/her knowledge, true and accurate.

The undersigned further certifies and affirms that the contribution(s) to the campaign committees identified above were made freely and without duress, threat or any promise of a governmental benefit or in exchange for any benefit or remuneration.

Dated:_____ Signed:_____

Print Name:_____

Title:_____

(Section 1122(a) added by Local Law No. 12-2015, in effect April 1, 2016)

§1123. Emergency Contracts.

Notwithstanding the terms of this local law, for contracts executed pursuant to the County Government Law of Nassau County Section 103(8)(b) or in the case of an emergency as described by the County Government Law of Nassau County Section 2206, all required disclosures pursuant to Section 1122 of this local law shall be made prior to the ratification of any such contract by the Rules Committee of the Nassau County Legislature.
(Title B added by Local Law 2-2015, approved by the County Executive June 19, 2015

§1124. Material Changes to Vendor Integrity and Disclosure Documents

a. For purposes of this section, contractor shall mean all individuals, sole proprietorships, partnerships, joint ventures, or corporations who enter into a contract with a Nassau County department.

b. Vendor integrity and disclosure documents, as defined in the County's Countywide Procurement and Vendor Compliance Policy, shall be completed and filed by each contractor prior to every contract award, renewal, or extension without exception, regardless of when the contractor last filed such documents. Notwithstanding the foregoing, in lieu of new disclosure documents, such contractor may file an affidavit or sworn certification of "No Change" stating there have been no changes in the information contained in its most recently submitted disclosure documents, provided such documents were filed within the prior six-month period. Such six-month period shall be measured from the earliest date of execution reflected in the vendor integrity and disclosure documents in such most recent submission. Should any material changes occur in the information disclosed subsequent to filing, the contractor shall bring such changes to the attention of the relevant County Department Chief Contracting Officer and the County Chief Procurement Officer in writing indicating material changes as soon as they occur. The County Chief Procurement Officer shall cause all such writings and any no change affidavits or certifications to be filed with the Clerk of

the Legislature. Such filings shall be available for review by the Rules Committee prior to consideration of any resolution to approve the contract in question.
(Added by Local Law No. 13-2019, in effect August 22, 2019)

ARTICLE XII DEPARTMENT OF PUBLIC WORKS

Section 1201. Department established: employees.
1202. General powers and duties.
1203. Entry for survey purposes.
1204. Lighting of highways.
1205. Snow removal.
1206. Contracts with towns, villages, cities and districts.
1207. Water supply and garbage and refuse plans.
1208. Construction or acquisition and maintenance of certain works or facilities.
1209. Engineers and other employees.
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1211. Works benefit areas.
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1233. Collection of service charges.
1234. Service outside of districts.
1235. Rules and regulations.
1236 Division of Real Estate Service
1237. Environmental Infrastructure, Planning and Development

§ 1201. **Department established; employees.** There shall be a Department of Public Works, the head of which shall be the Commissioner of Public Works. The

commissioner shall be a licensed engineer and he shall have all the powers and be subject to all the duties of the county engineer or a county superintendent of highways. The commissioner shall appoint such other officers and employees of the department as may be provided by ordinance. The commissioner may, by written authority, designate any officer or employee of the department to act in his place as a member of the county planning commission or of any other commission, board, body, or committee of which such commissioner is a member ex officio; such written authority shall be subject to such limitations and conditions as shall be expressed therein and shall be filed with the commission, board, body or committee which is the subject thereof. Within the appropriation therefor and when authorized by the County Executive, the Commissioner of Public Works may employ such special engineering, architectural or other technical counsel as may be necessary.
(Amended by Local Law No. 1-1949, in effect July 25, 1949.)

§ 1202. **General powers and duties.** Except as otherwise provided in this act, the Department of Public Works shall:

1. have exclusive charge and supervision of the design, construction, repair, maintenance, cleaning and lighting of all highways, roads, streets and bridges under the jurisdiction of the county;

2. establish grades for highways, roads, streets and bridges under the jurisdiction of the county which shall not be changed except by ordinance adopted by the Board of Supervisors by a two-thirds vote of the voting strength thereof:

3. have charge and supervision of the design, maintenance, reconditioning, cleaning, heating, ventilation and construction of county buildings and the charge and supervision of grounds, drains and drainage structures and of such sewers, sewage disposal plants, incinerators, water systems, light systems, and other structures in the nature of public works as the county may construct.
(Subd. 3 amended by Local Law No. 21-2002, in effect November 15, 2002)

4. repair and maintain such grounds and structures as may be put under its charge by resolution;
(Subd. 4 amended by Local Law No. 19-1965. § 3; Local Law No. 3-1971. § 2, in effect April 16, 1971)

5. maintain and operate such sewers, sewage disposal plants, water systems, light systems, garbage, ash and refuse collection systems, incinerators, and other structures in the nature of public works as have been, or may be, constructed or purchased by the county or otherwise brought under its authority;

6. make traffic surveys on any or all highways, roads and streets within the county and make from time to time recommendations to the appropriate authorities with regard to traffic regulations and the location and character of all signs, lights and other devices for the direction of traffic.

§ 1203. **Entry for survey purposes.** The Commissioner of Public Works and any consulting engineer, deputy, assistant or employee of the Department of Public Works designated by him may enter upon any lands, waters or waterways, public or private, within the county, without hindrance, for the purpose of making any surveys, examinations or investigations necessary or convenient in the exercise or performance of any of the other powers or duties conferred or imposed on the Department of Public Works or any officer thereof by this act or otherwise by law.

§ 1204. **Lighting of highways.** The county may, as a county charge, provide, both within and without the limits of any city or village, for lighting all county highways, county roads, and state highways, provision for lighting which has not been made by the state, but excepting all state parkways, bridges, viaducts and causeways included within the state park system. It is the intention of this section that the county may provide upon county highways, county roads or state highways within the limits of any city or village such degree of illumination as may be necessary for the safe movement of traffic thereon. Nothing herein shall be taken to prevent any city, village or lighting district from providing additional or ornamental lighting on any such road or highway. It shall be competent for the county and for any city, village or lighting district therein to enter into any contract between the county and any such city, village or lighting district and with any corporation, copartnership or person supplying light within such city, village, or lighting district, for the purpose of giving effect to this section.
(Amended by L. 1937 Ch. 618 §8, in effect January 1, 1938.)

§ 1205. **Snow removal.** It shall be the duty of the county Department of Public Works as a county charge to remove snow as rapidly as may be from all county highways and county roads within or without any city or village.

§ 1206. **Contracts with towns, villages, cities and districts.** The Department of Public Works may perform engineering and other services for any town, village, city or district within the county in relation to the public works of such town, village, city or district, and towns, villages, cities and districts are hereby expressly authorized to enter into contracts with the county for such services; provided that the charge for such services shall be in each case the actual cost of rendering the service as certified by the Commissioner of Public Works.

§ 1207. **Water supply and garbage and refuse plans.** The Board of Supervisors may prepare a comprehensive plan embracing the whole county for public water supply and a comprehensive plan for garbage and refuse collection and disposal, and shall further make such amendments to the said plans as may from time to time be necessary. No such plan or amendment thereof shall be adopted except by ordinance after public hearing thereon, notice of which shall be published at least twice at intervals of one week in the official newspapers; the hearing shall take place not less than ten days after the date of the second publication. Prior to the construction of or the letting of any contract for works or facilities contemplated by any such plan, all plans for such works or facilities

shall be approved by the state departments now vested with authority to grant such approval.
(Amended by L. 1945 Ch. 897 § 1, in effect April 20, 1945.)

§ 1208. **Construction or acquisition and maintenance of certain works or facilities.** Whenever any such comprehensive water or garbage and refuse plan, or any amendment thereof shall have been adopted by ordinance as above provided, no city, town, village, district, municipal, or private corporation, copartnership or person shall construct or reconstruct any works or facilities of the kinds covered by each of the several plans adopted, unless the plans for such construction or reconstruction shall be submitted to and certified by the Commissioner of Public Works as being in accordance with such plan, including the amendments thereof; provided that the above prohibition shall not apply to ordinary replacements and repairs; and provided further that any city, town, village, district, municipal or private corporation: copartnership or person may apply to the Board of Supervisors for a permit to construct works or facilities not strictly in conformity with such plan, and if such board finds after public hearing that the proposed construction is immediately necessary in the interest of public health and welfare, it shall grant a permit for the construction of such works or facilities as will as far as practicable conform to such plan. Whenever any such comprehensive plan, including amendments thereof, has been adopted by ordinance as above provided, it shall be lawful for the county to design, construct, acquire by purchase or condemnation, lease, own, operate and maintain any of the works or facilities included in said plan, where necessary, subject to the approval of the governmental agency having jurisdiction, and the term "works or facilities" as used in this article shall mean any water main, pumping station, filtration plant, pipe, conduit, lake, stream, reservoir, dam, incinerator, or any other land, interest in land, right of way, structure, plant or equipment, with all things appurtenant thereto either necessary or convenient for water supply and the collection and disposal of garbage, refuse or other waste matter; provided that the county may not acquire by condemnation any state lands or any water supply or garbage system or any of the works or facilities appurtenant thereto which are the property of a city, town, village, or special district, in existence at the date on which this act becomes effective in the county. It shall further be lawful for the county to contract with any city, village or district for the operation and maintenance by the county of any such works or facilities owned by the city, village or district, or for the operation and maintenance by any city, village or district of any such works or facilities owned by the county.
(Amended by L. 1946 Ch. 566 §, in effect April 20, 1946.)

§ 1209. **Engineers and other employees.** For the purpose of preparing the comprehensive plans provided for in this article and of preparing plans for constructing works and facilities contemplated thereby and of supervising such construction, the County Executive may, within the limits of the appropriation therefor, contract for engineering and other technical services and, subject to the confirmation of the Board of Supervisors, employ and at pleasure discharge such engineering, professional and other assistants as may be needed and incur such other expenses as may be found necessary; but when the construction of any works or facilities has been completed, the operation

and maintenance thereof by the county shall be carried on through the Department of Public Works thereof.
(Amended by L. 1945 Ch. 897 §, in effect April 20, 1945.)

§ 1210. **Emergency power of supervisors to regulate use of water.** Whenever in the opinion of the Board of Supervisors an emergency exists with respect to the sufficiency of water supply within the county, it may so declare by ordinance and in such ordinance may regulate or limit the use of water throughout the county, including the towns, cities, villages and special districts therein, and may provide for the enforcement thereof. No such ordinance shall become effective in the county until approved by the state water power and control commission.

§1211. **Works benefit areas.** The cost of the construction, acquisition, operation and maintenance of any of the works or facilities referred to in section twelve hundred and eight may be defrayed as follows:

1. The Board of Supervisors, prior to the awarding of any contract or contracts for the construction, purchase or acquisition of any such works or facilities, may by ordinance fix and determine the area to be benefited thereby. Before fixing and determining any such area, a public hearing thereon shall be held by said board at a place in such area, after notice thereof has been given by publication twice, at intervals of not less than one week, in the official newspapers and in a newspaper having general circulation in such area, such hearing to take place not less than ten days following the second publication. All lots or parcels of land within any such area, when so fixed and determined, are hereby declared to be benefited by the construction of any such works or facilities to be constructed and maintained under the provisions of this article, and shall be subject to an ad valorem tax to be levied by the Board of Supervisors to pay the whole or any part, as determined by the Board of Supervisors, of the cost of operating and maintaining such works or facilities, and to reimburse the county for the payment of the whole or any part, as determined by the Board of Supervisors, of the principal and interest an bonds, notes and certificates of indebtedness issued to pay the cost of constructing, purchasing or acquiring such works or facilities, and no lots or parcels of land in any such area shall be exempt from such taxes, except such as may be exempt from county taxes under the laws of this state. The ordinance of said board fixing and determining any such area shall describe the same.

2. No ordinance fixing and determining the area to be benefited shall take effect until forty-five days after it has been approved by or passed over the veto of the County Executive. Within thirty days of the approval by or passage over the veto of the County Executive any resident of the area described in such ordinance may file with the Board of Supervisors a petition protesting the determination of such area, signed by electors resident in such area equal in number to ten per centum of the vote cast for governor in such area at the last general election at which a governor was elected and also signed by the owners of taxable property situated in such area equal in value to ten per centum of the value of all taxable property

situated in such area as the same appeared on the last completed county assessment roll. Any such petition shall show the city or town, election district and place of residence, by street and number or other description sufficient to identify the place, of each resident elector signing such petition and the place of residence or principal place of business, and the assessed value and a description sufficient to locate readily each parcel of property in such area owned by property owners signing such petition. The signatures to the petition need not be appended to one paper but on each separate sheet shall be endorsed or attached the affidavit of the circulator thereof in manner and form as follows:

State of New York

SS:

County of....., being duly sworn, deposes and says that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Signed

.....

(Signature of circulator)

Subscribed and sworn to before me this .....

day

of ..... , 19.....

.....
(Notary public or other officer authorized to administer oaths)

Any petition paper not so attested by the circulator thereof shall be invalid. Within fifteen days of the filing of such a petition the officer or board having jurisdiction of elections in such county shall verify the sufficiency of such petition with regard to the signatures of resident electors in the area and the chairman of the Board of Assessors shall verify the sufficiency of such petition with regard to the signatures of property owners. The officer or board having jurisdiction of elections and the chairman of the Board of Assessors are hereby empowered to employ such deputies as are necessary to complete the verification of the petition within the time limited herein, and the compensation of such deputies shall be a county charge. If such petition be found sufficient, the ordinance determining the area to be benefited shall take effect only after it has been reconsidered by the Board of Supervisors and adopted by the affirmative vote of three-fourths of the voting strength thereof.

3. In case the Board of Supervisors authorizes the construction, purchase or acquisition of such works or facilities, it shall thereupon estimate the cost thereof and make available the necessary funds required therefor by taxation or by the issuance of obligations pursuant to the local finance law. In the event that the actual cost of any work or facility shall exceed the estimated cost, the Board of Supervisors shall make such additional estimates of cost as it deems necessary and proper and shall make available the necessary funds required therefor in the same manner as in the case of the original estimates of cost. The cost of such works or facilities may include the whole or any part of the cost of forming the works benefit area including the publication of notices, preparation of maps and plans, the holding of hearings and such other expenses as the Board of Supervisors may deem property chargeable thereto, and shall include the proportionate share of the cost of any work or facility theretofore constructed, purchased or acquired for a works benefit area other than the area for which the estimate is made but to be used by such area as a part of its works or facilities, and property chargeable to said area; provided, however, that in case the Board of Supervisors authorizes the construction, purchase or acquisition of two or more works or facilities at the same time, parts of which shall be used jointly, the estimates of cost shall include the proportionate share of the cost of such part used jointly by such areas.
(Subdivision 3, § 1211, amended by L. 1943 Ch. 710 § 103, as last amended by L. 1945 Ch. 338, in effect September 2, 1945; amendment required by Local Finance Law § 10.00, 11.00, 20.00, 30.00, 50.00, 51.00, 90.00 and 100.00.)

4. The Board of Supervisors shall, at any time after a works benefit area has been established, determine the proportionate share of the cost of any works or facilities which shall be borne by each area using or benefited by such works or facilities. Before fixing any such proportionate share or shares, a public hearing thereon shall be held by said board, after notice thereof has been given by publication twice at intervals of not less than one week in the official newspapers and in a newspaper of general circulation in each works benefit area affected, such hearing to take place not less than two weeks following the second publication. In the event that any area theretofore created and for which obligations have been issued shall be entitled, as in this article provided, to have refunded to it a part or portion of the cost of any work or facility, and at the same time shall be chargeable with a part of the cost of any other work or facility, such refund shall be reduced by the proportionate share of the cost of such area for such latter work or facility. In the event that such proportionate share shall exceed such refund, funds shall be made available by the issuance of obligations pursuant to the local finance law or by taxation on account of such area to pay such excess share, any general or special law to the contrary notwithstanding. Such apportionment so made by the Board of Supervisors shall become final unless within thirty days from the date of such apportionment by said board, an application is made by any person or party aggrieved for a review by certiorari. No review shall be had unless before the order to review is issued the person interested and seeking the review shall give an undertaking approved by the

supreme court or a justice thereof as to form, amount and sufficiency of sureties, that in the event of failure to modify such final determination or order, he, they or it will pay to the board making such final determination or order all costs and expenses incurred by it on account of such proceedings, as such costs and expenses shall be determined by the court. In the event that upon review there shall be any modification by the court of any such determination or apportionment, the court shall direct the modification thereof by order which shall be final and conclusive, and such order shall be recorded by the Board of Supervisors in the same place and manner as was the determination or apportionment appealed from.
(Subdivision 4, § 1211, amended by L. 1943 Ch. 710 § 104 as last amended by L. 1945 Ch. 338, in effect September 2, 1945; amendment required by Local Finance Law § 10.00, 11.00, 20.00 and 30.00.)

5.

(a) The Board of Supervisors may by ordinance provide for paying the whole or any part of the cost of operating and maintaining any garbage disposal works or facilities by charging to each city, village and special district within any works benefit area a proportion of such cost in the ratio that the garbage originating in such city, village, or district and cared for by such works or facilities bears to the total garbage so cared for, measured by weight or by volume as the Board of Supervisors shall determine. Any charge made by the county pursuant to this section shall be a binding obligation on each such city, village or special district and shall be paid to the county at such times as the Board of Supervisors may direct in the same manner as other city, village or special district obligations are paid.
(Amended by L. 1945 Ch. 897 § 4, in effect April 20, 1945.)

(b) The Board of Supervisors may provide for reimbursing the county for the whole or any part of the cost of constructing, purchasing or acquiring, or for paying the whole or any part of the cost of operating and maintaining any works or facilities for the purpose of supplying water, by the sale of such water to any town, city, village, special district, corporation, copartnership or person for consumption or redistribution and may fix the rates to be charged by the county therefor; provided that the receipts from the sale of water in any such works benefit area shall be paid to the County Treasurer and shall be applied first to pay the cost of operating and maintaining such works and facilities and secondly to reimburse the county for the payment of principal and interest on any bonds or other indebtedness issued to pay the cost of constructing, purchasing or acquiring such works or facilities.

6. The amount of any tax to be levied by the county in any works benefit area shall be determined by adding (1) the estimated expenditure for the next ensuing fiscal year to be made by the county for or on account of the principal and interest of any bonds, notes or certificates of indebtedness issued for the benefit or on account of such works benefit area, (2) the estimated expenditure for the next

ensuing fiscal year to be made by the county for operating and maintaining the works or facilities constructed or acquired for or used by such works benefit area, including the proportionate share of the cost of operating and maintaining any work or facility used jointly with any other works benefit area, and (3) any deficit arising in the preceding fiscal year from a deficiency in anticipated revenues or from an expenditure not anticipated; and by subtracting from the sum thereof the revenue, if any, anticipated for the next ensuing fiscal year from (1) any charge against a city, village or special district, (2) the sale of any water, service or supply, (3) the proceeds of any sinking fund applicable to the payment during the year of the principal or interest of bonds, notes or certificates of indebtedness issued for the benefit or on account of such works benefit area, and (4) any surplus arising in the preceding fiscal year from revenues in excess of those anticipated or from expenditures less than those anticipated. Separate estimates for each works benefit area as above provided shall be included in the county budget. Taxes levied by the county as above provided upon works benefit areas shall be collected in the same manner as county taxes.

§ 1212. **Regulation of use of works or facilities.** The Board of Supervisors may by ordinance make rules and regulations for the protection, preservation and use of any works or facilities or other property in the nature of public works constructed, acquired, owned, leased, maintained or operated by the county. The Board of Supervisors shall also have power to adopt ordinances regulating the use of land, water and waterways within the county for the purpose of giving effect to the comprehensive plans provided by this article.

§ 1213. **Definitions.** As used in sections twelve hundred thirteen to twelve hundred thirty, inclusive, of this article, unless a different meaning clearly appears from the context:

1. The term "sewer facility" shall mean any one or more systems, plants, works, instrumentalities, properties, drains or sewers used or useful in connection with the collection, treatment and disposal of sewage, including any land, right-of-way or interest in land or equipment or appurtenances necessary or convenient for the establishment, maintenance or operation of any sewer facility.

2. The term "sewage" shall mean sewage or water-carried wastes created in and carried, or to be carried, away from buildings or structures provided or maintained for human use or occupation.
   (Subd. 2 amended by L. 1946 Ch. 530 § 1, in effect April 5, 1946.)

3. The term "construct" shall mean establish, acquire, construct, reconstruct, enlarge, extend, or otherwise improve.

4. The term "district" or the term "county sewer district" shall mean any sewage disposal district or sewage collection district established pursuant to such sections twelve hundred thirteen to twelve hundred thirty, inclusive.

5. The term "sewage disposal facilities" shall mean one or more sewer facilities necessary or convenient for the treatment or disposal of sewage received from the sewage collection facilities of a sewage collection district.

6. The term "sewage collection facilities" shall mean one or more sewer facilities necessary or convenient for the collection of sewage and for the delivery of such sewage into the sewage disposal facilities of a sewage disposal district.

7 The term "sewage disposal district" shall mean a county sewer district established to finance the cost of providing sewage disposal facilities.

8. The term "sewage collection district" shall mean a county sewer district established to finance the cost of providing sewage collection facilities.
(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1214. **Public hearings.** Any public hearing held pursuant to sections twelve hundred thirteen to twelve hundred thirty, inclusive, of this article, shall be held either at the regular meeting place of the Board of Supervisors or at such other place within the county as may be determined by the board. Notice of any such hearing shall be published twice in the official newspapers, and the second of such publications shall be at least ten days prior to the date of such hearing, and there shall be an interval of not less than six days between such two publications. Such notice shall state the time when and place where the hearing will be held. Any plan, estimate or report which shall be the subject of such hearing shall be filed with the clerk of the Board of Supervisors prior to the first publication of such notice and the notice shall recite the filing of such documents and shall state that they may be examined in the office of the clerk by any interested person. Any such hearing may be adjourned from time to time without the giving of further notice. Any such hearing may be conducted by the Board of Supervisors or, if duly authorized by the Board of Supervisors, by any member or members thereof.
(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1215. **Necessity for county sewer system in Nassau County.** It is hereby declared that Nassau County which is a county which has adopted this act does not have adequate facilities for the collection, treatment and disposal of sewage and that the lack of such facilities seriously threatens the health of all the inhabitants of the county because it will result in contamination of the underground water which is the only practicable source from which the county may obtain potable water and because it causes dangerous pollution of coastal waters of the county; that there are in Nassau County no rivers, streams or natural waterways which could property be used as outlets for the treated effluent from sewage disposal or treatment plants; that all such treated effluent must be transported to and emptied into the coastal waters of the county; that sewage in the county cannot be collected, treated or disposed of in a proper, efficient and economical manner except by the establishment of one or more large collection and disposal systems, each of which would embrace territory within many towns, villages and public districts; that it is not practicable for existing towns, villages and public districts to provide such

sewer facilities not only because of the magnitude of the facilities required and the lack of necessary financial resources but also because of difficulties in obtaining cooperation among the affected towns, villages and public districts; and that, therefore, in order to preserve the health of the inhabitants of the county and to protect its potable water supply and its coastal waters from contamination and pollution the county must be authorized to provide sewer facilities adequate to serve the needs of the entire county, as provided in this article, and all such sewer facilities so provided will be of general benefit to the entire county and all its inhabitants.
(Amended by L. 1946 Ch. 530 §, in effect April 5, 1946.)

§ 1216. **Powers of county.** The county shall have power to design, construct, lease, own, operate and maintain any sewer facility within or without the county, and, for such purposes, to acquire either by purchase or by condemnation in the manner provided by law any lands and rights or interests in lands, structures, water and riparian rights, and any and all things and rights usually included in the term "real property", needed or convenient for the construction or maintenance or operation of any such sewer facility. The power hereby conferred shall be in addition to and not in substitution for any power conferred by any other law and the limitations and conditions imposed by this article shall not affect or limit any power conferred by any other law. Nothing herein contained, however, shall be deemed or construed to permit the exercise of any of the said rights, powers or privileges within the city of New York or the county of Suffolk.
(Amended by L. 1946 Ch. 566 §, in effect April 5, 1946.)

§ 1217. **Acquisition of existing facilities.** The county shall have power to acquire, either by purchase or by condemnation in the manner provided by law, any sewage collection facility owned, maintained or operated by any municipal or public or district corporation or special district, notwithstanding that such sewage collection facility has already been devoted to and is held for public use. The Board of Supervisors may, instead of making any cash payment agreed or required to be made to the municipal or public or district corporation or special district as compensation for such sewage collection facility, agree to pay the principal of and interest on outstanding bonds issued by or on behalf of such municipal or public or district corporation or special district, of a principal amount not exceeding the amount of such cash payment, as such principal and interest shall become due and, payable.
(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1218. **Contracts for sewage disposal.**

(a) The Board of Supervisors shall have power to contract with any city, town, or village or public improvement district for the operation or maintenance by the county of any sewer facility owned by the city, town, village or public improvement district, or for the operation or maintenance by any city, town, village or public improvement district of any sewer facility owned by the county. The Board of Supervisors shall have power to contract with any city, town, village or public improvement district for the disposal, of sewage delivered into the sewage disposal facilities maintained or operated by the county upon terms and conditions to be determined by the Board of Supervisors or for the disposal

by any city, town, village or public improvement district in the County of Nassau of sewage collected in a sewage collection district which is not within a sewage disposal district.
(Amended by L 1953 Ch. 554: L. 1972 Ch. 835, in effect June 2, 1972.)

(b) The Board of Supervisors may require any sewage disposal district to receive into its sewer facilities and dispose of the sewage collected in any sewage collection district not within a sewage disposal district provided the Board of Supervisors shall, after holding a public hearing in the manner prescribed by and upon notice given pursuant to section twelve hundred fourteen, determine by ordinance the terms and conditions upon which such sewage is to be received and disposed of and the compensation to be paid therefore by such sewage collection district and that it is in the public interest that the sewage collected by such sewage collection district shall be disposed of upon the terms and conditions prescribed and that such terms and conditions and such compensation are fair and reasonable. Such compensation required to be paid by the sewage collection district shall be deemed to be an expense incurred for the maintenance and operation of the sewage facilities provided by such collection district.
(Amended by L 1952 Ch. 619. in effect April 9, 1952.)

§1219. **General sewerage plan.**

a. The Board of Supervisors shall succeed to all the powers granted to and duties imposed upon the sanitation commission of the county if one exists at the time this act becomes effective in the county. Any general sewerage plan which shall have been adopted by such sanitation commission or by the Board of Supervisors of the county prior to the time when this act becomes effective in the county shall be valid and effective for the purposes of this act notwithstanding any error or omission or irregularity in the acts or proceedings done or taken for the adoption of such plan. If a general sewerage plan shall not have been adopted prior to the time this act takes effect in the county, or if the Board of Supervisors deems it advisable to supersede or amend a general sewerage plan previously adopted, it may, at any time cause the Department of Public Works to prepare and file a new general sewerage plan or an amendment to a previously adopted sewerage plan with the clerk of the Board of Supervisors and thereafter the Board of Supervisors may hold a public hearing thereon. If, after holding such public hearing, the Board of Supervisors shall determine it to be in the public interest, it may, by ordinance adopt such new general sewage plan or such amendment to a previously adopted general sewerage plan. The Board of Supervisors may, by an ordinance adopted pursuant to section twelve hundred twenty-two or twelve hundred twenty-four or twelve hundred twenty-five authorize the construction of sewer facilities notwithstanding that such sewer facilities are not provided for by such general sewerage plan or not In accordance with such general sewerage plan.

b. To more adequately meet immediate needs for the collection and disposition of

the contents of cesspools in areas which do not have systems for the collection of sewage by lateral mains and to avoid the contaminations and pollutions referred to in section twelve hundred fifteen, the Board of Supervisors may by ordinance authorize the construction, operation and maintenance of a plant or plants and acquire therefore necessary lands and appliances, including such vehicles as may be required, for the collection and disposal of the contents of cesspools in areas which do not have systems for the collection of sewage by lateral mains and may appropriate the necessary monies for such acquisition, construction, operation and maintenance, all of which are hereby declared to be county purposes. The Board of Supervisors may employ such employees as may be necessary for the maintenance and operation of such plant or plants or appurtenant equipment and fix their compensations. If such a plant or plants are constructed the Board of Supervisors may authorize the County Executive to enter into contracts with any corporations, partnerships or individuals for the disposal of the contents of cesspools in areas which do not have systems for the collection of sewage by lateral mains, collected by such corporations, partnerships or individuals. Such plants shall be operated by the Department of Public Works and the contract price for such disposition shall be fixed by the County Executive upon recommendation of the Commissioner of Public Works at such amounts as shall, as nearly as can be determined, equal the cost of operation and maintenance of such plants or plants. The terms of any such contract shall be for a period not longer than three years, subject to renewal from time to time upon such terms as may be determined at the time of such renewal and all such contracts or renewals thereof shall expire on December thirty-first. Any expenditure for such a plant or plants whether for acquisition or construction, or for a deficiency in the cost of maintenance and operation thereof shall be a county charge and shall be paid for by taxes levied for the fiscal year in which such expenditure is to be made or such deficiency is determined; however, the Board of Supervisors may, pursuant to the local finance law, finance in whole or in part any expenditure for such a plant or plants authorized by this subdivision of this section.
(Amended by Local Law No. 2-1949, in effect July 25, 1949.)

§ 1220. **Approval by state agencies.** Prior to the construction of any sewer facility or the letting of any contract therefor, the plans for such sewer facility shall be approved by the state departments now vested with authority to grant such approval, and such plans, if they involve treatment or final disposal of sewage in the Atlantic ocean or in any bay or inlet thereof, or on any uplands, meadows, marshes and beaches in the county and adjacent to such ocean, bays or inlets, shall also be submitted to each state park commission having jurisdiction over any park in the county. If any such state park commission shall file with the Board of Supervisors and the state Department of Health, within thirty days after the submission of any such plans, a report disapproving any part of the plan, the Department of Health shall not approve such plan until it has held a public hearing at which the representative of such commission shall be heard and Its objections considered.
(Amended by L. 1946 Ch. 530 §, in effect April 15, 1946.)

§ 1221. **Approval of sewer facilities provided by other agencies.** No city, town, village, district, municipal or private corporation, copartnership or person shall construct any sewer facility within the county unless (1) a plan showing the work proposed to be done shall be submitted to and certified by the Commissioner of Public Works either as being in accordance with a general sewerage plan theretofore adopted as provided in section twelve hundred nineteen of this act or as being original replacements to or repairs of an existing sewer facility, or (2) the Board of Supervisors shall, by ordinance, consent to the doing of such work after holding a public hearing thereon and after finding, upon the evidence given thereat, that the proposed work is necessary to preserve the public health and welfare.
(Added by L 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1222. **County sewer districts.** The Board of Supervisors may, subject to the conditions and in the manner herein after prescribed, establish one or more sewage disposal districts and sewage collection districts. Any district may, from time to time, be extended to include additional lots or parcels of land. If the Board of Supervisors shall deem it advisable to establish any district it shall cause the Department of Public Works to prepare and file with the clerk of the Board of Supervisors a general plan of the sewer facilities proposed to be constructed therein, together with an estimate of the cost thereof, and also a report describing the area deemed benefited thereby in such manner as to identify the lots or parcels of land included in such area. If the Board of Supervisors shall deem it advisable to extend any district theretofore established it shall cause the Department of Public Works to prepare and file with the clerk of the Board of Supervisors a general plan of the sewer facilities theretofore provided for such district and also of any additional sewer facilities proposed to be provided for such district, together with an estimate of the cost thereof, and also a report describing the district as already established and the additional area deemed benefited by the sewer facilities constructed or to be constructed in such district in such manner as to identify the lots or parcels of land included in such additional area. After any such general plan, estimate and reports have been filed the Board of Supervisors may hold a public hearing thereon. If, after holding such public hearing, the Board of Supervisors shall determine that it is in the public interest to establish or extend a district as proposed in the report which is the subject of the hearing, and that all property and property owners within the district proposed to be established or extended are benefited by the sewer facilities to be constructed therein and that all the property and property owners benefited by such sewer facilities are included within the limits of the district proposed to be established or extended, the Board of Supervisors may, by ordinance, establish or extend a county sewer district in accordance with such report, and may, by such ordinance, authorize the construction of the sewer facilities described in the general plan which was filed with such report. If the district established or extended by said ordinance is a sewage collection district and if the Board of Supervisors shall determine from the evidence given at the public hearing that the benefit which will be conferred upon each lot or parcel of land in the district by the construction of sewer facilities therein will be in proportion to the valuation of such lot or parcel of land, the Board of Supervisors shall, by said ordinance, determine that the expense of constructing said sewer facilities shall be raised by the levy annually of an ad valorem tax upon all the taxable property in the

district; otherwise the Board of Supervisors shall, by said ordinance determine that the expense of constructing said sewer facilities shall be apportioned to and assessed upon and collected from the several lots or parcels of land within the district in just proportion to the amount of benefit which the construction of such sewer facilities shall confer upon the same.
(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1223. **Petitions requiring reconsideration of ordinance establishing or extending districts.** Any ordinance adopted by the Board of Supervisors pursuant to section twelve hundred twenty-two of this article shall not take effect until forty-five days after it has been approved by or passed over the veto of the County Executive; nor until it has been reconsidered by the Board of Supervisors and adopted by the affirmative vote of three-quarters of the voting strength thereof if, within thirty days after it has been approved by or passed over the veto of the County Executive, there be filed with the clerk of the Board of Supervisors a petition protesting against the establishment or extension of the sewer district described in the ordinance, signed by electors residing within such district equal in number to ten per centum of the vote cast for governor by voters residing in the district at the last general election at which a governor was elected and also signed by the owners of taxable property situated in the district equal in value to ten percentum of the value of all taxable property situated in the district as the same appears on the last completed county assessment roll. Any such petition shall be in the form and shall be signed and authenticated and its sufficiency determined in the manner, prescribed by subdivision two of section twelve hundred eleven of this article.
(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1224. **Hearing on changes in plan.** If the Board of Supervisors shall deem it advisable either to construct a sewer facility in a manner different than that specified in the general plan considered at the public hearing held in accordance with section twelve hundred twenty-two of this article or to construct in any district theretofore established any sewer facility which is not provided for in such a general plan, the Board of Supervisors may cause the Department of Public Works to prepare and file with the clerk of the Board of Supervisors a general plan of such sewer facility, together with an estimate of the cost thereof. After such general plan and estimate have been filed the Board of Supervisors may hold a public hearing thereon. If, after holding such public hearing, the Board of Supervisors shall determine that it is in the public interest to construct such sewer facility and that all property and property owners within the district are benefited thereby and that all property and property owners benefited thereby are included within the limits of the district, the Board of Supervisors may, by ordinance, authorize the construction of such sewer facility. The expense of constructing any such facility shall either be raised by an annual ad valorem tax or shall be apportioned to and assessed upon and collected from the several lots or parcels of land in the district as in the case of the expenses of sewer facilities constructed pursuant to the ordinance which established the district.
(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1225. **Construction of sewer facilities as local improvement.** If in the judgment of the Board of Supervisors, any sewage collection facility proposed to be constructed in

any sewage collection district will be of especial benefit to any lots or parcels of land in the district, and if the Board of Supervisors in the ordinance establishing said district determined that the expense of constructing sewer facilities in the district shall be apportioned to and assessed upon and collected from the several lots or parcels of land within the district in just proportion to the amount of benefit which the construction and maintenance of such sewer facilities confer upon the same, the board may cause the Department of Public Works to prepare and file with the clerk of the Board of Supervisors a general plan of such proposed sewage collection facility, together with an estimate of the cost thereof, and a report describing the tentative area deemed, especially benefited thereby in such manner as to identify the lots or parcels of land included in such area. After such general plan and estimate and report have been filed the Board of Supervisors may hold a public hearing thereon. If, after holding such public hearing, the board shall determine that any of the lots or parcels of land included in such area will be especially benefited by the proposed sewage collection facility, it may, by ordinance, authorize the construction of such sewer facility and direct that the total cost of such sewer facility shall be apportioned to and assessed upon, and collected from the several lots or parcels of land especially benefited thereby in just proportion to the amount of benefit which the construction of such sewer facility shall confer upon the same. The ordinance shall describe such lots or parcels of land in such manner as to identify them. (Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1226. **Annual assessment rolls.** If the expense of constructing any sewer facility or sewer facilities is required to be apportioned to and assessed upon and collected from the several lots or parcels of land especially benefited thereby, the Department of Public Works shall, immediately after the completion of such sewer facility or sewer facilities, file with the Board of Assessors a statement in detail showing the actual and complete cost thereof and the Comptroller shall, on or before October first in each year, file with the Board of Assessors a statement showing the total amount which will be required to reimburse the county for the principal of and interest on bonds issued by the county to finance the construction of such sewer facility or sewer facilities, payable during the ensuing fiscal year. The Board of Assessors shall assess the amount shown by such statement on such lots and parcels of land in proportion as nearly as may be to the benefit which each lot or parcel of land will derive from the construction of such sewer facility or sewer facilities and shall prepare an assessment roll which shall describe each such lot or parcel of land in such manner that the same may be ascertained and identified and shall show the name or names of the reputed owner or owners thereof and the aggregate amount of the assessment levied upon such lot or parcel of land. Such assessment roll shall be filed with the clerk of the Board of Supervisors not later than the next succeeding November first. The Board of Supervisors shall hold a public hearing thereon. Notice of such public hearing shall recite that the assessment roll has been completed and filed with the clerk of the Board of Supervisors and shall state that at the time and place fixed for such public hearing the Board of Supervisors will meet and hear and consider any objections which may be made to the assessment roll. After holding such public hearing the Board of Supervisors may change or amend the assessment roll as it may deem necessary or just and may confirm and adopt the assessment roll as originally proposed or as amended or changed or it may annul the assessment roll and order the Board of

Assessors to proceed anew and to prepare another assessment roll. No action or proceeding shall be maintained to set aside, vacate, cancel, annul, review, reduce or otherwise test or affect the legality or validity of any assessment made by any assessment roll unless such action or proceeding shall be commenced within thirty days after the assessment roll shall have been adopted.
(Added by L 1945 Ch. 897 § 5, in effect April 20, 1945; amended by Local Law No. 11-199, in effect January 1, 1996: L. 1995 Ch. 14, in effect March 16, 1995.)

§ 1227. **Annual budgets of county sewer districts.** The county budget adopted for each fiscal year shall contain a separate section for each county sewer district showing the expenditures which are anticipated to be necessary for such district during such fiscal year and the revenues from sources other than ad valorem taxes which will be available to meet such expenditures. Such expenditures shall include (a) the amount estimated to be necessary for the payment during such fiscal year of principal of or interest on any bonds issued by or assumed by the county to finance the cost of providing sewer facilities for the district, (b) the amount estimated to be required to be paid by the county during such fiscal year for the maintenance and operation of sewer facilities provided for the district and (c) any deficit arising in the preceding fiscal year from a deficiency in anticipated revenues or from an expenditure not anticipated. Such revenues shall include (1) any amount expected to be received from any other public corporation or source for the use of sewer facilities provided for the district, (2) the amount of any sinking fund applicable to the payment of such principal of or interest on bonds, (3) the amount of any surplus arising in the preceding fiscal year from the revenues in excess of those anticipated or from expenditures less than those anticipated, and (4) the amount necessary to be raised by taxes or assessments to meet such expenditures.
(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1228. **Annual levy of taxes or assessments.** The amount stated in any county sewer district budget as the amount necessary to be raised by taxes or assessments for the expenditures of the district shall be raised by the Board of Supervisors in the following manner, namely: (a) if the district is a sewage disposal district the amount required for principal of and interest on bonds shall be raised by an ad valorem tax levied upon all the taxable property in the district and the balance of the total amount required shall be raised by an ad valorem tax levied upon all the taxable property which is in both the district and some sewage collection district, (b) if the district is a sewage collection district established by an ordinance which determined that the expense of constructing sewer facilities therein should be raised by the levy annually of an ad valorem tax upon all the taxable property in the district, the amount shall be raised by the levy of an ad valorem tax upon all the taxable property in the district, and (c) if the district is a sewage collection district established by an ordinance which determined that the expense of constructing sewer facilities therein should be apportioned to and assessed upon and collected from the several lots or parcels of land within the district, the amount required for the principal of and interest on bonds shall be raised by the levy of assessments in accordance with the annual assessment rolls adopted by the Board of Supervisors pursuant to section twelve hundred twenty-six of this article, and the balance of the total amount required shall be raised by an ad valorem tax levied upon all the taxable property in the district. All such taxes and assessments shall be levied by the Board of

Supervisors, and collected in the same manner as county taxes.
(Added by L 1945 Ch. 897 § 5, in effect April 20, 1945.)

§ 1229. **Review of ordinances.** Any interested person aggrieved by any determination made by any ordinance establishing or extending a county sewer district or ordering the construction of any sewer facility therein passed pursuant to the provisions of this article, may review the same pursuant to article seventy-eight of the civil practice act provided that the application therefore is made within thirty days from the date it is adopted. The determination made by any such order shall be final and conclusive unless application has been made for such review within such period of thirty days.
(Added by L. 1945 Ch. 897 §, in effect April 20, 1945.)

§ 1230. **Bonds.** The Board of Supervisors may, either before or after establishing a county sewer district, make available the funds required to finance the cost of any sewer facility constructed or to be constructed in the district, either by taxation or by the issuance of obligations of the county pursuant to the local finance law or any other law granting to the county authority to issue bonds or other obligations. The cost of any sewer facility shall include all liabilities incurred or expenditures made by the county for engineering or legal services or the preparation of maps and plans and the publication of notices and holding hearings required for the construction of such sewer facility or the establishment or extension of a county sewer district, and also any interest paid or payable upon bonds or other obligations issued to finance such sewer facility for any period prior to the end of the fiscal year in which the construction of such sewer facility is completed.
(Added by L. 1945 Ch. 897 § 5, in effect April 20, 1945; Amended by L. 1948 Ch. 68, in effect March 1, 1948.)

§ 1231. **Service charges.** The Board of Supervisors shall have power to charge and collect rents, rates, fees or other charges (in this section sometimes referred to as "service charges") for direct or indirect connection with, or the use or services of, the sewer facilities maintained in any sewage disposal district or in any sewage collection district. Such service charges may be charged to and collected from any person or corporation contracting for such connection or use or services or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with such sewer facilities, or from or on which originates or has originated sewage which directly or indirectly has entered or may enter into such sewer facilities, and the owner of any such real property shall be liable for and shall pay such service charges to the county at the time when and place where such charges are due and payable. Such service charges shall, as near as the Board of Supervisors shall deem practicable and equitable, be uniform throughout the sewage disposal district or sewage collection district for which such service charges are made, and may be based or computed either on the consumption of water or in connection with the real property, making due allowances for commercial use of water, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing or sewerage fixtures or facilities on or in connection with real property, or on the number of persons residing or working on or otherwise connected or identified with the real property, or on other factors determining the type, class and amount of use or service of the sewer facilities, or on any combination

of any such factors. In the event that a service charge with regard to any parcel of real property shall not be paid as and when due, interest shall accrue and be due to the county on the unpaid balance at the rate of one percentum per month until such service charge, and the interest thereon, shall be fully paid to the county. In the event that any service charge with respect to any parcel of real property shall not be paid as and when due, the Commissioner of Public Works of the county may, in his discretion, enter upon such parcel and cause the connection thereof leading directly or indirectly to the sewer facilities to be cut and shut off until such service charge and any subsequent service charge with regard to such parcel and all interest accrued thereon shall be fully paid to the County Treasurer.
(Added by L. 1951 Ch. 807 § 1, in effect April 13, 1951.)

§ 1232. [**Statement of Water Consumption.**][15] Each municipality or public corporation, or other person or persons or corporation, owning or operating any system of water distribution serving three or more parcels of real property in the county shall, from time to time after request therefore by the County Treasurer, deliver to the County Treasurer a statement or statements showing the amount of water supplied to every such parcel of real property as shown by the records of such municipality or public corporation, or other person or persons or corporation. Such statements shall be delivered to the County Treasurer within ten days after request is made for them, and the County Treasurer shall pay the reasonable cost of preparation and delivery of such statements. The occupant of every parcel of property the sewage from which is disposed of or treated by the sewer facilities of the county shall, upon request therefor by the County Treasurer, furnish to the County Treasurer information as to the amount of water consumed by such occupant or in connection with such parcel and the number and kind of water outlets, and plumbing or sewerage fixtures or facilities on or in connection with such parcel and the number of persons working or residing therein.
(Added by L. 1951 Ch. 807 § 2, in effect April 13, 1951.)

§ 1233. [**Collection of Service Charges.**][16] All service charges charged pursuant to this article twelve shall be payable to the County Treasurer. The County Treasurer shall annually file with the Board of Supervisors statements showing the unpaid service charges charged for connection with, or the use or services of, the sewer facilities maintained in each sewage disposal district or sewage collection district and such statements shall contain a brief description of the real property liable therefore and the names of the persons or corporations liable to pay the same and the amount chargeable to each parcel of real property. The Board of Supervisors shall levy such amounts against the parcels of real property liable therefore and shall state the amounts so levied in a separate column in the annual tax rolls under the name of "sewer service charges". Such taxes so levied shall be paid to the County Treasurer and shall be collected in the same manner as other taxes levied for county purposes. All sums received by the County Treasurer in payment of such service charges or of such taxes, with respect to each sewage disposal district or sewage collection district, shall be applied to and actually used for payment of all costs of operation, maintenance and repairs to the sewer facilities in

[15] No title for §1232 was included in the Law adopting §1232. Title supplied for convenience.
[16] No title for §1233 was included in the Law adopting §1233. Title supplied for convenience.

such district and for the payment of the amounts required for interest on and amortization of or redemption of outstanding bonds issued to finance the cost of providing sewer facilities for such district.
(Added by L. 1951 Ch. 807 § 3, in effect April 13, 1951.)

§ 1234. **Service outside of districts.** The Board of Supervisors may contract with individuals or corporations owning property not included within a county sewage collection district for the reception into county sewer facilities and the disposal of sewage originating on such property upon such terms and conditions as the Board of Supervisors shall prescribe. Charges required to be paid pursuant to such contracts shall be collected and enforced in the same manner as provided in this article for the collection and enforcement of service charges and unpaid contract charges shall be subject to the same rate of interest as unpaid service charges. When collected, such contract charges shall be apportioned and credited to the appropriate sewage collection or disposal district or districts.
(Former § 1234 renumbered § 1235 and new §1234 added by L. 1954 Ch. 330, in effect March 30, 1954.)

§ 1235. **Rules and regulations.** The Board of Supervisors may by ordinance make rules and regulations preventing the discharge directly or indirectly into the sewer facilities of any sewage disposal district or sewage collection district of any matter or thing which is, or which the Board of Supervisors deems likely to be, injurious or deleterious to such sewer facilities or to their efficient operation. A violation of such rules or regulations shall be a misdemeanor and shall be punishable by a fine of not more than fifty dollars or by imprisonment for not more than six months, or by both. The Board of Supervisors may enforce obedience to such rules or regulations by prescribing therein a penalty not exceeding one hundred dollars for any violation thereof. The Board of Supervisors may maintain an action or proceeding in the name of the county in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such rules or regulations notwithstanding that such rules or regulations may provide a penalty or other punishment for such violation.
(Former § 1234 renumbered § 1235, L. 1954 Ch. 330, in effect March 30, 1954.)

§ 1236. **Division of Real Estate Services**. There is hereby established within the Department of Public Works a Division of Real Estate Services, the head of which shall be the Director of Real Estate Services. The Director of Real Estate Services shall be appointed by the County Executive. The Director shall appoint such other officers and employees of the department, within the appropriation therefor, as are necessary to effectuate the purposes of the department. The Division of Real Estate Services shall be responsible for the planning of space requirements, management, assignment and use of county owned buildings and grounds.
(Added by Local Law No. 1-2012, signed by the County Executive on March 12, 2012.)

§ 1237. **Environmental Infrastructure, Planning and Development.**
The Commissioner of Public Works shall:

1. Evaluate County-owned properties to determine suitability for solar power and electric vehicle infrastructure projects;
2. Develop and coordinate the strategic planning and development necessary for the construction of solar power and electric vehicle infrastructure projects and for the integration of an electric vehicle fleet into County operations;
3. Collaborate with public utilities and pursue available grant funding or incentives for potential projects identified;
4. Analyze the potential financial costs and benefits for all projects considered by the Department;
5. Provide written status updates to the Nassau County Committee on Planning, Development and the Environment as requested by the Committee; and
6. No later than the fifteenth day of September each year, report to the Legislature potential projects identified pursuant to this section.

(Added by Local Law No. 12-2019, in effect on June 26, 2019)

ARTICLE XIII DEPARTMENT OF CIVIL SERVICE

Section	1301.	Department established.
	1302.	Organization of commission: employees.
	1303.	Powers and duties of commission.
	1304.	Classified service.
	1305.	Classification within classified service.
	1305-a	Non-competitive and labor class employees.
	1306.	Effect of this act on present employees.
	1307.	Reclassification; salary standardization.
	1308.	Roster; certification of payrolls.
	1309.	Enforcement of this article.

§ 1301. **Department established.** There shall be a Department of Civil Service, of which the head shall be the County Civil Service Commission. The commission shall consist of three members, appointed for terms of six years, except that the first appointments shall be for terms of six, four and two years, respectively. Not more than two members of the civil service commission shall at any one time be members of the same political party. The members of the civil service commission shall hold no other office under the United States, the State of New York, or any county, town, city, village, school district or special district; nor shall they serve on any political committee or take an active part in the management of any political campaign. They may be removed only as provided in the civil service law of the state for municipal civil service commissions.

§ 1302. **Organization of commission; employees.** The civil service commission shall annually elect one of its members chairman. It shall appoint a secretary and chief examiner, and such other officers and employees, within the appropriation therefore, as it shall deem necessary for the performance of its duties. The secretary and chief examiner shall be a person skilled in the principles and methods of personnel administration and shall perform such duties as may be required by the commission.

§ 1303. **Powers and duties of commission.** Except as provided in this article, the County Civil Service Commission shall have, with reference to the civil service of the county, the powers and duties of a municipal civil service commission as provided in the civil service law of this state, and shall be subject to supervision and control by the state civil service commission as are municipal civil service commissions. The County Executive shall have the powers and duties, with reference to the County Civil Service Commission, of the mayor of a city, under the said civil service law, except as provided in this act.

§ 1304. **Classified service.** All officers and employees of the county and of all departments, offices, institutions and agencies thereof, except special district employees, shall be members of the classified service, except the following:

1. Elective officers;

2. Heads of departments, including the members of all boards and commissions;

3. Election officers;

4. Employees of the Board of Supervisors and employees in the office of the County Executive.

(Subd. 4. added by L. 1937 Ch. 618 § 31, in effect January 1, 1938.)

§ 1305. **Classification within classified service.** The offices and positions in the classified service of the county shall be arranged in classes and filled in the same manner as now or hereafter provided by the civil service law of this state in the case of offices and positions, in the classified service of cities; provided that the classification of offices and positions in force on the date on which this act becomes effective in the county shall continue in force until modified by rules and regulations adopted in due course by the County Civil Service Commission subject to the control and supervision of the state civil service commission.

§ 1305-a. **Non-competitive and labor class employees.** In addition to such provisions as may limit removal or disciplinary action with regard to employees as set forth in the civil service law of the state of New York and the rules for the classified service of the County of Nassau as promulgated by the Nassau County Civil Service Commission, no employee of the County of Nassau in the noncompetitive class or labor class of the civil service except for an employee in a position which has been designated by the Nassau County Civil Service Commission as a training position or confidential or requiring the performance of functions influencing policy who has been in the service of the county continuously for a period of one year from the date of his appointment shall be removed or otherwise subjected to any disciplinary penalty except for incompetency or misconduct shown after a hearing upon stated charges in the manner provided in section seventy-five of the civil service law of the state of New York. Nothing contained herein shall be deemed to limit removal of an employee at the end of, or during the term of probation, as provided by the rules of the Nassau County Civil Service Commission.
(Added by Local Law No. 16-1965; amended by Local Law No. 4-1968, in effect June 24, 1968.)

§ 1306. **Effect of this act on present employees.** The status of no person in the classified service of the county on the date on which this act becomes effective in the county, including pension rights, shall be affected by the taking effect of this act. The names of all appointive officers and employees in the service of the cities, towns, and villages in the employ thereof on the date on which this act becomes effective, whose positions are abolished by reason of the transfer to the county of functions formerly performed by said cities, towns, and villages, shall be placed on lists of persons eligible for appointment to similar positions in the service of the county, shall be given preference over all other applicants in filling new county positions created by reason of said transfer of functions, and shall be certified for appointment in the order in which their names

appear upon such lists, which order shall have been determined in accordance with the rules of the County Civil Service Commission.
(Amended by L 1937 Ch. 618 § 32, in effect January 1, 1938.)

§ 1307. **Reclassification; salary standardization.** It shall be the duty of the County Civil Service Commission, as soon as practicable after the date on which this act becomes effective in the county, to reclassify all offices and positions in the county classified service and recommend to the Board of Supervisors an ordinance standardizing salaries and conditions of employment in all departments, offices, institutions and agencies of the county, so that, as near as may be, equal pay may be given for equal work.

§ 1308. **Roster; certification of payrolls.** It shall be the duty of the County Civil Service Commission to maintain a roster of all officers and employees of the county with their several rates of compensation, and no payroll shall be approved by the Comptroller for payment unless there is attached to the same a certificate by the secretary of the commission to the effect that the persons named therein have been, during the period covered by such payroll, duly employed in pursuance of this article at the rates of compensation specified therein. It shall be the duty of every head of a department, office, institution or agency of the county, to report at once to the commission all absences, resignations and other changes in the status of employees.

§ 1309. **Enforcement of this article.** It shall be the duty of the County Civil Service Commission to make investigations concerning the enforcement and effect of this article, and to do everything in its power to secure observance of the spirit and letter of the civil service law.

ARTICLE XIV FRANCHISES

Section 1401. Granting of franchises and consents; hearing.
1402. Transfer of franchises.
1403. Term of franchises.
1404. Adjustment of rates.
1405. Repeal of franchises; audit of grantee's accounts.

§ 1401. **Granting of franchises and consents; hearing.**

1. No franchise or renewal or extension or amendment thereof, for the establishment or location of any public utility shall be granted or made by the county except by ordinance. No such ordinance shall be adopted unless a report in writing thereon has been made by the County Executive to the Board of Supervisors and published with the ordinance in the official newspapers, nor until a public hearing has been held thereon. The notice of the time of hearing shall be published with the ordinance in the official newspapers.

2. No stage, omnibus line, stage route, motor vehicle line or route, nor any vehicle in connection therewith, and no vehicle carrying passengers upon a designated route or routes within the limits of the county shall be operated wholly or partly upon or along any street, avenue or public place in the county, nor shall a certificate of public convenience and necessity be issued therefore, until the owner or owners thereof shall have procured, after public notice and a hearing, the consent of the Board of Supervisors to such operation, upon such terms and conditions as said board may prescribe. Such terms and conditions may include provisions relating to description of route, rate of speed, compensation for wear and tear of pavement of routes and bridges, and safeguarding passengers and persons using the streets. Operation upon the streets of the county shall not be permitted until the owner or operator of such vehicles or proposed line or route, if required by the Board of Supervisors, shall have executed and delivered a bond to the county in an amount fixed by such board and in form prescribed by the County Attorney with sureties satisfactory to the Comptroller, which bond may be required to provide adequate security for the prompt payment of any sum accruing to the county, the performance of any other obligations under the terms and conditions of such consent, as well as for the payment by such owner of any damages occurring to, of judgments recovered by, any person on account of the operation of such line, route or vehicles. However, no such consent shall be granted by the Board of Supervisors for a route wholly within a single city or village unless the previous consent in writing by the governing board of such city or village shall have been filed with the Board of Supervisors. No consent shall be given by the Board of Supervisors for a route or routes over a city or village street unless the previous

consent in writing by such village or city shall have been filed with the Board of Supervisors. The requirement for consent by a city or village shall not be deemed to restrict the Board of Supervisors from giving a consent for the operation of any such vehicle over any state, county or town highway or road. Sections sixty-six, sixty-seven, sixty-eight and sixty-nine of the transportation corporations law conferring upon cities, towns and villages the power to grant consents and terminable permits shall not apply to cities, towns and villages in the County of Nassau.

3. Any public hearing held pursuant to this section shall be held either at the regular meeting place of the Board of Supervisors or at such other place within the county as may be determined by the board and notice of any such hearing shall be published once in the official newspapers and such publication shall be at least ten days and not more than twenty days prior to the date of such hearing and shall state the time when and the place where the hearing will be held. Any such hearing may be adjourned from time to time without the giving of further notice.

4. The Board of Supervisors may establish an office of public transportation, the head of which shall be the Director of Public Transportation. The Director of Public Transportation shall perform such duties and have such powers as the Board of Supervisors may confer on him by ordinance.
(Subdivision 4, previously amended by Local Law No. 3-1969, Local Law No. 2-1971, and Local Law No. 2-1973; herein amended by Local Law No. 5-1974, in effect January 1, 1974.)

5. Existing consents heretofore granted for specific periods of time shall not be deemed affected by this act but renewals thereof or amendments thereto shall only be granted pursuant to the provisions of this act.
(Amended by L. 1950 Ch. 755, in effect September 1, 1950.)

§ 1402. **Transfer of franchises.** No public utility franchise or consent granted under the provisions of this article shall be transferable except with the approval of the county expressed by ordinance; and copies of all transfers and mortgages, or other documents affecting the title or use of any such public utility, shall be filed with the County Executive within ten days after the execution thereof. No public utility franchise or consent granted under the provisions of this article shall be transferred indirectly through the acquisition of the capital stock, or a majority thereof, of the grantee by another corporation, except with the approval of the county expressed by ordinance and the filing with the County Executive of all documents relating to the purchase of such stock, including a statement to the corporate affiliations of the purchasing company, within ten days after the said purchase.
(Amended by L. 1950 Ch. 755, in effect September 1, 1950.)

§ 1403. **Term of franchises.** No new public utility franchise shall be granted by the county for a longer term than thirty years, and no renewal or extension of an existing franchise for a longer term than ten years. Each new franchise and renewal or extension thereof shall contain a stipulation that at specified intervals of not more than ten years after the effective date of such franchise or amendment, the county may terminate the

franchise and acquire the property of the utility necessarily used or conveniently useful in the operation thereof within the county, at a price to be determined in the manner set forth in such stipulation which shall not include any allowance for the value of the franchise unless the franchise was purchased from the county, and then only the actual purchase price.

§ 1404. **Adjustment of rates.** All ordinances granting, renewing, extending, or amending any public utility franchise, shall contain provisions for the adjustment of rates at intervals, to be specified therein, of not more than five years. Such adjustment of rates may be based on the net earnings of the utility, to be determined as set forth in the franchise ordinance, or upon such other suitable basis as the ordinance may provide, but nothing shall be allowed for the value of the franchise unless the franchise was purchased from the county, and then only the actual purchase price. The manner and method of adjustment shall be prescribed in the ordinance.

§ 1405. **Repeal of franchises; audit of grantees accounts.** All grants, renewals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the county:

1. to repeal the same by ordinance at any time for misuse or non-use, or for failure to begin construction within the time prescribed in the ordinance or otherwise to comply with the terms thereof;

2. to audit the accounts and records of the company operating the utility or any holding company owning or controlling a majority of its stock, at any time, and to require annual and other reports from each such company.

ARTICLE XV DISTRICTS, TOWNS, VILLAGES AND CITIES

Section 1501. Towns, cities, villages, school districts and special districts to continue.
1502. Creation and extension of special districts.

§ 1501. **Towns, cities, villages, school districts and special districts to continue.** The towns, cities, villages, school districts and special districts of the county, as they exist on the date on which this act becomes effective therein, shall continue to exist and, except as otherwise provided in this act, with their present organization, rights, powers, duties and obligations. Nothing herein contained shall be taken to prevent the incorporation of cities and villages under the laws of the state, nor such changes in their organization, rights, powers, duties and obligations as may be made by general law or, in the case of cities, under the authority of the home rule act.

§ 1502. **Creation and extension of special districts.** Special districts shall be created and extended hereafter and improvements constructed or services supplied therein in the manner provided by law, subject to the provisions of this act. Upon the presentation of a petition for the creation or extension of a water, sewer, drainage or garbage and refuse collection and disposal district and the construction of improvements or the supplying of services therein, the town board shall take no action thereon but shall direct the town clerk to prepare and certify a copy thereof and to file such copy in the office of the clerk of the Board of Supervisors of the county. The clerk of the Board of Supervisors shall submit such copy to the Board of Supervisors at a regular meeting thereof and such board shall determine by resolution whether the creation or extension of the district and the construction of the improvement or the supplying of the service proposed (a) conform with a comprehensive or general plan therefor, adopted for the county; (b) are in the best interests of the inhabitants of the county as a whole.

If the Board of Supervisors shall determine either or both of such questions in the negative, it shall adopt a resolution disapproving the creation or extension of such district. If the Board of Supervisors shall determine both of such questions in the affirmative, it may adopt a resolution approving accordingly. Any person aggrieved by the action of the Board of Supervisors in disapproving the creation or extension of such a district may review the same by certiorari provided that application for such order of certiorari is made within thirty days from the date of adoption of the resolution of disapproval by the Board of Supervisors. Within five days after the adoption of a resolution so approving or disapproving, the clerk of the Board of Supervisors shall file a certified copy of such resolution with the town clerk of the town affected and the town clerk shall present the same to the town board of the town at the next regular meeting thereof. If the resolution shall disapprove the creation or extension of the district, the town board shall forthwith adopt a resolution denying the petition. If the resolution shall

approve, the town board shall act upon said petition in the manner otherwise provided by law.

(Section amended by L. 1937 Ch. 618 § 33, in effect January 1, 1938; Subd. (a) amended by L. 1948 Ch. 130, in effect March 6, 1948.)

ARTICLE XVI DIVISION OF PLANNING

Section	1601	Division established; planning commission; members; terms; vacancies, alternates, training requirements.
	1602.	Organization; rules of procedure; employees.
	1603.	Duties of the Division.
	1604.	Method of operation.
	1605.	Official maps in unincorporated territory.
	1606.	Zoning powers of towns, cities and villages continued.
	1607.	Extension of zoning powers of towns.
	1608.	Power to zone within three hundred feet of boundary restricted.
	1609.	Filing of ordinances and maps.
	1610.	Approval of plats; penalty for use of unapproved plat.
	1611.	Environmental Quality review.
	1612	Environmental Program

§1601. **Division established; planning commission; members; terms; vacancies, alternates, training requirements**. a. There are hereby established a Planning Division within the Department of Public Works and a County Planning Commission. The County Planning Commission shall be comprised of nine voting members, appointed by the County Executive subject to the approval of the Legislature, all of whom shall be residents of the County so appointed that there shall be at least one resident from each of the several towns. It shall also include one non-voting member, appointed by the Commissioner of Public Works, who shall be called the Director of Planning and who shall supervise the Planning Division. Among the nine voting members of the County Planning Commission, at least four shall be residents of incorporated villages, at least one shall be an active member of an environmental or conservation organization or hold an undergraduate or graduate degree in a field of study related to the sustainability of the environment or the conservation of natural resources, at least one shall be an active member of an organization advocating the interests of businesses within the County or an active member of a chamber of commerce, and at least one shall be an active member of an organization advocating the interests of the minority residents of the County or a member of a community development agency or a public housing agency or authority.

The terms of office of the voting members of the County Planning Commission appointed to serve terms which commenced prior to January first, nineteen hundred ninety-six shall terminate December thirty-first, nineteen hundred ninety-five. For those members appointed to serve on the County Planning Commission on or after January first, nineteen hundred ninety-six the term of office shall be three years, except for those initially appointed who shall serve staggered terms as follows: three members for terms commencing January first, nineteen hundred ninety-six and expiring December thirty-first, nineteen hundred ninety-six (one year); three members for terms commencing January first, nineteen hundred ninety-six and expiring December thirty-first, nineteen

hundred ninety-seven (two years); and three members for terms commencing January first, nineteen hundred ninety-six and expiring December thirty-first, nineteen hundred ninety-eight (three years). When making the appointments, the County Executive shall indicate the length of the term of each member. For the purpose of making the above appointments, any city heretofore or hereafter created from the territory of any town shall be considered to be part of that town. Vacancies shall be filled by appointment of a County resident as described above with respect to which such vacancy has occurred.

b. **Alternate members of the County Planning Commission**. The County Executive may appoint for a term of three years, subject to the approval of the Legislature, no more than two residents of Nassau County to be alternate members of the County Planning Commission, who shall substitute for any member who is absent, unable to serve, physically incapacitated, or prohibited by law or disqualified from participation. The County Planning Commission may establish in its rules of procedure established pursuant to section sixteen hundred two of this article, such additional procedures with respect to alternate members as it deems necessary.

c. **Training requirements**. Each member of the County Planning Commission and each alternate member shall complete at least four hours of training approved by the Director of Planning each year, designed to enable such members to more effectively carry out their duties. Approved training completed by a member in excess of four hours in any one year may be carried over into succeeding years in order to meet the requirements of this subdivision. Providers of such training shall include, but not be limited to, a municipal agency or department, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, accredited continuing legal education provider, or a college or university. Training may be provided in a variety of formats, including but not limited to electronic media, video, distance learning and traditional classroom training. A member or alternate member shall not be eligible for reappointment unless such member has completed training in accordance with the requirements of this section. A member's failure to comply with the requirements set forth herein shall not void or invalidate any action taken by the County Planning Commission.

(Amended by L. 1955 Ch. 848, in effect May 1, 1955: Amended by Local Law No. 11-1994, in effect January 1, 1996; Local Law No. 12-2004; amended by Local Law 6-2009, signed by the County Executive on April 9, 2009: amended by Local Law No. 5-2012 signed by the County Executive on June 14, 2011)

§ 1602. **Organization; rules of procedure; employees**. a. The County Planning Commission shall select from its own voting members a chairperson and vice-chairperson, and shall adopt its own rules of procedure, which may include, but shall not be not limited to, authorization to select such additional vice-chairpersons or other officers as the County Planning Commission determines is necessary and appropriate.

b. The Commissioner of Public Works shall have power, within the limits of the appropriation made by the Legislature, to appoint and employ deputies to the Director of Planning, as he or she deems necessary and appropriate, who may act generally for and in place of the Director; and other necessary clerical assistance, and to employ or contract with such city planners, engineers, architects, and other assistants as may be necessary in the performance of the duties of the Planning Division and the County Planning Commission.

XVI: Division of Planning

(Amended by Local Law No. 8. 1967, in effect May 22, 1967; Local Law No 12-2004; amended by local law 6-2009, signed by the County Executive on April 9, 20009; amended by Local Law No. 5-2012 signed by the County Executive on June 14, 2011)

§ 1603. **Duties of the Division.** It shall be the duty of the Department of Public Works through its Division of Planning, in coordination with the County Planning Commission, to:

a. Advise and report to the County Executive, the Legislature and other departments of the County government with respect to the physical development of the County, to the end that governmental activities in and for the County that are within the jurisdiction of the County government will contribute toward achieving and maintaining a character of development in the County that will be physically harmonious, economically sound, environmentally sustainable and socially beneficial.

b. Perform such administrative duties as are set forth in this article and such others as may be assigned to the Department from time to time by the County Executive or the Legislature.

c. Advise and consult with the planning boards and other agencies and officials of the cities, incorporated villages, and towns in the County with respect to such of their activities as relate directly to the physical development of the territories under their respective jurisdictions and invite suggestions from state and federal officials, with the same objective as that set forth in paragraph a of this section.

d. To promote commerce and industry within the County by undertaking the following powers and duties:

1. To confer with and advise the County Executive and the County Legislature on all matters concerning the commercial and industrial development of the County.

2. To advertise the commercial and industrial advantages and opportunities of the County within the means provided by any appropriations made therefore by the County Legislature.

3. To collect data and information as to the type of commerce and industries best suited to the County.

4. To develop, compile and coordinate information regarding available areas suitable for commercial and industrial development.

5. To study and recommend means of encouraging the orderly development of areas suitable for commercial and industrial development and to promote suitable improvement of such areas of the County.

6. To aid the County Executive, the County Legislature and County Planning Commission in the attraction of new commercial business and industries and in the encouragement of expansion by existing industries and business.

7. To cooperate with all community groups which are dedicated to orderly commercial, industrial and economic expansion of the County, and to furnish them such aid and advice as is deemed appropriate.

8. To cooperate with all commercial establishments, industries and businesses in the County in the solution of any community problems which they might have, and to encourage the managements of such concerns to have a healthy and constructive interest in the County's welfare.

9. To periodically survey the County to determine whether the County furnishes such services and facilities as are conductive to industrial and economic expansion.

10. To issue publications and reports designed to promote the County's commercial and industrial growth and development.

11. To recommend to the County Executive and the County Legislature policies and procedures in carrying out the purpose of this section.

12. To submit an annual report to the County Executive and the County Legislature on commercial and industrial development.

13. To engage in such activities as will promote the economic well being of the County, including but not limited to promoting environmental sustainability and efficient transportation systems throughout the County.

(Former § 1603 repealed and a new § 1603 added by L. 1956 Ch. 917, in effect April 20, 1956. Subdivision d added by Local Law No. 21-1999, in effect December 15, 1999. Former subdivision e added by Local Law No. 21-1999, in effect December 15, 1999, and amended by Local Law No. 1-2001 and Local Law No. 26-2002; further amended by Local Law 6-2009, signed by the County Executive on April 9, 2009; amended by Local Law No. 5-2012 signed by the County Executive on June 14, 2011.)[17]

§ 1604. **Method of operation.** In the performance of its duties as set forth in section sixteen hundred three the Division of Planning in coordination with the County Planning Commission, shall:

a. Study the characteristics of and trends in population, economic activity, land use, and related aspects of physical development in the County, taking into account conditions affecting such characteristics and trends both within the County and having a bearing on the County as a part of the intercommunity composite of the New York metropolitan area. In furtherance of the provisions of this paragraph, the County Planning Commission shall, no later than January first, nineteen hundred ninety-nine, prepare and adopt a comprehensive master plan for the development of the entire area of the County which master plan shall include studies and recommendations regarding highways and transportation, economic development, parks, public water supply, air quality, solid waste disposal, historic preservation, wastewater treatment, open space preservation, environmental conservation and sustainability, future land use and availability of housing. Such master plan shall be revised and updated whenever and as often as the

[17] Former subdivision (e) provided for a Nassau County Motion Picture/Television Film Commission. Local Law No. 26-2002 provided that the Commission would terminate on December 31, 2004 unless otherwise reauthorized by an act of the Legislature. The Commission was not reauthorized. The text of former subdivision (e) of section 1603, providing for the Commission, originally appeared as subdivision 5 of section 2109 of the Charter. It was repealed and placed in section 1603 by Local Law No. 21-1999.)

County Planning Commission may deem it in the public interest, but at least once every five years after its initial adoption. Nothing herein shall be construed as limiting or diminishing the powers and authority of the several towns, cities and villages within the County to exercise, amend and enforce their own zoning and land use codes and local laws and to publish and adopt a comprehensive plan limited to such town, city or village.

b. Make such studies of and recommendations and plans relating to such phases of the physical development of the County as may be directed from time to time by the County Executive or the County Legislature.

c. Provide, within its ability to do so within the funds appropriated for its work, such information relating to the physical development of the County as may be requested by other departments or officials of the County government.

d. Maintain information as to the activities of and the regulations in effect in the cities, incorporated villages, and towns in the County that relate directly to the physical development of the respective territories thereof and, within its ability to do so within the funds appropriated for its work, advise the planning boards and the other officials of such cities, incorporated villages, and towns, either on their request or on the initiative of the Division of Planning with respect to such activities and regulations therein.

(Former § 1604 repealed. new § 1604 added by L. 1956 Ch. 917, in effect April 20, 1956; amended by Local Law No. 11-1994, in effect January 1, 1996; amended by Local Law No. 12-2004; amended by local law 6-2009, signed by the County Executive on April 9, 2009; amended by Local Law No. 5-2011 signed by the County Executive on June 14, 2011.)

§ 1605. **Official map unincorporated territory.**

Official map unincorporated territory.

a. The word "street" when used in this section shall mean and include all types of thoroughfares for public travel, however the same may be designated.

b. The Legislature may by resolution establish an official map of all or any part of the unincorporated territory of any town in the County, which map shall show (1) all streets, including rights of way therefore laid out or established for proposed streets or for the widening or realignment of existing streets, and (2) rights of way for storm water drainage or for sewerage, which have theretofore been laid out, adopted, or established, and such map shall be final and conclusive with respect to the locations and widths thereof. Said board thereafter, whenever and as often as it may deem it to be in the public interest, may by adding streets thereto, including proposed streets, the widening, realigning or altering of existing streets and removing closed or abandoned streets therefrom or by (2) adding thereto rights of way for storm water drainage or for sewerage, including proposed rights of way therefore, or moving such rights of way therefrom. The official map established by the Legislature and any amendments thereto shall become effective upon the filing of a certified copy of the resolution of the Legislature establishing said official map or any amendments thereto in the office of the County Planning Commission.

c. The layout, widening, realigning or closing of streets by any agency of the County government or by any agency of a town government or by any official or agency of the State of New York or a public authority created pursuant to the provisions of the public authorities law of the state having jurisdiction, shall be deemed to be an amendment of

the official map covering unincorporated territory within which such streets are located and such amendment shall take effect upon the date of the filing in the office of the County Planning Commission the map of the layout, widening, realigning or closing of streets and of the ordinance, resolution or order of the agency of the County government or the agency or a town government laying out, widening, realigning or closing the street or streets, or the certificate of such official or agency of the State of New York or such public authority showing such laying out, widening, realigning or closing. The streets, rights of way for storm water drainage or for sewerage shown on the plat of any subdivision approved as provided in this article shall, upon the filing of such plat in the office of the County Clerk, become a part of any official map covering any unincorporated territory within which such streets and rights of way are located.

d. No building or other structure or part thereof shall be erected within or be moved to within the bed of any street or any right of way for storm water drainage or for sewerage shown in any official map established under the provisions of this section nor within such distance from the lines of any such streets as may be specified by or pursuant to the regulations applying to the dimensions of yards or otherwise to the location of buildings, as the same are set forth in any zoning ordinance applying to any territory covered by such official map. If such limitation as to the location of buildings and other structures in relation to such streets or rights of way would have the effect of depriving the owner of any land lying within the lines of any such street or right of way shown on any official map established under the provision of this section of the reasonable use of such land or the yield of a fair-return on the value thereof, the County Planning Commission upon application by such owner in such form as the commission shall require, shall have the power, acting by a vote of a majority of its members and on a finding setting forth the aforesaid effect and the reasons therefor, to consent to the issuance of a permit for a building or structure or part thereof encroaching on any such mapped street or right of way to an extent that will as little as practicable increase the cost of opening such street or acquiring such right of way. The County Planning Commission may impose such reasonable conditions and requirements in connection with such action as will inure the benefit of the public. Upon such consent, such building or other structure may be located in accordance with the terms thereof, subject to all other applicable provisions of law. Before taking any action authorized by this section, the County Planning Commission shall hold a hearing at which parties in interest and others shall have an opportunity to be heard. The County Planning Commission shall hold a hearing before taking any action pursuant to this section, notice of such hearing to be published in the official newspapers at least ten days prior to the date of said hearing.

e. The powers and duties of the Legislature and the County Planning Commission with respect to official maps covering land in unincorporated territory in Nassau County, as specified in this section, shall supersede the powers of town boards and of planning boards and boards of appeals of towns with respect thereto as set forth in the town law.
(Former §1605 repealed, new §1605 added by L 1956 Ch. 917, in effect April 20, 1956; amended by local law 6-2009, signed by the County Executive on April 9, 2009)

§ 1606. **Zoning powers of towns, cities and villages continued.** Except as otherwise provided in sections sixteen hundred seven and eight of this article, the laws of this article, the laws of this state as they now are or may hereafter be conferring on towns,

villages and cities and the offices, boards and commissions thereof, powers with regard to the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes shall remain in force in such towns, villages and cities.
(Amended by L 1956 Ch. 917, in effect April 20, 1956.)

§ 1607. **Extension of zoning powers of town.** The powers now or hereafter conferred by law on any town board or commission thereof with regard to the matters set forth in the preceding section shall also be exclusively exercised thereby within all portions of such town unincorporated as a village as of January 1, 1963, irrespective of the inclusion thereof in a village erected or incorporated after such date. Such powers may also be exercised by any such town or the appropriate board or commission thereof by a two-thirds vote of such board or commission within all portions of the town within three hundred feet of any public navigable water-way, for the purpose of adopting a higher or more restrictive classification therefor.
(Amended by Local Law No. 23-2002)

§ 1608. **Power to zone within three hundred feet of boundary restricted**. No action governed by section two hundred thirty-nine-m of the General Municipal Law shall be approved by any city, town or village within the County until such proposed action has been referred to the County Planning Commission for its review and recommendation as provided by such section, subject to any exception provided therein. The County Planning Commission may adopt regulations governing its review of such actions. In addition, no zoning ordinance or amendment thereto passed, after the date on which this act becomes effective in the County, by any village partly or wholly in any town relating to any portion of such village within such town and within three hundred feet of the boundary of such village, shall take effect in respect to such portion of such village until the ordinance or amendment has been submitted to the town board of the town in which such portion of such village is situated and been approved thereby. The ordinance or amendment shall be deemed to have been approved unless within thirty days after the same has been filed with the town board a resolution disapproving it is adopted by a two-thirds vote of such board, after a public hearing thereon. At least seven days prior written notice of such hearing shall be given to the clerk of the village affected. Similar notice shall be given in writing to any state park commission having jurisdiction of any park or parkway situated within three hundred feet of the land affected by the proposed ordinance or amendment.
(Amended by L. 949 Ch. 707 §, in effect May 1, 1949; amended by Local Law 6-2009, signed by the County Executive on April 9, 2009)

§ 1609. **Filing of ordinances and maps.** At the date on which this act becomes effective in the County, certified copies of all master plans, zoning ordinances or portions thereof in effect therein, with all accompanying maps and charts, shall be filed with the County Clerk, and all amendments to such ordinances, plans, maps or charts thereafter adopted shall likewise be filed with the County Clerk. Electronic or paper copies of all such filings shall be provided to the County Planning Commission.
(Amended by Local Law 6-2009, signed by the County Executive on April 9, 2009)

§ 1610**. Approval of maps; penalty for use of unapproved map.**

a. Definitions. For the purposes of this section, the following words, phrases, terms and their derivations shall have the meaning given herein:

1. "Condominium" means the form of real property ownership as set forth in New York Real Property Law.

2. "Cooperative" means a building owned under the form of ownership as set forth in the New York Cooperative Corporations Law.

3. "Lot" means a site, block, unit, parcel, plot or tract of land.

4. "Major subdivision" means a subdivision that is not a minor subdivision as defined in this subsection.

5. "Map" or "plat" shall mean a drawing, prepared in a manner prescribed by the regulations of the County Planning Commission, showing a proposed subdivision and containing all information required by the County Planning Commission for its approval.

(A) "Final map" means a map presented to the County Planning Commission for final approval and which, if approved, shall qualify the map for recording in by the County Clerk or on the register of the municipality in which such map is registered.

(B) "Final map approval" means the signing of a map in final form by a duly authorized officer of the County Planning Commission pursuant to a resolution granting final approval to the map or after conditions specified in a resolution granting conditional approval of the map are completed. Only approval as defined in this provision qualifies the map for recording in the office of the County Clerk.

(C) "Preliminary map" means a drawing prepared in a manner prescribed by the regulations of the County Planning Commission, including, but not limited to, the layout, building units, parking areas, common open space and recreational facilities of a proposed subdivision, , road and lot layout and dimensions, key plan, topography and drainage, planting buffers, all existing and proposed facilities, including preliminary plans and profiles, at suitable scale and in such detail as the regulations may require.

(D) "Preliminary map approval" means the approval of the layout of a proposed subdivision as set forth in a preliminary map but subject to the approval of the map in final form in accordance with the provisions of this section.

6. "Minor subdivision" means any proposed subdivision resulting in fewer than five lots provided, however, that the Planning Division of the Department of Public Works may determine to be a major subdivision any proposed subdivision that: (a) will

result in or necessitate a new or modified public improvement; (b) presents material drainage or slope changes or other environmental considerations; (c) is on or contiguous to a special groundwater protection area, wetland, or park ; or (d) is part of or contiguous to a subdivision that was approved by the County Planning Commission not more than three years prior to receipt by the Planning Division of the application for such proposed subdivision.

(Amended by Local Law No. 5-2012, signed by the County Executive on June 14, 2011)

7. "Owner" means a person having legal title to or a sufficient proprietary interest to legally effectuate transfer of the property sought to be subdivided.

8. "Person" shall mean an individual, partnership, firm, association, trust, company, corporation or other business entity.

9. "Planning authority" shall mean a municipal planning board or commission authorized by such municipality to consider and approve preliminary and final maps for the subdivision of real property.

10. "Public improvement" means a drainage ditch, street, parkway, sanitary sewer, water main, electric facility, sidewalk, walkway, tree, lawn, off-street parking area, lot improvement, stormwater recharge basin, or any other facility for which a municipality may assume the responsibility for maintenance and operation, or which may constitute an improvement for which municipal responsibility is subsequently established by appropriate municipal authority.

11. "Sale" means any transfer of fee ownership, or any transfer of use rights conferring exclusive possession, whether by metes and bounds, deed, contract, plat, map or other written instrument.

12. "Street" shall mean a public or private roadway, unless otherwise specified herein. For the purpose of regulating subdivisions, the County Planning Commission may adopt regulations distinguishing different types of streets.

13. "Subdivide" or "subdivision" shall mean the partition or division of any lot into two or more lots, or any combination thereof. The term "subdivision" shall include (a) any alteration of lot lines or dimensions of any lots or sites shown on a map previously approved and filed in the office of the County Clerk or register of the County in which such property is located; and (b) any description of lot lines, including but not limited to tax lot lines, or dimensions on a deed that results in or constitutes a partition or division of any lot, including but not limited to a tax lot shown on a map and filed in the office of the County Clerk or register of the County in which such property is located.

14. "Subdivider" means an owner, or the authorized agent or employee of an owner, who commences proceedings to effectuate a subdivision of real property for his or her own behalf or on behalf of the owner or any group or association of all the owners of such property.

15. "Unit" means a space, regardless of whether such space is used for residential, commercial, mixed or other use, or whether title is held in fee simple, a condominium, cooperative, or any mixed form of ownership.

16. "Utilities" means water, sewer, lighting, fire alarms, electric power, television, telecommunications, gas, as well as mains, conduits, piping, or other facilities related thereto.

b. **Authority to review and approve subdivision maps.** In order to further the health, safety and general welfare of the residents of Nassau County and to promote the coordinated, sustainable and efficient development of the County, the County Planning Commission shall have, but not be limited to, the powers set forth below.

1. Every person, except for cemetery corporations within the County of Nassau, who as owner or agent of the owner of real property situated in the County of Nassau, subdivides such property, regardless of whether any such subdivision contains streets or is subdivided by lot, or by metes and bounds, shall obtain approval as required by this section and shall file or cause to be filed in the Office of the Clerk of Nassau County a map or maps of such real property. No map of a subdivision of land partly or wholly within the County shall be filed until it shall have been approved by each planning commission and/or planning authority having jurisdiction over that area and the approval thereof entered on the plat by the chairperson, director or such agent as may be authorized by the planning commission and/or planning authority thereof. For the purposes of this section, the County Planning Commission shall be a planning authority with jurisdiction over all portions of the County outside of cities and villages or within a city or village and within three hundred feet of the boundary of such cities and villages, and the planning authority or commission of any city or village or, if there be no planning board or commission, the board of zoning appeals of such city or village shall be the planning authority of such city or village, with jurisdiction over all portions of such city or village and over all territory outside of such city or village and within three hundred feet of the boundaries of such city or village.

2 Notwithstanding section 334-a of the New York Real Property Law, no map proposed for the subdivision of real property shall be exempt from the requirements set forth in paragraph one of this subdivision solely because a map for the subdivision of such real property had been filed prior to January twelfth, nineteen hundred forty-five.

3. The requirements of this subdivision are subject to the following exception pertaining to the conversion to condominium, cooperative or mixed form of ownership: where there is a conversion of an existing structure into units, which structure: (1) was in existence and legally occupied prior to August fifth, nineteen hundred eighty-seven; and (2) where title to said units is to be held in a condominium, cooperative or mixed form of ownership; and (3) the use thereof is in compliance with this section and with the zoning and planning regulations of the city, town or village, as the case may be, in which the structure is located.

c. **Minor subdivision approval**. Where a subdivider proposes a minor subdivision and such subdivision conforms, with or without approved variances, to the applicable planning and zoning regulations or ordinances of the city, town or village, as the case may be, the subdivider may apply in writing to the County Planning Commission to request approval of such subdivision pursuant to this provision. The County Planning Commission shall, by regulation, adopt streamlined procedures and application filing requirements for minor subdivision applications. Not later than sixty–two days after the County Planning Commission receives an application for subdivision approval that the Planning Department has determined proposes a minor subdivision, and deems such application complete, the County Planning Commission shall consider such minor subdivision at a public hearing. The County Planning Commission shall make a determination approving, approving with conditions or denying any minor subdivision requests within sixty-two days after the application is deemed complete, unless such a period shall have been extended by consent of the applicant or the County Planning Commission has deemed an extension of time to be in the best interest of the public. Approval by the County Planning Commission of a minor subdivision shall remain in effect for no more than one year after the date of certification of the resolution granting such approval unless upon application and for good cause shown, the County Planning Commission in its discretion extends the effectiveness of such. The Planning Commission may grant such an extension for a period of up to six months from the expiration of effectiveness of the original resolution and the total extensions granted by the Commission may not exceed one year from such expiration. In lieu of a new subdivision application, a property owner or authorized agent may apply for an extension of time for filing the survey and deeds of an approved minor subdivision if such extension request is submitted within one year from the date of certification of the resolution granting initial approval or prior to the expiration of any extension previously granted by the Commission.

3. Upon timely completion of all requirements constituting the conditions for its final approval, the final map shall be certified in writing as approved by the Chairperson, Executive Commissioner or other duly authorized agent of the County Planning Commission. A subdivider shall file the approved map, together with one duplicate tracing, with the County Clerk no later than one year following the date of certification of the resolution granting approval of such map; provided, however, that the County Planning Commission may in its sole discretion extend the time period by which an approved final map must be so filed, but such period shall not extend more than one year from the date of expiration of the deadline for filing the map pursuant to the original certified resolution granting approval, and provided further that no single such extension shall be granted for a period of more than six months. In lieu of a new subdivision map application, a property owner or authorized agent may apply for an extension of time for filing the map of an approved major subdivision if such extension request is submitted within one year from the date of certification of approval or prior to the expiration of any extension previously granted by the Commission. Duplicate tracings of the map as prescribed by regulation shall be presented at the office of the County Planning Commission.

d. **Major subdivision preliminary map approval.** Where a subdivider proposes a

major subdivision, the subdivider shall submit a preliminary map to the County Planning Commission. Such a preliminary map shall be clearly marked "preliminary map" and shall conform to the all requirements for preliminary maps as provided in this section and the regulations of the County Planning Commission. Not later than sixty–two days after the County Planning Commission receives an application for preliminary map approval that it deems complete, the County Planning Commission shall consider such preliminary map at a public hearing. Not later than sixty-two days after the date of such hearing, the Commission shall approve, conditionally approve or disapprove such preliminary map and shall state on the record the reasons for its determination. Not later than fourteen days after the Commission approves a preliminary map, it shall file certification of such approval in the office of the Commission and mail such certification to the subdivider. The time by which the Commission must take action on a preliminary map as provided herein may be extended by mutual consent of the Commission and the subdivider or if the Commission deems such extension of time to be in the public interest.

e. **Major subdivision final map approval.** 1. Not later than twelve months after the County Planning Commission approves a subdivider's preliminary map, or longer upon the Commission's consent, such subdivider shall submit a final map with a complete application for final approval as provided by this subdivision and regulations adopted pursuant to this section. Such application shall include all municipal or governmental agency approvals as may by law or regulation be required, including but not limited to the approvals set forth in Real Property Law Section 334-a, subdivisions two through fourteen. The applicant shall also provide an estimate of the cost of public improvements and utilities; the consent of the mortgagee(s) to the filing of the map; a certificate of title of an approved title company, in a form satisfactory to the County Planning Commission, certifying record title in the name of the applicant; prints of the final map as may be required; and any required fee. Such application shall be filed with the County Planning Commission not later than twenty-one days before a regular meeting of the County Planning Commission, which time period the County Planning Commission may reduce for good cause shown, but in no event shall the public hearing on the final map be on less than seven days notice. The County Planning Commission may revoke its approval of a subdivider's preliminary map if his or her application for final map approval is not timely submitted. Not later than sixty-two days after a subdivider submits his or her complete application for final map approval, the County Planning Commission shall consider such final map at a public hearing. The County Planning Commission shall by resolution approve, conditionally approve, or disapprove a final map not later than sixty-two days after the date of public hearing to consider such final map. The time by which the County Planning Commission must take action on a final map as provided herein may be extended by mutual consent of the County Planning Commission and the subdivider, or the County Planning Commission has deemed an extension of time to be in the best interest of the public.

2. Not later than forty-five days after a final map is approved, the applicant shall submit to the County Planning Commission, as provided herein and by regulation of the County Planning Commission, a surety company bond and/or cash security in an amount determined by the County Planning Commission and in accordance with a form supplied by the County Planning Commission to ensure timely and satisfactory completion of any

improvements upon which the County Planning Commission conditioned its final approval of a map. There shall also be included in determining the amount of such bond and/or cash security the reasonable cost of inspection of any such improvements by the County Planning Commission, the estimated cost for employing private security to guard any storm water drainage or storage basins required to be installed by the County Planning Commission, the cost of liability insurance, and the estimated cost of installation of necessary utilities. The County Planning Commission may, in its sole discretion, accept assurance in writing from each utility supplier whose facilities are proposed to be installed. When such a written assurance is acceptable, it shall be addressed to the County Planning Commission and state that such utility supplier will make the installations necessary not later than a date satisfactory to the County Planning Commission.

3. Upon timely completion of all requirements constituting the conditions for its final approval, the final map shall be certified in writing as approved by the Chairperson, Executive Commissioner or other duly authorized agent of the County Planning Commission. A subdivider shall file the approved map, together with one duplicate tracing, with the County Clerk no later than ninety days following the date of certification of the resolution granting approval of such map; provided, however, that the County Planning Commission may in its sole discretion extend the time period by which an approved final map must be so filed, but such period shall not extend more than one year from the date of initial approval. In lieu of a new subdivision map application, a property owner or authorized agent may apply for an extension of time for filing the map of an approved major subdivision if such extension request is submitted within one year from the date of initial map approval Duplicate tracings of the map as prescribed by regulation shall be presented at the office of the County Planning Commission.

4. The filing of an approved map shall constitute an irrevocable offer of dedication by the owner of the land to the municipality having jurisdiction of public streets, public roads or public highways shown on said map; provided, however, that such filing of an approved map shall not be deemed to constitute or effect such municipality's agreement to dedicate any street or other open space shown upon such map.

f. **Subdivider duty to provide notice of public hearings.** 1. A subdivider seeking approval of a proposed subdivision shall provide to all property owners of record as of the most recent county assessment roll whose property is within two hundred feet of the perimeter of the subject property notice of the time, date and location of any public hearing at which the Planning Commission will consider his or her application for such approval. Such notice (a) shall be provided no later than thirteen days before the date of such public hearing; except for public hearings on final map approvals if the County Planning Commission permits such a reduction of time, but in no event later than seven days notice, and (b) shall be sent by certified mail, return receipt requested, or by overnight mail with proof of delivery, on forms supplied by the Planning Division of the Department of Public Works. All hearings for major subdivision applications shall be advertised at least once in a newspaper of general circulation in the County at least thirteen days before the date of such hearing, or as otherwise directed by the Commission. Not later than five days before the date of such public hearing, such subdivider shall file with the Planning Division an affidavit, executed by the applicant on

a form supplied by the Planning Division, stating the name and address of each person to whom notice was sent and the date when such notice was sent. In addition to the foregoing notice requirement, the major subdivision applicant may be required to post copies of such notice in such places and in such manners as may be prescribed by the County Planning Commission and may further be required to advertise in such manner as the County Planning Commission deems most appropriate to provide for full public consideration of such proposed subdivision. Additional notice shall not be required when a hearing has been adjourned or continued, unless otherwise required by the County Planning Commission.

(Amended by Local Law No. 5-2012, signed by the County Executive on June 14, 2011)

g. **Authority to adopt regulations.** 1. The County Planning Commission is hereby authorized to establish and amend, by resolution, regulations for the subdivision of land consistent with the provisions of this article. Before adopting such regulations the County Planning Commission shall hold a public hearing on the proposed regulations and any amendments thereto not sooner than fourteen days after the date notice of the time and place of such hearing is given by publication in the official newspapers of the County. Such regulations shall be submitted to the Nassau County Legislature for its approval by ordinance; provided, however, that the failure of the Legislature to enact such an ordinance shall not prevent the exercise by the County Planning Commission of the powers conferred by this provision. The Planning Commission may vary, subject to appropriate conditions, such requirements of the regulations established as provided in this section as in its judgment of the special circumstances and conditions relating to a particular plat are not requisite in the interest of the public health, safety and general welfare

a) Such regulations may provide, without limitation, for:

A. categories of applications subject or not subject to hearings;

B. requirements that the land shown on a map be of such a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace;

C. the proper arrangement and width of streets in relation to other existing or planned streets and to any master plan adopted by a city, town or village, for adequate convenience and suitable open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light, and air, and for the avoidance of congestion of population, including minimum width and area of lots;

D. consideration of the character of the surrounding area and population density;

E. The terms and conditions of the posting of bonds, inspection requirements, liability insurance requirements, and

F. Any other requirements governing the subdivision of land in the County appropriate and consistent with the provisions of this section.

3. Such regulations may condition the approval of all subdivision applications on requirements regarding but not limited to: (i) the extent to which streets, roads, highways and other public places shown upon the map shall be graded and improved; (ii) for the installation of sidewalks and curbs upon existing highways, roads or streets which intersect or bound the map; (iii) the extent to which water, sewer and other utility mains, piping, fire alarms, or other facilities, sidewalks, curbs, gutters, street signs and lighting standards shall be installed in accordance with standards, specifications and procedure of County and town highway officials; (iv) where lots or plots are to back on highways, roads or streets existing or shown on the plat; (v) the extent and nature of planting or screening which shall be installed; (vi) that suitable monuments be placed at such block corners and other points as may be required by the County Planning Commission and (vii) the terms and conditions under which a subdivider shall submit a bond and/or cash to secure the completion of the subdivision in accordance with the conditions of approval and all applicable law.

h. **Bonding Requirements; Public Improvements**. No public improvements shall be commenced or utilities installed pending final approval of the plat by the County Planning Commission and/or the planning authority or authorities having jurisdiction thereof and filing in the Office of the County Clerk. Prior to the final approval of the plat the Planning Commission may accept a bond with surety and/or cash security by certified check to secure to the County, city or village, as the case may be the actual construction and installation of such improvements or utilities and the reasonable cost of inspection on behalf of the County Planning Commission during such construction, at a time and according to specifications fixed by the County Planning Commission and in accordance with the regulations. If any public utility company whose facilities are proposed to be installed shall file with the Commission satisfactory assurance that such utility company will make the installations necessary for the furnishing of its services within the time satisfactory to the Planning Commission, the Commission in its discretion may waive the bond as to the utility to be furnished. The term of such bond may be extended by the Planning Commission with the consent of the parties thereto after a public hearing held upon notice as provided in subdivision e of section sixteen hundred ten of this article with respect to the final approval of plats for the subdivision of land. If the Planning Commission shall decide at any time during the term of the said bond and/or cash security that the extent of development which has taken place in the subdivision is not sufficient to warrant all the improvements covered by such bond, and/or cash security or that required improvements have been installed as provided in this section is in sufficient amount to warrant reduction in the face amount of said bond, the Planning Commission after public hearing upon the same notice as required for the consideration of a plat may modify its requirements for any or all such improvements and the face amount of such bond and/or such cash security and/or surety may thereupon be either reduced or increased as in its judgment of the special circumstances and conditions of the particular plat may be required in the interest of the public health, safety and general welfare by an appropriate amount so that the new face amount will cover the cost in full of the amended list of improvements required by the County Planning Commission and any security deposited with the bond may be reduced, increased or modified proportionately. Upon the completion of the improvements covered by said bond and/or cash security to the satisfaction of the County Planning Commission and, should the municipality having

jurisdiction determine that it intends to accept dedication of such improvements, upon the acceptance by the municipality thereof, the County Planning Commission may, after a public hearing held upon notice as provided in this section with respect to the reduction of the face amount of such bonds, recommend the release of said bond and/or cash security and/or surety to the Legislature. In the event that any required improvements have not been installed as provided in this section within the term of such performance bond and/or cash security, the County Executive upon recommendation of the Commission may thereupon declare that said performance bond and/or cash security to be in default. The County, city or village, as the case may be, is hereby granted the power to enforce such bond, and/or cash security by all appropriate legal and equitable remedies. Upon the receipt of any sums of money collected upon said bond and/or cash security the County shall install such improvements as were covered thereby and are commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such monies so received. In the event that any improvements have been commenced or are being installed in violation of this section or the provisions of the resolution of the County Planning Commission approving the plat and/or not in accordance with the specifications of the County Planning Commission's regulations, the County, city or village, as the case may be, in addition to other remedies, may institute any appropriate action or proceeding to restrain, correct and/or abate such violation. Where under this section it is required that a plat shall be approved by both the County Planning Commission and the planning authority of any city or village or villages each such planning authority may require a bond and/or cash security covering the improvements as to the land within the jurisdiction of such authority under the law governing such planning authority, or the County Planning Commission and such planning authority may agree to accept one bond and/or cash security as to their respective interests therein. Except as to the requirement for joint approval of a plat, this section shall not be deemed to supersede or change any provision of law relating to the approval of plats of subdivisions in any city or village as to the land within such city or village.

i. **Civil Penalties.** 1. Except as provided in subdivision three of this subdivision (i – Civil Penalties), an owner or agent of an owner of any real property, structure or unit who advertises for sale or who transfers, sells, agrees to sell or negotiates to sell or offers for sale any lot (inclusive of shares in a cooperative corporation or interest in land shown upon a map by reference to or exhibition of, or by other use of a map of a subdivision) before such map has been approved by the Nassau County Planning Commission and/or each planning authority as provided in this section and filed in the Office of the Nassau County Clerk shall be subject to a penalty of not less than five hundred dollars nor more than five thousand dollars, payable to the County, for each and every lot in such proposed subdivision. The County and/or each planning authority may apply to the court for enforcement of such penalties and for injunctive action and may recover damages by a civil action.

2. An owner or agent of an owner of any real property structure or unit located within a subdivision who commences construction of any improvements without the approval of the County Planning Commission and/or each planning authority as provided in this section and filed in the Office of the Nassau County Clerk, shall be subject to a penalty

of not less than one thousand dollars nor more than ten thousand dollars, payable to the County, for each and every structure or improvement proposed in such subdivision. Reference to a map filed without authorization in an instrument or document of real property sale or transfer shall not exempt a party to such transaction from any penalty or remedy herein provided. The County and/or each planning authority may apply to the court for enforcement of such penalties and for injunctive action and may recover damages by a civil action.

3. Notwithstanding the foregoing provisions of this subdivision, an owner or agent of an owner of any land, structure or unit that is the subject of a plan of cooperative, condominium development or homeowners' association accepted for filing by the Office of the Attorney General of the State of New York and approved for purposes of offering and/or advertising to the public, may offer or advertise such land, structure or unit for sale, provided that:

(A) an application for final subdivision approval has been filed with the County Planning Commission and/or planning authority having jurisdiction thereof; and

(B) any payments received by an owner or agent of an owner of such land, structure or unit shall be deposited in an escrow account in accordance with the terms and provisions of such plan as accepted by the Attorney General of the State of New York, together with such other safeguards as the County Planning Commission and/or planning authority having jurisdiction may impose in the interests of protecting the general welfare; and

(C) all contracts or subscription agreements by which such land, structure or units are offered or advertised shall contain a notice, printed in boldface type and plain language, that said contracts and/or subscription agreements are expressly subject to final approval of the subdivision by the County Planning Commission and/or planning authority having jurisdiction thereof and that such approval may alter the proposed subdivision.

j. **County Clerk and Department of Assessment to confirm authorization to file map**.

1. The County Clerk shall not accept for filing a map for the subdivision of real property that does not bear certification that the County Planning Commission and/or all planning authorities having jurisdiction over such real property have approved such map for filing.

2. The County Clerk shall not accept a deed for recording that describes real property constituting less than a single lot.

3. The Department of Assessment shall not create a tax lot that describes real property constituting less than a single lot without the approval of the County Planning Commission and/or the planning authorities having jurisdiction over such real property.

4. The County Clerk shall notify the County Planning Commission in writing of the filing of any map approved by such County Planning Commission identifying such map by its title, date of filing and official file number.

5. Violation by the County Clerk or Department of Assessment of the requirements set forth in subsections (1) through (3) above shall be a misdemeanor subject to a fine of not less than one hundred dollars nor more than five hundred dollars.

k. **Review of Planning Division and Commission Determinations.** No decision by the Planning Division of the Department of Public Works regarding an application for subdivision approval shall be deemed a final determination until reviewed and acted upon by the County Planning Commission. Any person aggrieved by a final determination of the County Planning Commission may apply for review pursuant to article seventy-eight of the Civil Practice Law and Rules.

(Subd. 1 amended by L. 1949 Ch. 705; Subd. 2 amended by L. 1947 Ch. 866; Subds. 1 and 2 amended by L. 1956 Ch. 917; Local Law No. 8, 1989; Subd. 3 amended by L. 1950 Ch. 198, Subds. 3 and 5 amended by Local Law No. 4-1965; Local Law No. 11-1967; Subd. 3 and 5 amended by Local Law No. 3-1970; Subd. 5 amended by Local Law No. 8-1989; Subd. 6 amended by L. 1951 Ch. 783 § 2; Subds. 7 and 8 added by Local Law No. 8-1989, in effect September 25, 1989; subdivision 7 amended by Local Law No. 11- 2004; section further amended by Local Law 6-2009, signed by the County Executive on April 9, 2009 Subd c and e(3) amended by Local Law No. 5-2010, signed by the County Executive March 22, 2010; amended by Local Law No. 5-2012, signed by the County Executive on June 14, 2011)

§ 1611. **Environmental quality review.**

1. a. All environmental review conducted by the Planning Commission or any other department or agency of the County shall comply with article eight of the New York Environmental Conservation Law and the regulations promulgated pursuant thereto in title six of the New York Codes, Rules and Regulations ("NYCRR"). The Planning Commission may, consistent with such law and codes, promulgate regulations to effectuate the provisions of this section.

b. The cost of environmental review services performed by the County may be charged to an applicant. Pursuant to section 617.13 of title six of the NYCRR, such costs may include services performed by County staff as well as by outside consultants where appropriate.

2. Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this section shall have the same meaning as those defined in section 8-0105 of the Environmental Conservation Law and part six hundred seventeen of title six of NYCRR.

a. **Environmental review for actions by the Legislature and County agencies and departments.** The County Planning Commission may, at the request of the Legislature or any department head, or agency head of the County, serve as adviser to the Legislature or such department, or agency with the responsibility for implementing the provisions of this section. In response to such a request, the County Planning Commission shall submit recommendations to the Legislature or the requesting department or agency for consideration in connection with any decision whether to carry out or approve an action pursuant to the Environmental Conservation Law and the NYCRR.

b. **Environmental review of applications before the County Planning Commission.**

1. For the purpose of assisting in the determination by the County Planning Commission of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the County Planning Commission, in a form acceptable to the County Planning Commission containing the information required by title six of the NYCRR and such additional information as such Commission may require.

2. If the Commission determines that a proposed action may have a significant effect on the environment, the Commission shall proceed pursuant to the requirements set forth in part six hundred seventeen of title six of the NYCRR.

3. To the extent practicable, the County Planning Commission shall coordinate its review with any other time limitations provided by statute or local law, ordinance or regulation.

(Added by Local Law No. 1-1977 in effect June 1, 1977; amended by local law 6-2009, signed by the County Executive on April 2, 2009)

§1612. **Environmental Program**.

a. **Definitions**. For purposes of this section 1612, the following words shall have the following meanings:

"Active parkland" shall mean parkland that is used for primarily for sports, exercise, entertainment or active play.

"Environmental bond issue" or "bond issue" shall mean the serial bonds issued by the County or the finance authority for the purpose of establishing an environmental program pursuant to this section;

"Environmental program" or "program" shall mean projects funded by serial bonds in any amount[s] up to a total of fifty million dollars issued for such purchase of development rights, preservation of natural or scenic resources, improvement of parkland, or other open space purposes. "Environmental program" shall not refer to projects funded by any moneys other than the environmental bond issue;

"Finance authority" shall mean the Nassau County Interim Finance Authority established pursuant to chapter eighty-four of the laws of two thousand or the Nassau County Sewer and Storm Water Finance Authority established pursuant to chapter six hundred eighty-five of the laws of two thousand three, as appropriate;

"Improvement" shall mean an addition made to parkland or an amelioration of the condition of parkland or an amelioration of the condition of an improvement on parkland

amounting to more than routine maintenance;

"Natural or scenic resources" shall mean open areas and shall include but not be limited to, agricultural lands, including lands employed for the raising of livestock, defined as open lands actually used in bona fide agricultural production;

"Open space," "open land," or "open area" shall, as set forth in the section two hundred seventy-four of the general municipal law, mean any space or area: characterized by natural scenic beauty; or where the existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

"Open space purposes" shall have the definition ascribed to it under section 3-2.2.a (iii) of Chapter 272 of the laws of 1939 constituting Nassau County Administrative Code, (as amended by Local Law 7-2003).

b. **Establishment of environmental program**. Nassau County, or the finance authority are hereby authorized to issue, appropriate and expend fifty million dollars in serial bonds of the County of Nassau, via duly enacted bond ordinance(s) of the County of Nassau. All moneys raised pursuant to such bond issue shall be used to implement the environmental program pursuant to this subsection.

(i) The County Legislature may vote on a bond ordinance[s] and corresponding resolution[s] for a project or group of projects as per subdivision (e) of this local law in accordance with the Environmental Program. Thirteen affirmative votes for any bond ordinance shall authorize the County, or the finance authority to issue such bonds on behalf of the County.

(ii) The proceeds of all such bonds shall be deposited by the treasurer into one or more separately designated accounts and shall be used only for the purposes, and in the manner, set forth in this local law. The County may, in its discretion, deposit into such fund or funds additional moneys from other sources, including but not limited to, dedicated fees, grants, or any other moneys allowed by law; provided however that such additional moneys shall not be subject to the limitations set forth in this section.

c. **Dedicated tax and special revenue fund for payment of debt service**. A special revenue fund is hereby established, to commence in the first fiscal year in which debt service must be paid for bonds issued pursuant to the program, for the purpose of payment of debt service for projects authorized pursuant to the program. The County budget for the fiscal year in which debt service is payable on the bond pursuant to the program shall include a tax levy dedicated to the payment of debt service for County projects funded by the bond issue, provided that clean water projects pursuant to the program shall be funded by the district and the budget for the district commencing in

fiscal year two thousand eight shall include a tax levy to pay the debt service for such clean water projects. The taxes assessed pursuant to this section shall appear as a separate item on the tax bill submitted to property owners. Moneys raised through the tax levies authorized by this subdivision shall be placed in the special revenue fund and shall be used only for payment of such debt service. The County may, in its discretion, and as legally permissible, deposit other revenues into such fund; provided, however, that such other revenues shall not be subject to the limitation contained in this subdivision.

d. **Expenditures of the proceeds of the environmental bond issue for open space purposes**.

The net proceeds raised through the environmental program bond issue shall be expended for open space purposes. The net proceeds can also be used for the following which may or may not be included within the definition of open space purposes:

(i) Open space preservation.

(a) All real properties purchased in fee under the open space program pursuant to this subdivision may be limited by deed restriction to future use for only park, recreation, agricultural or open space purposes and may be dedicated as perpetual preservation lands.

(b) Parcels of land from which development rights or other interests are acquired may remain preserved in perpetuity via a permanent conservation easement or other means that similarly preserves the open space, ecological, water recharge, or scenic value of the parcel, or the agricultural character of the parcel of land.

(c) The County may enter into agreements with other municipalities within the County; with the state; and with other entities, as permitted by law, to purchase[,] development rights, conservation easements or other rights or interests in land for the purposes set forth in this law; provided, however, that the County contribution cannot exceed fifty percent of the total cost of such purchases.

(ii) Parks expansion and improvement. A portion of the net proceeds raised through the environmental program bond issue shall be expended for park expansion and improvement as follows:

(a) Acquisition and improvement of active parkland. A portion of the net proceeds raised pursuant to the environmental bond issue shall be expended for the acquisition or improvement of land for use as active parklands, except golf courses. In addition to such acquisition or improvement by the County, for purposes of this subparagraph, such acquisition or improvement may also be accomplished through written agreements with a municipality within the

County or with a duly incorporated or organized not-for-profit entity to improve the property for additional space for playgrounds, athletic fields, outdoor concerts, horseback riding or other equine activities, or other community recreational needs; provided, however, that all such agreements shall provide for continued public access to such property; at a minimum allowing free access to all Nassau County residents as spectators at sporting events, and providing in lease agreements a mechanism for Nassau County residents to maintain reasonable access to facilities when such facilities are not in active use by the contracting municipality or organization. The County may enter into agreements with municipalities within the County to acquire or improve parcels of land pursuant to this subparagraph, or may make grants to such municipalities; provided, however, that the County contribution cannot exceed fifty percent of the total cost of such acquisition or improvement.

(b) Park renovation and improvement. A portion of the net proceeds raised pursuant to the environmental bond issue shall be expended for improvements to Nassau County park, recreational, museum and historical facilities, and construction of facilities, amenities and other capital improvements of Nassau County park, recreational, museum and historical facilities. Expenditures of moneys raised though the environmental bond issue shall not be used for routine maintenance of parks.

(iii) Clean water projects. A portion of the net proceeds raised by the environmental bond issue shall be expended for capital projects of the district that will contain, abate or mitigate storm water carried pollutants that otherwise would impair the quality of Nassau County's north and south shore estuaries. Projects may include, but are not limited to, sediment collection basins, storm drain catch basins, drainage swales, and end-of-pipe treatment units, such as swirl-type collectors.

(iv) Brownfields clean up projects. A portion of the moneys raised pursuant to the bond issue may be expended for capital projects that will remediate Brownfield sites. For the purposes of this provision, "brownfield site" shall have the meaning set forth in section 27-1405 of the environmental conservation law.

(v) Administration and oversight. The County or the finance authority shall endeavor to ensure the minimum amount necessary for administration and oversight of the program.

e**. Procedure for open space and parkland acquisition**.

(i) Proposals in furtherance of this program shall be made by the County Executive. Any such proposal may be made at any time and shall be transmitted in writing to the County Planning Commission and the Nassau County Open Space and Parks Advisory Committee ("OSPAC") for review, evaluation and recommendation.

(ii) Not later than sixty days following such transmittal, the County Planning Commission, with report from OSPAC in accordance with Local Law 7-2003, shall complete and transmit the findings of such review and evaluation to the County Executive, who may then introduce the proposal for consideration the Legislature, along with the findings of the County Planning Commission and OSPAC; provided, however, that failure by either the County Planning Commission or OSPAC to transmit findings within such period to the County Executive shall be deemed to constitute neutral findings and the County Executive may proceed for consideration by the Legislature.

(iii)Each such proposal and corresponding bond ordinance shall be subject to the approval of the County Legislature per the applicable County and state laws.

f. **Annual report**. No later than the first day of September of each year in which there are existing funds raised through the clean water, open space and parks bond issue, the County Executive shall report to the Legislature in writing, detailing the expenditures of such funds, the balance of funds remaining, and the balance of authorized expenditures during the prior year and recommendations for future years.

(Added by Local Law No. 14-2004; amended by local law 6-2009, signed by the County Executive on April 9, 2009)

ARTICLE XVII FIRE COMMISSION

Section	1701.	County fire commission
	1702.	Organization of commission.
	1703.	Duties of commission.
	1704.	County Fire Marshal.
	1705.	Powers of marshal.
	1706.	Fire prevention ordinances.
	1707.	New fire districts.

§ 1701. **County fire commission.** There shall be a County Fire Commission constituted as follows: As soon as possible after the date on which this act becomes effective in the county the Board of Supervisors shall divide the county into not less than five battalion districts and shall assign each fire department and independent incorporated fire company to the district in which it is located. Thereafter on a date to be fixed by the Board of Supervisors by ordinance each volunteer fire department and independent incorporated fire company in the county shall hold an annual meeting for the election of delegates to the battalion district committee. Each such department and company shall be entitled to three delegates to serve for terms of three years, but those first elected shall be elected for terms of three, two and one years respectively; provided that where more than one independent incorporated fire company serves one fire district, there shall be only three delegates from such district; and provided further that the governing body of any city or village maintaining a paid fire department may likewise appoint three members of the battalion district committee. The election of delegates by a volunteer fire department other than an independent incorporated fire company shall be subject to disapproval for cause assigned and after hearing by the governing body of the city, village or district to which such department belongs. Vacancies shall be filled by each department and independent incorporated fire company for the unexpired balance of the term. It shall be the duty of each battalion district committee to coordinate as far as possible the service of the several departments and independent incorporated fire companies included in it and to encourage good fire-fighting practice therein. Each battalion district committee shall choose annually, on a date to be fixed by the Board of Supervisors by ordinance, and at other times in case of vacancy, a chairman. The chairman of the several battalion district committees shall constitute the County Fire Commission.

§ 1702. **Organization of commission**. The members of the County Fire Commission may receive a per diem compensation, to be fixed by ordinance of the Board of Supervisors, for each day spent in the performance of their duties and they shall receive actual traveling and other expenses necessarily incurred in the performance of their duties. They shall choose annually from their own number a chairman, vice-chairman and secretary. They shall make rules for the conduct of their own proceedings and shall keep a minute-book of their proceedings. During meetings of the County Fire Commission each chairman of a battalion district committee shall have one vote, except that in the

event that any chairman of a battalion district committee is unable to attend a meeting of the County Fire Commission than the vice-chairman of that battalion district committee shall be authorized to vote in his or her place.
(Amended by Local Law No. 2-1946 § 1, in effect June 10, 1946; amended by Local Law No. 22-2012, in effect November 27, 2012.)

§ 1703. **Duties of commission.** It shall be the duty of the County Fire Commission:

1. To study the needs of fire protection in the county and to make from time to time recommendations for the improvement of fire protection to the departments and independent incorporated fire companies and to the cities, villages and fire districts, respectively;

2. To prepare and present to the Board of Supervisors comprehensive fire prevention ordinances:

3. To arrange with the several battalion districts and the departments and independent incorporated fire companies involved for interdepartmental cooperation in all aspects of fire-fighting and particularly in the matter of "cover up" running cards and other methods of securing the best utilization of the fire-fighting strength available;

4. To recommend the standardization of equipment, such as hose couplings and threads, hydrant markings, etc.;

5. To study the extension of fire protection to all portions of the county:

6. To make annually to the County Executive a report of its activities and recommendations which shall befs published in the same manner as the reports of other departments.

§1704. **County Fire Marshal.**

a. There shall be a Chief Fire Marshal and Assistant Chief Fire Marshals, to be appointed by the Nassau County Fire Commission as a result of competitive examinations to be given by the Civil Service Commission, each of whom shall have had five years of service as a volunteer firefighter in the county. The Chief Fire Marshal and Assistant Chief Fire Marshals shall receive such compensation as may be provided. The County Fire Commission shall also appoint, subject to appropriations therefor and applicable civil service regulations, such Fire Marshals as are necessary to conduct inspections, investigate the causes of fires and enforce the provisions of the fire ordinance enacted by the Nassau County Legislature and such clerical, administrative, and other employees as are needed to support the work of fire prevention in the county. All Nassau County Fire Commission employees, except those who the Chief Fire Marshal determines to have duties that are purely clerical or administrative, including but not limited to

administrative assistants, accountants and accounting assistants, shall have at least five years of service as a volunteer firefighter in the county.
(Amended by Local Law No. 5-2005; amended by Local Law 2-2008; amended by Local Law No. 9-2018, effective May 30, 2018).

b. The Chief Fire Marshal, Assistant Chief Fire Marshal and Fire Marshals employed by the county shall have the authority to issue appearance tickets as such are defined in article one hundred fifty of the criminal procedure law and to exercise the powers authorized by subdivision thirty of section 2.10 of the criminal procedure law. Such authority shall only be exercised upon the successful completion of a training procedure designated by the Chief Fire Marshal. The appearance tickets may be issued and served when the issuer has reasonable cause to believe a person has committed a misdemeanor or has committed a petty offense in his presence, provided that an appearance ticket shall only be issued for an offense defined in ordinances, or regulations authorized by such ordinances, which pertain to the prevention of fires.

(Added by L. 1974 Ch. 459Amended by Local Law No. 5-2005.)

§ 1705. **Powers of marshal.** The County Fire Marshal shall have power:

1. To act as the executive officer of the County Fire Commission;

2. To enforce the fire prevention ordinance or ordinances which may be adopted by the Board of Supervisors;

3. To investigate in cooperation with the police department all cases of suspected arson;

4. To designate, in writing, an Assistant Fire Marshal to perform the duties of the Fire Marshal during his absence or disability, and the acts so performed by such Assistant Fire Marshal shall have the same effect in law as if performed by the Fire Marshal.
(Subd. 4 added by Local Law No. 3-1952, in effect October 6, 1952.)

§ 1706. **Fire prevention ordinances.** The Board of Supervisors shall have power to establish by ordinance fire prevention regulations based on the recommendations of the County Fire Commission which shall have effect throughout the whole county including the cities and villages therein: provided that any city or village may adopt fire prevention regulations of greater severity than those contained in such ordinance, and provided further that the said cities and villages shall have exclusive jurisdiction to determine within their limits the areas in which any regulation requiring fire-proof or fire-resistant construction shall be applicable.

§ 1707. **New fire districts.** No new fire district shall be created except upon the recommendation of the County Fire Commission.

ARTICLE XVIII COUNTY DEBT COMMISSION

Section 1801. Vote on creation of debt commission.
1802. Definitions.
1803. Members, terms, meetings.
1804. Duties.
1805. Application to issue evidences of indebtedness; hearing; referendum.
1806. Review by certiorari.
1807. Effect on this article.

§ 1801. **Vote on creation of debt commission.** At any general election following the adoption of this act there may be submitted to the electors of the county in the manner hereinafter provided the question. "Shall there be a County Debt Commission?", and if a majority of the votes cast thereon be in the affirmative, the subsequent provisions of this article shall become effective in the county. If a majority of the votes cast thereon be in the negative, the same proposition may be submitted at any subsequent general election, but not more frequently than once in two years. Such question may be submitted by ordinance of the Board of Supervisors and shall be so submitted if a petition praying its submission and signed by resident electors of the county qualified to vote at the last preceding general election equal in number to five percent of the total vote cast in such county for the office of governor at the last general election at which a governor was elected is filed with the officer or board having jurisdiction of elections in such county not less than sixty days prior to the general election at which it is to be submitted.

§ 1802. **Definitions.** As used in this article,

1. "Taxing district" shall mean and include the county and every city, town, village, school district, special district, improvement district, public district, works benefit area or unit of government wholly therein which may by law issue or on whose behalf may by law be issued evidences of indebtedness; provided that if any school district be partly but not wholly within the county, that portion thereof which is in the county shall, solely for the purposes of subdivisions three, four and five of this section, also be a taxing district.

2. "Self-supporting public utility" shall mean any public utility owned and operated by any taxing district which for each of the three completed fiscal years immediately preceding shall have paid, out of the earnings of the said utility, all operating costs including the maintenance of its plant and facilities in good repair, interest upon its indebtedness and such installments of principal or payments to the sinking fund as may be legally required in each such year, together with such other charges as may be required by law.

3. "Assessed valuation" of any taxing district shall mean the valuation, as fixed by the County Board of Assessors on the latest verified assessment roll, of all property within such taxing district and upon which taxes or assessments may be levied by or on behalf of such taxing district.

4. "General debt" of any taxing district shall mean the amount of bonds, notes and certificates of indebtedness outstanding and unpaid issued by or on behalf of such taxing district except bonds, notes and certificates of indebtedness issued for the purpose of providing a self-supporting public utility or issued in anticipation of the collection of taxes actually levied or to be levied in the same year and payable out of the collections of such taxes in such year, less the amount of any sinking funds available for the payment of any such bonds, notes or certificates of indebtedness: provided that "general debt" of a taxing district which is a portion of a school district partly but not wholly within the county as provided in subdivision one of this section shall mean a portion of the total general debt of such school district as so defined bearing the same relation to such total general debt as that portion of the latest total tax levy of such school district which was levied in such taxing district bears to such total tax levy.

5. "Overlapping debt" of any taxing district shall mean the general debt of such taxing district together with the general debt of any other taxing district or districts wholly included within the territorial limits of such taxing district and a share of the general debt of any other taxing district situated partly within and partly without such taxing district in proportion to that part of the assessed valuation of such other taxing district which is situated within such taxing district.

6. "Overlapping debt limit" of any taxing district shall mean an amount equal to fifteen percent of the assessed valuation thereof.

§ 1803. **Members, terms, meetings.** There shall be a County Debt Commission, to consist of five members not more than three of whom at any time shall belong to one political party. They shall be appointed for terms of ten years, except that the first appointments shall be for terms of ten, eight, six, four and two years, respectively. The County Treasurer shall be ex officio secretary of the Commission and shall assign from his staff such clerical and other assistance as shall be necessary in the performance of its duties. Special meetings of the commission may be called at any time by the secretary upon twelve hours' actual notice effected by any means of communication or upon written notice delivered at the place of residence of each member not less than twenty-four hours before the time of the proposed meeting.

§ 1804. **Duties.** It shall be the duty of the Commission to gather accurate data concerning the amount, purpose and maturities of bonds, notes and certificates of indebtedness issued and outstanding of all taxing districts and of sinking funds pledged for their payment on the date on which this act becomes effective in the county and to maintain a register for each taxing district, upon which shall be entered each subsequent issue of bonds, notes or certificates of indebtedness by the taxing district, the payments

into and out of all sinking funds, and all payments of principal of serial bonds, notes and certificates of indebtedness. It shall be the duty of the chief financial officer and, if there be no such officer, of the governing body of each taxing district to report promptly to the Commission each payment of principal or interest and each item of additional indebtedness incurred. It shall be the duty of the Board of Assessors, immediately on the completion of each verified assessment roll, to certify to the commission the assessed valuation of each taxing district and the total amount thereof, if any, within each other taxing district.

§ 1805. **Application to issue evidences of indebtedness; hearing; referendum.** Whenever any bonds, notes or certificates of indebtedness proposed to be issued by or on behalf of any taxing district, unless the proceeds thereof are to be used wholly and exclusively for the purpose of retiring existing indebtedness shall, when added to the existing overlapping debt of such taxing district exceed the overlapping debt limit thereof, the governing body of such taxing district shall make application in writing to the County Debt Commission. The said Commission shall fix a time not later than twenty days after the filing of such application when it will hear all interested parties. Notice of such hearing shall be published twice in the official newspapers and in a newspaper of general circulation in such taxing district, and the hearing shall take place not less than ten days after the second publication. Within thirty days after such hearing the County Debt Commission shall make and file with the governing body of the taxing district making the application a report shall certify that such issue of bonds, notes or certificates of indebtedness is for a necessary purpose, and that the financial conditions of the taxing district is such as to justify such increase in its indebtedness, no such bonds, notes or certificates of indebtedness shall be issued; provided that the governing body of the taxing district may submit the question of such issue at a subsequent general or special election in such taxing district, and may issue such bonds, notes or certificates of indebtedness if two thirds of the votes cast on such question shall be in favor of such issue.

§ 1806. **Review by certiorari.** Any such governing body may within thirty days after the receipt of such report of the County Debt Commission apply to a court of competent jurisdiction for a writ of certiorari for the purpose of reviewing such report, and if the court shall order the modification thereof, such order shall be final and conclusive; costs shall not be allowed against the Debt Commission unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making its report.

§ 1807. **Effect of this article.** Nothing in this article shall be taken to alter, amend or repeal any limitation of the indebtedness of any taxing district which now or hereafter may be provided by law, but the provisions of this article shall be deemed to be in addition to all such limitations.

ARTICLE XIX COUNTY CLERK

Section 1901. Election: compensation.
1902. Powers and duties.

§ 1901. **Election; compensation.** There shall be a County Clerk who shall be elected from the county at large. He shall receive a compensation to be fixed by ordinance.
(Amended by Local Law No. 3-1946 §3, in effect December 16, 1946.)

§ 1902. **Powers and duties.** The County Clerk shall appoint such deputies, officers, and employees of the department as may be provided by ordinance. The County Clerk shall, except where inconsistent with this act, have and exercise all the powers and duties now or hereafter conferred or imposed by any law applicable to the county on the County Clerk, and such other duties as may be provided by ordinance.

ARTICLE XX SHERIFF

Section	2001.	Department of Sheriff.
	2002.	Powers and Duties.
	2003.	Division of correction; powers and duties; officers and employees.
	2004.	Nassau County Correctional Center Board of Visitors; membership; appointment, compensation and expenses; powers and duties.
	2004-a.	Execution of warrants of eviction.

§ 2001. **Department of Sheriff.** Appointment; compensation. There shall be a Department of Sheriff the head of which shall be the Sheriff who shall be appointed by the County Executive subject to the confirmation of the Board of Supervisors. This department shall be a department of the county government. The Sheriff shall receive a compensation to be fixed by ordinance.
(Amended by Local Law No. 14-1965. § 1, in effect January 1, 1968.)

§ 2002. **Power and duties.** The Sheriff shall appoint such deputies, Deputy Under-Sheriffs, officers and employees of the department as may be provided by ordinance. All such deputies, officers and employees, except the appointed Under-Sheriff, Deputy Under-Sheriffs, Deputy and the Commissioner of Correction shall be hired by competitive examinations under the provisions of the civil service law. The Sheriff is not required to continue the employment of any employee now employed except where such employee may already be in the competitive class of the classified service. All employees of the Sheriff presently employed shall be considered qualified to take the open competitive examination to be given for his position or a similar or corresponding position. Except where inconsistent with this act, the Sheriff shall have and exercise all the powers and duties now or hereafter conferred or imposed by any law applicable to the County on the Sheriff and such other duties as may be provided by ordinance.
(Amended by Local Law No. 14-1965, in effect January 1, 1966 and Local Law No. 4-1978, in effect March 13, 1978; Local Law No. 1 1 -1990, in effect August 28, 1990.)

§ 2003. **Division of Correction; powers and duties; officers and employees.**

a. There shall be a Division of Correction within the Department of Sheriff, the head of which shall be the Commissioner of Correction who shall be appointed by the Sheriff and shall be in the exempt part of the classified civil service.

b. The Commissioner of Correction, subject to the supervision and control of the Sheriff, shall have charge of, and be responsible for:

1. The care, custody and transportation of felons, misdemeanants, violators of local laws and all others committed to its charge, or held within the county for any cause in criminal proceedings.

2. Management of the county jail with regard to the care and custody of persons held therein and charged to the division.

3. Such other and further duties as are necessary to the care and custody of persons under the division's control.

4. Such further duties as may be provided by ordinance.

(Amended by Local Law No. 14-1965, § 3, in effect January 1, 1968.)

§ 2004. **Nassau County Correctional Center Board of Visitors; membership; appointment, compensation and expenses; power and duties.**

a. There shall be within the Division of Corrections a Nassau County Correctional Center Board of Visitors. It shall consist of seven members, including a chairperson, each of whom shall be appointed by the County Executive subject to confirmation by the County Legislature. As far as may be practicable, the members shall possess a working knowledge of the correctional system.

b. All members of the Board shall be Nassau County residents.

c. All members of the Board shall be voting members.

d. The term of office of each member shall be three years, except that members first appointed shall be appointed as follows: four for a term of one year, two for a term of two years, and one for a term of three years. Upon expiration of the term of office of any member, his successor shall be appointed for a term of three years. Any appointed member of the Board may be removed by the County Executive for cause after an opportunity to be heard in his defense. Any member chosen to fill a vacancy created other than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Vacancies caused by the expiration of term or otherwise shall be filled in the same manner as original appointments.

e. Members shall serve without compensation. The Board of Supervisors may appropriate sufficient sums to meet the expenses actually and necessarily incurred by members of the Board in the performance of their duties hereunder.

f. The Board and each member thereof shall have the following powers and duties:

1. To investigate, review or take such other actions as shall be deemed necessary or proper with respect to inmate complaints or grievances regarding the correctional center as shall be called to their attention in writing.

2. To have access to the correctional center and all books, records and data pertaining to the correctional center which are deemed necessary for carrying out the Board's powers and duties.

3. To obtain from correctional center personnel any information deemed necessary to carry out the Board's powers and duties.

4. To request and receive temporary office space in the correctional center for the purpose of carrying out the Board's powers and duties.

5. To report periodically to the Sheriff and, where appropriate, to make such recommendations to the Sheriff as are necessary to fulfill the purposes of this section.

6. To advise the Sheriff in developing programs for improving correctional center services and duties and for coordinating the efforts of correctional center officials in respect to improving conditions of inmate care, treatment, safety, rehabilitation, recreation, training and education.

7. To meet on a regular basis at a time and place designated by the Chairman of the Board.

(Local Law No. 9-1990, in effect August 28, 1990. Amended by Local Law No. 35-2000.)
Editor's note – a typographical error exists in the Arabic section number noted in the local law. There, it is noted as Section 2204 instead of 2004.

§ 2004-a. **Execution of warrants of eviction**

1) Legislative Intent. The legislature of Nassau County finds that it is desirable to establish a policy to provide for the disposition and storage of personal property of one who is evicted pursuant to a warrant of eviction by the Sheriff of Nassau County.

2) Definitions. For the purpose of this section, the following definitions shall apply:

   a) "Demised premises" means the premises subject to the warrant of eviction.

   b) "Petitioner" means the person seeking to recover full possession of the demised premises.

   c) "Respondent" means the person from whom full possession of the demised premises is sought by the Sheriff upon the issuance of the warrant of eviction.

   d) "Warrant of eviction" means a judicial warrant, order or judgment requiring the Sheriff to deliver full possession by eviction or dispossession of the respondent from the demised premises, to the petitioner.

3) Procedures for Execution of Warrants of Eviction. Upon presenting a duly issued warrant of eviction to the Sheriff for execution in the form required by law, the petitioner shall tender proof that the petitioner has arranged and paid for the removal and storage for 30 (thirty) days from the date of the execution of the warrant of eviction of all remaining items of personal property from the demised premises, in accordance with the procedures outlined as follows:

   a) The petitioner shall tender proof in such form as the Sheriff shall reasonably require that the petitioner has made satisfactory arrangements, including prepayment of all charges with (i) a mover, to remove all remaining items of personal property from the demised premises, and transport same to a storage warehouse, (ii) a storage warehouse located without the County of Nassau, or until December 31, 2002, a storage warehouse that is located in either the Counties of Queens or Suffolk if such locations are within fifteen (15) miles of the borders of the County of Nassau, on condition that the storage warehouse use reasonable care, as required by applicable law, to maintain under safe conditions the personal property so removed for a period of thirty (30) days from the date of delivery to the storage warehouse, and (iii) a locksmith or other lawful means to gain entry into the demised premises. Petitioner shall provide proof in the form of a certification that the mover, storage warehouse and locksmith, if applicable, are duly licensed as required by applicable law and maintain insurance and bonding as the Sheriff may reasonably require.

   b) The Sheriff shall give to the respondent due notice of the execution of the warrant of eviction in the manner required by law and shall require that the petitioner, or the agent of the petitioner, and the mover hired by the petitioner be present at the execution of the warrant of eviction.

   c) The packing and removal of the items of personal property from the demised premises shall be the responsibility of the mover hired by the petitioner.

   d) Prior to the removal of any items of personal property from the demised premises, the mover shall inventory all such items by number of boxes or category, and such inventory shall include the number of boxes and general description of such property taken but not included in a box. The personal property to be taken by the mover is that which, in the determination of the mover, is subject to dry storage at the storage warehouse. The Sheriff shall be present at the subject premises and the respondent shall be permitted to be present during the removal of the personal property. The respondent may remove any personal property from the demised premises prior to the removal of personal property by the mover, provided that the respondent does not interfere with the execution of the warrant of eviction. A copy of the inventory shall be provided to the respondent by the mover upon request.

e) All items of personal property removed from the premises shall be promptly delivered to the storage warehouse in the name of the respondent, who shall have the sole right to the possession and removal thereof for a period of 30 (thirty) days. After the period of 30 (thirty) days has elapsed, the storage warehouse shall have the right to dispose of any remaining personal property in the manner prescribed by law.

4) The Sheriff shall promulgate such administrative procedures as are necessary to implement the procedures required by this local law.

5) Separability. If any clause, sentence, paragraph, section or part of a section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the part of or the provision of application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.
(Section 2004-a added by Local Law No. 11-2001, in effect July 26, 2001.)

ARTICLE XXI MISCELLANEOUS OFFICERS

Section	2101.	Medical examiner: qualifications: powers and duties (REPEALED).
	2102.	Commissioner of Consumer Affairs. (REPEALED
	2103.	Park and recreation commission: powers and duties.
	2103-a.	Department of Recreation and Parks (REPEALED).[18]
	2104.	Hospitals and sanatoria.
	2105.	Employment of Volunteer Workers.
	2106.	Judicial officers; school officers.
	2107.	Department of Mental Health, Chemical Dependency and Developmental Disabilities Services. (REPEALED).
	2108.	Department of Labor (REPEALED).
	2109.	Department of Commerce and Industry. (REPEALED)
	2110.	Department of Senior Citizen Affairs. (REPEALED).
	2111.	Office of Employment and Training (REPEALED).
	2112.	Office of Minority Affairs.
	2113	Office of Emergency Management
	2114	Office of Asian American Affairs
	2115	Office of Crime Victim Advocate

§ 2101. **Medical examiner; qualifications; powers and duties.**
(Repealed by Local Law No. 3-1976 in effect January 1, 1976.)

§ 2102. **Commissioner of Consumer Affairs.**[19] Repealed.
(Amended by Local Law No. 9-1967, in effect June 9, 1967; repealed by Local Law No. 5-2018, signed by the County Executive April 2, 2018.)

§ 2103. **Park and Recreation Commission; powers and duties.** The Board of Supervisors may by ordinance create a Park and Recreation Commission, to consist of five members appointed for terms of five years, except that the first appointments shall be for terms of five, four, three, two and one years respectively. When such a Park and Recreation Commission is created, it shall have supervision and control of the construction, maintenance, repair and operation of all parks, playgrounds, athletic fields and recreation centers, including all buildings, structures, equipment and appurtenances of such parks, playgrounds, athletic fields and recreation centers, as may be undertaken by the county. When such Park and Recreation Commission has been created, the Department of Public Works shall no longer have supervision and control of the construction, maintenance and repair of parks; provided that the Department of Public Works shall at all times

[18] See Article XXI-C of this Charter.
[19] See Article XXI-B of this Charter.

furnish such engineering services as may be required by the Park and Recreation Commission. The Park and Recreation Commission shall appoint such assistants and employees as may be provided by ordinance. The county is hereby authorized to acquire by gift, purchase, lease or permit, own, construct, operate, maintain and repair parks, playgrounds, athletic fields and recreation centers anywhere within the county outside of cities and villages and inside any city or village with the approval of the governing body thereof, with the buildings, structures, equipment, and appurtenances thereof, including public baths, swimming pools and auditoriums, and to make the cost thereof a county charge. The county may contract with any city, village, or district situated therein concerning the operation of any park, playground, athletic field or recreation center whether owned by the county or by such city, village, or district. The Board of Supervisors shall have power by ordinance to regulate the use of parks, playgrounds, athletic fields, and recreation centers owned or operated by the county and to provide for the enforcement thereof.

§ 2104. **Hospitals and sanatoria.**[20]

1. The governing boards of any hospitals or sanatoria operated by the county shall be and continue as at present organized, with the powers and duties now provided by law; provided that all supplies and equipment for the said hospitals, except medical supplies and equipment up to five hundred dollars in case of emergency, shall be purchased through the county purchasing agent and that said boards shall in all respects be subject to the budget and other financial provisions of this act and, further provided, that all contracts in connection with the construction or reconstruction of new buildings or the repair, maintenance or operation of existing buildings, when recommended by said boards shall be advertised and made and the work pursuant thereto done in the same manner as provided in this act for other county buildings. Vacancies in such boards, by reason of expiration of term, shall be filled by appointment of the County Executive, subject to confirmation by the Board of Supervisors, for the term now provided by law. Other vacancies shall be filled in the same manner, but for the unexpired balance of the term only.
   (Amended by L. 1948 Ch. 196, in effect March 10, 1948.)

2. The chief executive officer of the Nassau County Medical Center shall be known as the Executive Director of the Nassau County Medical Center and he shall have and exercise all the powers and duties now or hereafter conferred or imposed by any law applicable to the superintendent of a public general hospital and such other duties as may be provided by ordinance.
   (Added by Local Law No. 3-1977, in effect April 18, 1977.)

§ 2105. **Employment of volunteer workers.**

a. The head of each county department, when authorized by the County Executive may accept the services of volunteer workers in connection with programs, agencies and commissions established for the benefit of the county.

[20] Possibly repealed by implication. See Nassau Health Care Corporation, Public Authorities Law §§ 3400-3420

b. Volunteer workers shall be county employees for the purpose of receiving benefits pursuant to the workers' compensation law, and shall be indemnified, defended and held harmless by the county against any claim, demand, suit or judgment for property damages, personal injury, including death, and any other liability which may be assessed against volunteer workers by reason of alleged negligence or other act committed by volunteer workers who were acting in the discharge of their duties within the scope of their employment or authorized volunteer duties. Within the appropriation therefore and when authorized by the department head, such volunteer workers may be granted maintenance and reimbursement for actual expenses necessarily incurred in the performance of their authorized volunteer duties.

(Former § 105 repealed by L. 1954 Ch. 305: new §2105 added by Local Law No. 6-1966, in effect November 4, 1966; Subds. a and b of § 105 amended by Local Law No. 2-1986, in effect February 24, 1986.)

§ 2106. **Judicial officers; school officers.** Nothing in this act except as specifically provided therein, shall be taken to affect the election, appointment, powers and duties of the county judge, district attorney, surrogate or any other existing judicial officers, elective or appointive, other than justices of the peace and coroners, provided that all officers including those enumerated in this section shall be governed by the provisions of this act and of the local finance law relating to the budget, to finance and purchasing and to civil services.

Nor shall anything in this act be taken to affect the administration of education, or the rights, powers and duties of school officers, principals, teachers, janitors and other employees, other than as specifically provided herein with regard to the assessment and collection of taxes and the functions of the County Debt Commission.

(Amended by L. 1943 Ch. 710 §05, amended by L. 1945 Ch. 338, and amended by Local Law No. 10-1982, in effect December 6, 1982.)

§2107. **Department of Mental Health, Chemical Dependency and Developmental Disabilities Services.**[21] Repealed.

(Subdivision two, three and four added by Local Law No. 4-1974, in effect February 25, 1974. Subd. three further amended by Local Law No. 6, 1979 in effect July 9,1979; amended by Local Law No. 12-2006, in effect January 1, 2007. Original section 2107 as added by Local Law No. 1-1955 repeated by Local Law No. 1974, Repealed by Local Law No. 4-2011, signed by the County Exec utive June 14, 2011.)

§ 2108. **Department of Labor.** Repealed.

§ 2109. **Department of Commerce and Industry.** Repealed.

§ 2110. **Department of Senior Citizen Affairs**[22]**.** Repealed.

(Added by Local Law No. 6-1972, in effect May 5, 1972. Subdivision one amended by Local Law No. 3-1974, in effect January 1, 1974; and by Local Law No. 4-1990, in effect March 26, 1990, Repealed by Local Law No. 4-2011, in effect June 14, 2011.))

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[21] Department of Mental Health was incorporated into Department of Human Services.

[22] Department of Senior Citizens Affairs was incorporated into Department of Human Services.

XXI: Miscellaneous Officers

§ 2111. **Office of employment and training.** Repealed.

§ 2112. **Office of Minority Affairs.**

1. There shall be an office of county government known as the Office of Minority Affairs, the head of which shall be the Executive Director of Minority Affairs, who shall be appointed by the County Executive, subject to confirmation by the County Legislature; provided that prior to the appointment of any person to serve in such position, the County Executive shall take into consideration the candidate or candidates recommended by the Minority Affairs Council created pursuant to subdivision four of this section. The Executive Director of Minority Affairs shall receive such compensation as may be provided by ordinance. Subject to sufficient budget appropriations being made therefore, the Executive Director of Minority Affairs shall have the power to appoint such deputies, officers and employees of the Office of Minority Affairs as may be provided by ordinance.

2. The purpose of the Office of Minority Affairs shall be the development, advancement and betterment of economic, employment, business and cultural opportunities for the minority residents of the county and the improvement and stabilization of economically deprived areas in the county. The Office of Minority Affairs shall serve as a central coordinating body for county-funded and county-assisted agencies or offices involved in any of the foregoing purposes.

3. The Office of Minority Affairs shall have the following powers and duties:

    a. Assist the various officers of the county government in improving the delivery of quality of life services such as social services, mental health, health services, public works projects involving the minority community and public safety.

    b. Provide the County Executive and the County Legislature with "Minority Community Impact" assessments on budgetary actions and policies.

    c. Provide access and opportunity for minority participation in county contract and procurement programs.

    d. Develop and improve the county's Women and Minority Business Enterprise programs to afford greater opportunities to participate in public contract bidding procedures as well as exploring ways and means to assure their participation.

    e. Produce and publish any research papers or studies on issues affecting the minority community.

    f. Provide assistance in the implementation of Affirmative Action programs in county government employment, housing and the development of an annual Affirmative Action report required by the county for certain of its state and federal funding sources on

employment opportunities for minorities in the work force.

g. Administer the county's affirmative action program.
(Subd. (g) added by Local Law No. 40-2000, in effect January 1, 2001.)

4.

a. A Minority Affairs Council is hereby established to advise the Executive Director of Minority Affairs on matters concerning the purposes for which the Office of Minority Affairs is created, as set forth in subdivision two of this section. The Minority Affairs Council shall consist of not less than nine members who shall serve at the pleasure of the County Executive. In no event shall the Executive Director of Minority Affairs serve on the Minority Affairs Council. The County Executive shall appoint a Deputy County Executive to serve on the Minority Affairs Council at all times. The County Executive also shall appoint to the Minority Affairs Council such representatives of groups within the county that are, in the County Executive's judgment, involved in fulfilling the purposes for which the Office of Minority Affairs is created, or which otherwise may be deserving of representation on the Minority Affairs Council in order for the Office of Minority Affairs to be able effectively to fulfill its purposes. Initially, three of the nine members of the Minority Affairs Council shall be representatives of the Coordinating Agency for Spanish-Americans, the Office of Women's Services and the Economic Opportunity Commission appointed by the County Executive, subject to confirmation by the County Legislature, which organizations are hereby determined to be involved in fulfilling the purposes for which the Office of Minority Affairs is created, it being understood, however, that such determination shall not confer or be deemed to confer upon such organizations any greater rights or privileges than shall be conferred upon any other advisory committee or similar body for which a representative shall hereafter be appointed to the Minority Affairs Council by the County Executive pursuant to subparagraph b of this subdivision four. The other five initial members of the Minority Affairs Council shall be appointed by the County Executive, subject to confirmation by the County Legislature; provided that prior to the appointment of any person to serve in such position, or to fill a vacancy in any such position, the County Executive shall solicit and take into consideration recommendations to fill such position from the general public and from groups within the county that have been involved in the purposes for which the Office of Minority Affairs is created.

b. If at any time the County Executive shall create or recognize any advisory committee or similar body that the County Executive determines to be involved in fulfilling the purposes for which the Office of Minority Affairs is created, the County Executive, subject to confirmation by the County Legislature, may appoint a representative of such committee or body to the Minority Affairs Council, which representative shall be one of the five members referred to in the final sentence if subparagraph a of this subdivision four or, if all such positions already shall be filled with representatives of such advisory committees of similar bodies, then the County Executive shall create an additional membership on the Minority Affairs Council in order to accommodate such

representative.

c. The Minority Affairs Council shall elect its own officers.

d. In addition to the other duties that may be assigned to it by the Executive Director of Minority Affairs, the County Executive or the County Legislature, whenever there shall be a vacancy in the office of Executive Director of Minority Affairs, the Minority Affairs Council shall interview and recommend to the County Executive potential candidates for such position.

e. Any group, organization, agency, advisory committee or similar body that shall be represented on the Minority Affairs Council as above provided nevertheless shall continue to operate as an independent office and shall continue to provide its respective services and to implement policy involving such services, in addition to its responsibility for serving on the Minority Affairs Council.

(Added by Local Law No. 11-1994, in effect January 1, 1996.)

§ 2113. **Office of Emergency Management**

1. There shall be a department of county government known as the Office of Emergency Management, which shall be headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature and who shall also serve as, and have the powers of, the local Director of Civil Defense. The Commissioner may appoint such deputies, officers and employees, within the appropriations therefore, as are necessary to effectuate the purposes of the department and may designate, as he or she shall find appropriate, any such deputies to act in place of the Commissioner in the exercise of his or her duties.

2. The Office of Emergency Management shall have the following powers and duties:

   a. to coordinate the county's response to all emergency conditions and potential conditions that require a multi-department response, including but not limited to severe weather, threats from natural hazards and natural disasters, power and other public service outages, labor unrest other than the keeping of the peace, water main breaks, transportation and transit incidents, building collapses, aviation disasters, explosions, acts of terrorism and other emergency conditions and incidents;

   b. monitor on a constant basis all potential emergency conditions and potential incidents that may require a multi-department response;

   c. coordinate and implement training programs, including emergency response drills, to prepare for emergency conditions and potential incidents that may require a multi-department response;

d. prepare plans for responding to emergency conditions and potential incidents, including but not limited to making recommendations to the County Executive regarding the declaration of a state of emergency, and planning for the implementation of such emergency orders as may be approved by the County Executive to facilitate the rapid response and mobilization of agencies and resources;

e. make recommendations to the County Executive concerning the county's emergency response capabilities and concerning the county's capability to address potential emergency conditions and potential incidents;

f. increase public awareness about the appropriate responses to emergency conditions and potential incidents, and review the county's system for disseminating information to the public;

g. operate an emergency operations center to assist the county in managing emergency conditions and potential incidents that may require a multi-department response;

h. hold meetings of emergency response personnel of all county agencies determined by the Commission to have a direct or support role in the management of emergency conditions and potential incidents that may require a multi-department response;

i. acquire federal and other funding for emergency management, including but not limited to disaster relief and civil defense, and assist other departments in obtaining such funding;

j. coordinate with other county departments to all such departments in the development and implementation of emergency response plans in connection with planning major county events;

k. coordinate with state, federal and other governmental entities to effectuate the purposes of the department;

l. coordinate the operation of the local emergency planning committee established pursuant to Title III of the federal Superfund Amendments and the Reauthorization Act;

m. coordinate the county's civil defense effort in accordance with the provisions of the Defense Emergency Act of New York State and the county's civil defense emergency operations plan, as such plan may from time to time be amended;

n. promulgate such rules and regulations as may be necessary to implement the provisions of this section.

o. assist in the recruitment and retention of volunteer emergency workers.

p. at the discretion of the Nassau County Police Commissioner, assist in the recruitment and retention of volunteer auxiliary police officers and the training of auxiliary police officers for emergency related tasks.

3. **Agency cooperation.** The Office of Emergency Management shall be the lead agency in the coordination and facilitation of resources, including incidents which may involve acts of terrorism. All departments shall provide the department promptly with all information, relevant to the performance of the emergency management functions and shall collect and make available any information requested by the department for use in emergency planning. During emergency conditions, all departments shall promptly provide the department with all appropriate information, material, equipment and resources needed for emergency management functions, including personnel.
(Added by Local Law No. 21-2002, in effect November 15, 2002

§ 2114. Office of Asian American Affairs (AAA)

1. There shall be an office of county government known as the Office of Asian American Affairs, the head of which shall be the Executive Director of the Office of Asian American Affairs, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Executive Director of the Office of Asian American Affairs shall receive such compensation as may be provided by ordinance. The Executive Director of the Office of Asian American Affairs shall have the power to appoint such deputies, officers and employees of the Office of Asian American Affairs as may be provided by ordinance, and the Office shall have adequate staffing to accomplish its mission.

2. The purpose of the Office of Asian American Affairs shall be the development, advancement and betterment of economic, employment, business and cultural opportunities for the Asian American residents of the county. The Office of Asian American Affairs shall serve as a central coordinating body for county-funded and county-assisted agencies or offices involved in any of the foregoing purposes.

3. The Office of Asian American Affairs shall have the following powers and duties:

   a. Assist the various officers of the county government in improving the delivery of quality of life services such as social services, mental health, health services, public works projects involving the Asian American community and public safety.

   b. Provide the County Executive and the County Legislature with the "Asian American Community Impact" assessments on budgetary actions and policies.

   c. Provide access and opportunity for Asian American participation in county contract and procurement programs.

   d. Develop and improve the county's Women and Minority Business Enterprise

programs to afford greater opportunities to participate in public contract bidding procedures as well as exploring ways and means to assure their participation.

e. Produce and publish any research papers or studies on issues affecting the Asian community.

f. Assist the county in the establishment of programs that support further engagement in economic activity and investment by Asian Americans in the county, promote awareness amongst the County's citizens about Asian culture and encourage inclusion for Asian Americans within the county.

g. Engage with other county departments and agencies to address the needs and concerns of the growing Asian population in the county, promote diversity and inclusion in programs and initiatives, and perform such other duties as may be directed by the County Executive or the Legislature.

4.

a. An Asian American Advisory Council is hereby established to advise the Executive Director of the Office of Asian American Affairs on matters concerning the purposes for which the Office of Asian American Affairs is created, as set forth in subdivision two of this section. The Asian American Advisory Council shall consist of not less than nine (9) members, and not more than twenty-four (24) members, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, Prior to the appointment of any person to serve in such position, or to fill a vacancy in any such position, the County Executive shall solicit and take into consideration recommendations to fill such position from the general public and from groups within the county that have been involved in the purposes for which the Office of Asian American Affairs is created. The term of each member shall be four years. Further, the County Executive also shall appoint to the Asian American Advisory Council such representatives of groups within the county that are, in the County Executive's judgment, involved in fulfilling the purposes for which the Office of Asian American Affairs is created, or which otherwise may be deserving of representation on the Asian American Advisory Council in order for the Office of Asian American Affairs to be able effectively to fulfill its purposes. To ensure a balanced and representative Asian American Advisory Council, effort shall be taken to ensure that appointees reflect the diverse ethnic, cultural and religious backgrounds found amongst Nassau County's Asian residents. In no event shall the Executive Director of the Office of Asian American Affairs serve on the Asian American Advisory Council, however, the Executive Director or the designee of the Office of Asian American Affairs shall attend the Asian American Advisory Council meetings and assist the Council in the conduct of its meetings.

b. If at any time the County Executive shall create or recognize any advisory committee or similar body that the County Executive determines to be involved in fulfilling the purposes for which the Office of Asian American Affairs is created, the County

Executive, subject to confirmation by the County Legislature, may appoint a representative of such committee or body to the Asian American Advisory Council.

c. The Asian American Advisory Council shall elect its own officers.

d. Any group, organization, agency, advisory committee or similar body that is represented on the Asian American Advisory Council as provided nevertheless shall continue to operate as an independent office and shall continue to provide its respective services and to implement policy involving such services, in addition to its responsibility for serving on the Asian American Agency
(Added by Local Law No. 5-2019, in effect on April 30, 2019; amended by Local Law No. 11-2019, in effect on June 6, 2019).

§2115. **Office of Crime Victim Advocate**

1. There shall be an office of county government known as the Office of Crime Victim Advocate, the head of which shall be the Executive Director of the Office of Crime Victim Advocate, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Crime Victim Advocate must reside with Nassau. county within one-year of appointment. The Executive Director of the Office of Crime Victim Advocate shall receive such compensation as may be provided by ordinance. The Executive Director of the Office of Crime Victim Advocate shall have the power to appoint such deputies, officers and employees of the Office of Crimes Victim Advocate as may be provided by ordinance, and the Office shall have adequate staffing to accomplish its mission.

2. The purpose of the Office of Crime Victim Advocate shall be to provide legal services to the victims and witnesses of crime who are impacted by the disclosure requirements of New York Criminal Procedure Law Section 245 which goes into effect on January 1, 2020.

3. The Office of Crime Victim Advocate shall have the following powers and duties:
   a. Provide legal assistance to victims and witnesses of crime who are served with judicial orders to show cause by criminal defendants or their representatives to gain access to their home or place of business;
   b. Provide legal assistance with any victim compensation applications;
   c. Provide legal assistance to any victim or witness with regards to any legal action related to New York Criminal Procedure Law Chapter 245;
   d. Provide information on victim's and witness's legal rights and protections with regards to criminal process; and
   e. Assist victims to submit comments to courts and parole boards.
   (Added by Local Law No. 27-2019, in effect December 23, 2019).

ARTICLE XXI-A DEPARTMENT OF INFORMATION TECHNOLOGY

Section 2150 Department established; officers and employees.
2151 Powers and duties

§ 2150. **Department established; officers and employees**. There shall be a department of county government known as the Department of Information Technology, the head of which shall be the Commissioner of Information Technology, who shall be appointed by the County Executive, subject to the confirmation of the County Legislature. The Commissioner may appoint such deputy commissioners and other officers and employees within the appropriations therefore as are necessary to effectuate the purposes of the department. The Commissioner may, in addition to such other duties as he or she shall find appropriate, designate such deputy commissioners to act for and in place of the Commissioner in the exercise of his or her powers.

§ 2151. **Powers and duties.**

a. The planning, formulation and coordination of information technology and telecommunications policies for the county;

b. The dissemination of management information in the area of data processing and telephone communications;

c. The development of infrastructure and integrated systems for the use and maintenance of software applications;

d. The provision of assistance in providing interagency coordination on matters related to data communications and interfacing of computers;

e. The development, purchase and maintenance of hardware and software to meet the needs of departments of the county;

f. The provision of assistance to departments of the county in meeting their data processing and data communications objectives;

g. The planning and provision of telecommunications coordination in support of disaster recovery;

h. The maintenance of security for data and other information handled by all departments of county government;

i. The institution of procedures to assure restrictions of access to information to the appropriate individuals, where such restrictions are required by law;

j. The performance of such other responsibilities with respect to information technology and telecommunications matters, including responsibilities that may be delegated elsewhere by this county government law, as the County Executive may direct;

k. The posting of all Requests for Proposals on the official county website; and

l. The Commissioner of Information Technology shall supply a copy of each Request for Proposals to the Clerk of the County Legislature.

m. The protection and periodic assessment of the County government's information technology infrastructure to identify and mitigate vulnerabilities, deter and respond to cybersecurity threats and breaches, and promote cyber security awareness within the County government. The Department shall also:

i. Provide cybersecurity training in threat identification and incident response to personnel identified by the Commissioner of Information Technology;
ii. Submit an annual Cybersecurity Risk Assessment and Response Analysis to be provided to the County Executive, Commissioners of County departments, and each County Legislator by March 1 of each year outlining the County's current cybersecurity policies and protocols, evaluating potential risks, and identifying response and recovery strategies.
iii. Establish a panel of cybersecurity service and incident response providers to assist the County in its response to and recovery from a breach event or cyberattack on Nassau County's information technology infrastructure.
iv. Notify the County Executive, Commissioners of affected County departments, and each County Legislator within seventy-two (72) hours of a breach event or cyberattack on Nassau County's information technology infrastructure.

(Added by Local Law No. 21-2002, in effect November 15, 2002; amended by Local Law No. 12-2003; amended by Local Law No. 15-2019, in effect on September 4, 2019).

ARTICLE XXI-B DEPARTMENT OF DRUG AND ALCOHOL ADDICTION
[REPEALED]

ARTICLE XXI-B TAXI AND LIMOUSINE COMMISSION
[REPEALED]

ARTICLE XXI-B DEPARTMENT OF CONSUMER AFFAIRS

Section 2157 Department Established.
2158 Powers and Duties.
2159 Commissioner's Discretion.
2160 Taxi and Limousine Board

§2157. Department Established.

There shall be a department of county government known as the Department of Consumer Affairs, which shall be headed by a Commissioner of Consumer Affairs who shall be appointed by the County Executive, subject to confirmation by the County Legislature. Except where inconsistent with this act, the Commissioner shall have all the powers and duties heretofore or hereafter conferred or imposed upon sealers or directors of weights and measures by the laws of the state, and such other powers and duties as may be prescribed by ordinance. The Commissioner shall continue to have such powers and duties as conferred upon him by the Nassau County Administrative Code. The Commissioner may appoint a Deputy Commissioner and such other officers and employees of the Department, within the appropriation therefor, as are necessary to effectuate the purposes of the Department. The Commissioner may, in addition to such other duties as he or she shall find appropriate, designate the Deputy Commissioner to act for and in place of the Commissioner in the exercise of his or her powers. Where the term "Commissioner" is used in any local law, ordinance or resolution in reference to a taxi and limousine commission, it shall be deemed to mean and refer to the Commissioner of the Department of Consumer Affairs.

§2158. Powers and Duties. The Department of Consumer Affairs shall have the power and duty:

a. To receive and investigate complaints and initiate its own investigation of frauds or unfair dealings against consumers: to hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any manner under investigation or in question before the Department. At any hearing a witness shall have the right to be advised by counsel present during such hearing.

b. To assess and collect such fines and penalties as may be authorized by statute, local law, ordinance or regulation.

c. To represent the interest of consumers before administrative and regulatory agencies and legislative groups.

d. To assist, advise and cooperate with local, state and federal agencies and officials to protect and promote the interests of the Nassau County consumer public.

e. To conduct investigations, research studies and analyses of matters affecting the interests of Nassau County consumers.

f. To study the operation of state and local laws for consumer protection and to recommend amendments of such laws for the protection of consumers.

g. To report to the appropriate law enforcement officers any information concerning violations of any consumer protection laws.

h. To assist, develop and conduct programs of consumer education and consumer information through publications and other informational and educational material prepared for dissemination to the consumer public of Nassau County in order to increase the competence of consumers and to raise the general standard of living.

i. To undertake activities to encourage local business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services, and to permit licensees and others in good standing with the Department of Consumer Affairs to place advertisements on the website maintained on behalf of the Department and to make rules and charge fees for such advertisements per year.

j. To cooperate with other agencies, public and private, in the development of standards and quality grades for consumer goods and services.

k. To examine into the qualifications and fitness of applicants for licenses.

l. To keep records of all licenses issued, suspended or revoked.

m. To adopt such rules and regulations not inconsistent with the provisions of any law as may be necessary with respect to the form and content of applications for licenses, the receipt thereof, the investigation and examination of applicants and their qualifications, and the other matters incidental or appropriate to the powers and duties of the Department and for the proper administration and enforcement of the provisions of consumer protection laws, and to amend or repeal any of such rules and regulations:

n. To issue temporary licenses to aid in the recovery from natural or other disasters.

o. To suspend the license of any person pending payment of any fine, penalty or pending compliance with any order of the Department.

p. To arrange for the redress of injuries or damage caused by any violation of this article and may otherwise provide for compliance with the provisions and purposes of this article.

q. To regulate and supervise for-hire vehicles within the County by the issuance, revocation and regulation of registrations and licenses.

r. To exercise and perform such other functions, powers and duties as may be deemed necessary or appropriate to protect and promote the welfare of Nassau County consumers.

s. To render each year to the County Executive a written report of the activities and recommendations of the Department.

§ 2159. Commissioner's Discretion. In lieu of instituting or continuing an administrative action or proceeding, the Commissioner may accept written assurance of discontinuance of any act or practice in violation of any provision of the Administrative Code enforceable by the Commissioner. Such assurance may include a stipulation for the payment by the violator of the costs of investigation, a fine, and/or a stipulation for the restitution by the violator to consumers of money, property or other things received from such consumers in connection with a violation of such provisions. An assurance entered into pursuant to this section shall not be deemed an admission of a violation unless it does so by its terms. Violation of an assurance entered into pursuant to this section shall be treated as a violation and shall be subject to all the penalties provided. Any civil penalty authorized by any provision of the Administrative Code enforceable by the Commissioner may be waived or compromised by the Commissioner. Any license requirement provided for by the Administrative Code may be temporally suspended in the interest of justice or for administrative convenience. An amnesty to encourage voluntary compliance may be granted by the Commissioner to violators of any provision of the Administrative Code enforceable by the Commissioner upon such terms as to the Commissioner seem just.

§ 2160. Taxi and Limousine Board.
(a) There shall be a Taxi and Limousine Board, which shall have the duty to devise and propose regulations for the regulation of for-hire vehicles in the County.

(b) The Board shall consist of nine voting members appointed by the County Executive and subject to approval by the Nassau County Legislature. Two members shall be appointed upon the recommendation of the Presiding Officer of the Nassau County Legislature; two members upon the recommendation of the Minority Leader of the Nassau County Legislature and one member upon the recommendation of the Long Island Taxi Operators Association ("LITOA"), or any successor organization to LITOA.

(c) Term:
i. The five members initially appointed by the County Executive shall serve terms varying from three to five years, with one member serving from January 1, 2015 to December 31, 2019; three members serving from January 1, 2015 to December 31, 2018; and one member serving from January 1, 2015 to December 31, 2017. All successive appointments by the County Executive shall serve five year terms.
ii. The two members initially appointed by the County Executive upon the recommendation of the Presiding Officer shall serve terms varying from three to five years, with one member serving from January 1, 2015 to December 31, 2019, and one member serving from January 1, 2015 to December 31, 2017. All successive appointments by the County Executive upon the recommendation of the Presiding Officer shall serve five year terms.
iii. The two members initially appointed by the County Executive upon the recommendation of the Minority Leader shall serve terms varying from three to five years, with one member serving from January 1, 2015 to December 31, 2019, and one member serving from January 1, 2015 to December 31, 2017. All successive appointments by the County Executive upon the recommendation of the Minority Leader shall serve five year terms.

(d) Members shall not be entitled to any compensation but shall be entitled to reimbursement for ordinary and reasonable expenses incurred while conducting the business of the Board. All requests for reimbursement shall be approved by the Commissioner who shall make a final determination as to what expenses are ordinary and reasonable.

(e) The Board shall hold meetings at a location so designated by the Commissioner on a quarterly basis or as often as is necessary to conduct Board business.

(f) The Board shall recommend any rules and regulations needed to effectuate the purpose of this Ordinance to the Commissioner for adoption by the Office of Consumer Affairs, and the Commissioner may adopt all rules and regulations necessary to effectuate the purpose of this Ordinance.
(Added by Local Law No. 18-2014, in effect December 2, 2014; amended by Local Law No. 5-2018, signed by the County Executive on April 2, 2018.)

ARTICLE XXI-C DEPARTMENT OF PARKS, RECREATION AND MUSEUMS

Section 2164 Department established; officers and employees.
2165 Powers and duties.

§ 2164. **Department established; officers and employees.** There shall be a department of county government known as the Department of Parks, Recreation And Museums, which shall be headed by a commissioner who shall be appointed by the County Executive, subject to the confirmation of the County Legislature. Except as otherwise provided in the act, the Commissioner of Parks, Recreation and Museums shall appoint Deputy Commissioners, and other officers and employees of the department, within the appropriation therefor, as are necessary to effectuate the purposes of the department. Such deputies shall act for and in the place of the Commissioner of Parks, Recreation and Museums in such order as he or she may designate.

§ 2165. **Powers and duties.**

1. The department shall have powers and duties, including but not limited to, those set forth below:

a. the operation, maintenance and repair of all county parks, museums, playgrounds, athletic fields and recreational facilities;

b. county recreation programs and activities relating thereto;

c. the maintenance of the grounds at all county's active and passive parks, Eisenhower Park, and other county facilities, as well as the maintenance of trees and shrubs and annual plantings;

d. the maintenance of county golf facilities, including normal maintenance and renovations, in order to improve playing conditions;

e. the management and operation of all county golf facilities, including the collection of user fees;

f. the operation and maintenance of all county pools and rinks, including equipment, repair, overhaul and service;

g. the administration and supervision of the county parks, including but not limited to supervising recreational activities and personnel, formulating and fostering recreational and cultural development programs and advising other governmental agencies and community groups in the formulation of

recreational programs, supervision of construction and maintenance of facilities and equipment.

h. the overall direction and planning of county museum operations and public programming and future development of parks and preserves.

(Subsection 2 of §2165, was repealed by Local Law No. 13-2010.)

ARTICLE XXII GENERAL PROVISIONS

Section	2201.	Taxation.
	2202.	Repealed
	2203.	Pecuniary interest of officers, employees or agents in sales of tax liens or sales of property acquired by tax lien procedure or condemnation proceedings prohibited.
	2204.	Examination of persons offering to sell property to the county.
	2205.	Fees not to be retained by officers.
	2206.	Execution of contracts.
	2206-a.	Nassau County Veterans Memorial Coliseum.
	2207.	Publicity of records (Repealed).
	2208.	Use of patented articles by county.
	2209.	Requiring use of patented articles.
	2210.	Ordinances to receive judicial notice.
	2211.	Official Nassau County website and official newspapers.
	2212.	Members of appointive boards and commissions; compensation: absence from meetings; vacancies.
	2213.	Power to administer oaths and issue subpoenas.
	2214.	Transfer of records.
	2215.	Elective officer's salary not to be changed during term.
	2216.	Continuity of government.
	2217.	Annual hearing of departments.
	2218.	Code of ethics.
	2219.	Capital planning committee. [REPEALED]

§ 2201. **Taxation.** The Board of Supervisors may provide by ordinance a plan, not inconsistent with the terms of this act, for the assessment of property for tax purposes, the making of appropriations, the period for which appropriations are made, the levy of taxes, the collection of taxes, the accrual of penalties, the sale of tax liens and the foreclosure thereof with reference to the dates at which each of the steps above set forth shall take place. Until the passage of such an ordinance, the provisions of the laws of this state relating to taxation applicable to the county in force on the date on which this act becomes effective therein and not inconsistent with this act shall govern. Notwithstanding any inconsistent provision of law, general, special or local, the County Treasurer, with the approval of the Board of Supervisors and the State Comptroller, may install a tax record card system for recording taxes and assessments for benefit returned to his office and the collection thereof. Such system when installed and the entries and notations thereon shall constitute a system of reference to such taxes and assessments for benefit and thereafter no entries and notations relative to such taxes and assessments for benefit shall be required in the books returned to the County Treasurer by the receivers of taxes. Such system of reference shall be a public record.
(Amended by L. 1951 Ch. 607, in effect April 6, 1951.)

§ 2202. **Pecuniary interest of officers, employees or agents in execution of contracts prohibited.** Repealed.

§ 2203. **Pecuniary interest of officers, employee or agents in sales of tax liens or sales of property acquired by tax lien procedure or condemnation proceedings prohibited.** Any officer or employee or agent of the county, whether he be such by election, appointment or contract, who directly or indirectly, either on his own behalf or for another person or corporation, except in his official capacity as a representative of the county, shall bid at or who shall be financially interested in a tax lien, sale or the sale or purchase of any tax lien certificate, or shall be financially interested in the public or private sale or purchase of any property acquired by the county as a result of any tax collection procedure, or who shall be financially interested in any condemnation proceeding to which the county or any subdivision thereof is a party shall be guilty of a misdemeanor and upon conviction thereof shall forfeit his office or employment or agency and shall be further punished by a fine of not more than one thousand dollars or by, imprisonment for not more than six months or both such fine and imprisonment. Any such sale or purchase of a tax lien or a tax lien certificate or of property or condemnation proceeding shall be voidable on the application of the Comptroller to a court of competent jurisdiction.
(Amended by L. 1945 Ch. 547, in effect April 4, 1945.)

§ 2204. **Examination of persons offering to sell property to the county.** The County Attorney may require any person offering to sell to such county real property located within the county, or any agent of such person, or any officer or agent of a corporation offering to sell such real property to such county to be sworn before him or a deputy County Attorney and to answer orally as to the persons interested in the property, the price paid by the owner for the property, the interest of any other person, firm or corporation, as broker, agent, or other intermediary, in effecting the proposed sale to the county and as to any other facts and circumstances affecting the propriety of the purchase of said property by the county, and the fair market value thereof. Any other person having knowledge of any relevant and material fact or circumstance affecting the propriety of the proposed purchase by the county or the fair market value of the property to be acquired, may likewise be examined under oath. Willful false swearing before the County Attorney is perjury and punishable as such; and in a prosecution for perjury, it shall be no defense that such false swearing did not aid in effecting a sale of the property to such county, or in fixing the price paid therefor.

§ 2205. **Fees not to be retained by officers.** No officer of the County government shall have or receive to his own use any fees perquisites or commissions or any percentage; but every such officer, except as provided in this act or otherwise by law, shall be paid by a fixed salary, and all fees, percentages and commissions received by any such officer shall be the property of the County. All sums received or collected by any department, institution, office or agency of the County, including sums received as above, shall be paid without deduction to the County Treasurer at such times and under such conditions as he may prescribe, but in no instance less frequently than once a week, and a

detailed report, certified to be correct by the head of such department, institution, office or agency, shall be made in such times as the Comptroller shall prescribe stating when and from whom and for what use such moneys were received. A person who willfully certifies to a false statement in such a report shall be guilty of a misdemeanor. No officer or employee of the County shall be entitled to receive any salary as long as there remains in his possession any money belonging to the County other than cash drawer balances authorized by the Comptroller.
(Amended by L. 1948 Ch. 131, in effect March 6, 1948, and Local Law No. 11-1982, in effect December 6, 1982.)

§ 2206. **Execution of Contracts.** All contracts except for the purchase of supplies, materials, equipment and services in connection with the operation, renovation and maintenance of county facilities or equipment shall be made and executed by the County Executive. Notwithstanding the aforesaid provisions of this section, maintenance contracts applicable to the Department of Public Works shall be made and executed by the County Executive and the County Executive may delegate to any of his deputies the authority to make and execute, on behalf of the county, contracts which are the subject of this section provided he shall file with the clerk of the County Legislature a written authorization indicating therein the extent of such delegation. Any such authorization shall remain in effect during the term of the County Executive or until the County Executive files a written revocation with the clerk of the County Legislature. Whenever any such contract involves the expenditure of more than twenty thousand dollars, except contracts for personal services, the contract shall be let to the lowest responsible bidder by sealed bids or proposals made in compliance with public notice published at least once in the official newspapers at least five days prior to the day on which sealed proposals are to be opened except that such contract may be awarded to a bidder other than the lowest responsible bidder, as aforesaid, where such other bidder maintains a place of business in the County of Nassau or in an adjoining municipality and submits a bid not exceeding ten percent more than the otherwise lowest responsible bidder. The bids or proposals shall be opened publicly by the County Executive, one of his deputies or such other person, as the County Executive may designate, in the presence of the Comptroller or his designee, provided that if the Comptroller or his designee after due notice fails to attend, the County Executive or his designee may proceed as if he were present. The successful bidder must give security for faithful performance of his contract, the adequacy and sufficiency of which shall be approved by the Comptroller. No bid shall be accepted from, or a contract awarded to, any person who is in arrears to the county upon debt or contract or who has defaulted as surety or otherwise upon any obligation to the county. No contract shall be executed by the County Executive or one of his deputies in the name of the County until the same has been approved as to form by the County Attorney. A copy of each contract when executed shall be filed with the clerk of the County Legislature and the Comptroller together with a copy of any ordinance, other than the annual appropriation ordinance, upon which the right to make such contract rests. The awarding of any contract exceeding $100,000 shall be subject to the approval of the Rules Committee of the County Legislature. Notwithstanding the foregoing provisions of this section or any general, special or local law to the contrary, in the case of emergency, the County Executive, by written declaration setting forth the nature of the emergency,

may dispense with the requirements for public notice and the taking of bids notwithstanding that the contract may involve the expenditure of more than twenty thousand dollars. Any emergency purchase made pursuant to this section shall be limited to the amount and term deemed necessary in the sole discretion of the County Executive to remediate the emergency. If such contract involves an expenditure of $100,000 or more, a resolution ratifying the act of the County Executive or authorized Deputy County Executive awarding the contract shall be introduced to the County Legislature for consideration at its next available Legislative Meeting in accordance with the Rules of the County Legislature. In addition, at the time such ratifying resolution is called at all Committee Meetings and the Legislative Meeting, the County Executive must appear before such Committee(s) and the County Legislature to justify the expenditure. Without a resolution passed by the County Legislature, any contract executed by the County Executive or authorized Deputy County Executive which is exempt from the public notice requirements and the bid procedures of this section by reason of an emergency shall be limited to a term of one (1) year and to an expenditure equal to $100,000 plus any funds expended to remediate the emergency prior to the Legislative Meeting at which such ratifying resolution was voted upon. Without a Resolution passed by the County Legislature, any open services contract executed by the County Executive or authorized Deputy County Executive shall be limited to an expenditure of one hundred thousand ($100,000) dollars and to a term of one (1) year. In addition, without a resolution passed by the County Legislature, no person, firm, entity, principal or any firm or entity or affiliated person, affiliated firm, affiliated entity or affiliated principal of any firm or entity shall, in any year, be awarded open services contracts by the County Executive or authorized Deputy County Executive the aggregate amount of expenditures under which exceed three hundred thousand ($300,000) dollars.

*(1) Bidding Requirements.

(a) In addition to other information required by the County of Nassau, prior to awarding a bid to an apparent lowest bidder, the County of Nassau shall require the apparent lowest responsible bidder to furnish the following items:

(i) Disclosure of violations of the Prevailing Wage and Supplement Payment Requirements of the Labor Law of New York State,

(ii) Disclosure of any other Labor Law provisions, including, but not limited to, child labor violations, failure to pay wages, or unemployment insurance tax delinquencies within the past five years:

*(2) Posting Notices.

(a) Every Contractor who is a party to a public works contract with the County of Nassau shall, on behalf of its employees, subcontractors, employees of subcontractors and independent contractors of subcontractors, acknowledge and agree to establish and maintain a Bulletin Board at or near the established job site, management office or at such site as the Nassau County Department

of Public Works directs, for the conspicuous posting of Notices including the New York State Department of Labor Schedules of Prevailing Wages and Supplements applicable to the Project. Worker's Compensation Law Notices, and all other notices which are required by law and such notices as the County of Nassau may require the Contractor to post at the site. To the extent practicable, notice must be posted in such a manner so that the general public may view same at the entrance to the job site.

(b) Such postings shall be secure from deterioration and/or obliteration by the elements, defacement, and acts of vandalism.

(c) Notices shall be maintained in a legible manner and shall be replaced if damaged, defaced, rendered illegible or removed for any reason.

(d) The posting of such notices shall be undertaken prior to commencement of work at the site, if practical and feasible, and shall be maintained until the project has been substantially completed.

(e) Said notice shall include the telephone number and address of the New York State Department of Labor, Bureau of Public Works.

(f) Nothing herein shall be construed to relieve the Contractor from posting requirements.

*(3) Providing Notice to Employees.

(a) The Contractor shall, on behalf of its employees, subcontractors, employees of the subcontractors and independent contractors of subcontractors, provide written notice to each employee that he or she is entitled to receive the prevailing wage and supplements for the occupation for which he or she has been hired. Such written notice shall be given to the employee at or before such individual commences work at the project site.

(b) The Contractor shall obtain from each employee a written acknowledgement that the employee has received a copy of such notice and is receiving the prevailing wage rate. For the purposes of this section, an employee includes, in addition to those immediately under the hire and/or supervision of the Contractor, employees and independent contractors of subcontractors engaged in work at the project site. The written acknowledgements of the employees required herein shall accompany each month's partial payment request.

(4)[23] Payroll Records.

(a) The Contractor shall, on behalf of its employees, subcontractors, employees of subcontractors and independent contractors of subcontractors, maintain at the job site (or such place designated by the County of Nassau) of original payrolls, employee attendance records and/or transcripts thereof as are required to be maintained pursuant to Section 220 of the New York Labor Law and shall maintain the written acknowledgements of the employees as required above with the payrolls and transcripts.

(b) The Contractor shall, on behalf of its employees, subcontractors, employees of subcontractors and independent contractors of subcontractors, provide to the Resident Project Engineer, the Nassau County District of Labor Relations (or other individuals designated by the County of Nassau) upon application for payment an employment attendance sheet for all employees, including employees of subcontractors, for each day on which work is performed on the site, upon a form acceptable to the County of Nassau, containing such information as the County of Nassau deems appropriate, including job classification, hours of employment, wage rate and supplements payable and employer. A current attendance record shall be maintained at a location designated by the County.

(c) Every contractor on a public works contract to which Nassau County is a party shall, on behalf of its employees, subcontractors, employees of subcontractors and independent contractors of subcontractors, submit a transcript of its original payroll record for all work contemplated by the contract to the Public Works Commissioner of the County of Nassau and to the Clerk of the Nassau County Legislature within thirty days after issuance of its first payroll, and every thirty days thereafter.

(d) Upon receipt of a copy of the schedule of wages and supplements specified in the public improvement contract, or of a subsequently issued schedule, every contractor and subcontractor shall provide a verified statement attesting that the contractor and subcontractor has received and reviewed such schedule of wages and supplements, or subsequently issued schedule, and agrees that it will pay the applicable prevailing wages and will pay or provide the supplements specified therein. Such verified statement shall be filed with the Public Works Commissioner of the County of Nassau and the Clerk of the Nassau County Legislature. It shall be a violation of this law for any contractor or its subcontractor to fail to provide to its subcontractor a copy of the schedule of wages and supplements specified in the contract as well as any annually determined rate issued subsequent to the schedule specified in the

[23] These subdivisions may not have survived the passage of Local Law No. 11-1998. In that local law, section 2206 was "amended to read as follows" and only the introductory undesignated subdivision was re-printed

contract.

(e) Before final payment is made by or on behalf of the county for any sum or sums due on account of a contract for a public improvement, it shall be the duty of the County Comptroller to require the contractor to file every verified statement required to be obtained by the contractor from its subcontractors pursuant to subdivision two of this law and to file a statement in writing in form satisfactory to such officer certifying to the amounts then due and owing from such contractor filing such statement to or on behalf of any and all laborers for daily or weekly wages or supplements on account of labor performed upon the work under the contract, setting forth therein the names of the persons whose wages or supplements are unpaid and the amount due to each or on behalf of each respectively. Such statement shall also set forth the amounts known by the contractor to be then due and owing from each subcontractor, or from a subcontractor of such subcontractor, for wages or supplements, or shall certify that the contractor has no knowledge of such amounts owing to or on behalf of any laborers of its subcontractors, and that in the event it is determined by the commissioner that the wages or supplements or both of any employees of such subcontractors have not been paid or provided pursuant to the appropriate schedule of wages and supplements, the contractor shall be responsible for payment of such wages or supplements pursuant to New York State law. Such statement so to be filed shall be verified by the oath of the contractor that he or she has read such statement subscribed by him or her and knows the contents thereof, and that the same is true of his or her own knowledge except with respect to wages and supplements owing by subcontractors which may be certified upon information and belief.

(Amended by L. 1947 Ch. 720: L. 1954 Ch. 545. in effect April 7-1957: Local Law No. 2-1976, in effect February 26, 1916; Local Law No. 11-1979, in effect September 10: Local Law No. 7-1980, in effect July 23, 1980: Local Law No. 3-1984, in effect February 2,1984; Local Law No. 3-1988, in effect August 4, 1988; Local Law No. 12-1991, in effect January 1, 1992; Local Law No. 6-1992, in effect May 21, 1992; Local Law No. 7-1998, in effect October 22, 1998; Local Law No. 11-1998, in effect October 9, 1998.)

§ 2206-a. **Nassau County Veterans Memorial Coliseum.**

1. Legislative intent and declaration of policy. The County of Nassau has constructed on land owned by it at Mitchel Field, an arena and exhibition hall to be known as the Nassau County Veterans Memorial Coliseum. The Coliseum will be the site of a wide variety of activities including athletic games, contests, spectacles, entertainment events, trade shows and exhibitions. The successful use and operation of the Coliseum requires the proper management and administration in such proprietary areas as promotion, booking, contract negotiations, ticket sales, crowd management, labor relations, building and equipment maintenance and the granting of various concessions. In order to insure the necessary efficient and economical operation of the Coliseum, it is deemed essential to provide a greater amount of flexibility in dealing with the problems in the aforementioned

areas. To provide such an efficient and economic operation is deemed to be in the best interests of the people of the County of Nassau.

2. Any contract, lease, rental agreement, license, permit, concession or other authorization entered into for the purposes of furthering the use and operation of the Nassau County Veterans Memorial Coliseum may grant to the person, firm or corporation contracting with the county, right to use, occupy or carry on activities in, the whole or any part of such Coliseum, grounds, parking areas and other facilities of the Coliseum, (a) for any purpose or purposes which are of such a nature as to furnish to, or foster or promote among, or provide for the benefit of, the people of the county, recreation, entertainment, amusement, education, enlightenment, cultural development or betterment, and improvement of trade and commerce, including professional, amateur and scholastic sports and athletic events, theatrical, musical or other entertainment presentations and meetings, assemblages, conventions and exhibitions for any purpose including business or trade purposes, and other events of civic, community and general public interest and/or (b) for any business or commercial purpose incidental to the operation of such Coliseum, grounds, parking areas and facilities, or to the equipment thereof. It is hereby declared that all of the purposes referred to in this subdivision are for the benefit of the people of the county and the improvement of their health, welfare, recreation and prosperity, for the promotion of competitive sports for youth and prevention of juvenile delinquency, and for the improvement of trade and commerce and that such purposes are and shall continue to be deemed county and public purposes.

3. **Contracts for services to be performed at the Nassau County Veterans Memorial Coliseum**. The operation of the Coliseum requires specialized services and manpower in such areas as crowd management, promotion, booking, ticket sales, security, and building and equipment maintenance, suited to the individual needs of the various events.

   The County of Nassau is therefore hereby authorized and empowered to enter into contracts for the specialized services and manpower required to prepare for and maintain the operational functions of the Coliseum during the performance of an event, trade show or exhibition and to provide for the security of persons and property in connection therewith.

   No such contracts shall be deemed to be contracts for public work or purchase within the meaning of the general municipal law.

   Payment for such services shall be made pursuant to contract and in the manner provided by the Nassau County government law.

4. Nassau County Veterans Memorial Coliseum operating account. The County Executive is hereby authorized to established a bank account in a bank or banks designated by the County Treasurer in the manner provided by law, for the deposit of receipts from the sale of tickets at the Coliseum such moneys to be deposited within said account within one business day after receipt thereof. Disbursements from such account shall be made by the county officer or officers

designated by the County Executive. Disbursements shall be made and limited to persons or firms entitled to receive all or a portion of the proceeds from the sale of tickets, refunds required to be made in connection therewith and payment to the treasurer of the County of Nassau of all moneys due to the County of Nassau. Such moneys due to the County of Nassau shall be paid to the County Treasurer in the manner provided by law at such times and under such conditions as he may prescribe but in no instance less frequently than once a week. The account established hereunder shall be subject to audit by the Comptroller of the County of Nassau, who shall keep an exact and detailed account of all monies actually received into and disbursed from said account.

5. Agreements for specialized equipment or materials at the Coliseum. Notwithstanding any general or special law to the contrary, the County of Nassau is hereby authorized and empowered to enter into agreements for the lease or use of electronic equipment designed to provide an animated scoreboard, instant replay, advertising and messages in the Nassau County Veterans Memorial Coliseum. Such agreement may provide that the county shall have an option to purchase such equipment during the terms thereof.

(Added by L. 1972 Ch. 882, in effect June 8, 1972.)

7.[24] Use of Nassau County Veterans Memorial Coliseum. Notwithstanding the provisions of any other law, general, special or local, the Board of Supervisors of the County of Nassau may, from time to time, by ordinance, establish rules and regulations, empowering the County Executive, acting in behalf of the County of Nassau, to enter into contracts, leases or rental agreements with or grant licenses, permits, concessions or other authorizations to any person, firm or corporation upon such terms and conditions and for such consideration as may be agreed upon by the County Executive and such person, firms or corporation whereby such person, firm or corporation is granted the right to use, occupy or carry on activities in the whole or any part of such coliseum, groups, parking areas and other facilities for any purpose or purposes referred to in subdivision two (a) of this section.

(Added by L. 1972 Ch. 883 in effect June 8, 1972.)

§ 2207. **Publicity of records, Repealed.**

(Repealed by L. 1990 Ch. 902, in effect March 6, 1990.)

§ 2208. **Use of patented articles by county.** Except for repairs, no patented pavement shall be laid and no patented article shall be advertised for, contracted for or purchased except under such circumstances that there can be a fair and reasonable opportunity for competition, the conditions to secure which shall be prescribed by ordinance; provided, that the Board of Supervisors by a vote of two-thirds of the voting

[24] So numbered in enacting legislation.

strength thereof may in a particular case authorize the purchase and use of patented pavement or other patented article as to which competition cannot be secured.
(Amended by L. 1947 Ch. 302 §, in effect March 22, 1947.)

§ 2209. **Requiring use of patented articles.** No officer of the county government shall order any householder or freeholder to use any patented article on any building or in any public street or buildings, except under such circumstances that there can be a fair and reasonable opportunity for competition, the conditions to secure which shall be prescribed by the Board of Supervisors by ordinance.

§ 2210. **Ordinances to receive judicial notice.** A code or other volume containing the ordinances or resolutions of the county published by authority of the Board of Supervisors shall be prima facie evidence in all courts of justice of the authenticity of such ordinances or resolutions. All courts in the county shall take judicial notice of county ordinances.

§ 2211. **Official Nassau County website and official newspapers.**

a) The official website of Nassau County shall be www.nassaucountyny.gov, including any interconnected webpages prepared and maintained by Nassau County.

b) The member or members of the Board of Supervisors representing, respectively, the two political parties whose candidate for governor received the highest and next highest number of votes in the county at the last general election at which a governor was chosen, or a majority of such members representing, respectively, each of such political parties, shall on or before January fifteenth in each year designate in writing a newspaper published daily and having an average daily paid general circulation of not less than fifty thousand within the county, to be an official newspaper of the county for the ensuing year or until its successor is designated, and such designation shall be filed with the clerk of the Board of Supervisors. If there be no member of the Board of Supervisors representing either of such political parties, the designation of an official newspaper which would have been made by such member or members shall be made by the chairman of the county committee of such party in like manner and with like effect as a designation by the members of the Board of Supervisors representing such party. All notices, other than notices relating to the sale of property for taxes which shall be published as now or hereafter provided by law, required to be published by this act or otherwise by law, shall be published in the official newspapers designated as provided above and in such other publications as the County Executive may, from time to time, determine unless otherwise provided by the local finance law.
(Amended by L. 1943 Ch. 710 §06: L. 1945 Ch. 338: Local Law No. 16-1973 in effect December 31, 1973; amended by Local Law No. 1-1986, in effect January 6, 1986; Amended by Local Law No. 15-2011, in effect December 22, 2011.)

§ 2212. **Members of appointive boards and commissions compensation; absence from meetings; vacancies.** Unless otherwise provided in this act the appointive

members of every board and commission may receive a per diem compensation, to be fixed by ordinance of the Board of Supervisors, for each day spent in the performance of their duties and they shall receive actual traveling and other expenses necessarily incurred in the performance of their duties. Any appointive member absent from four consecutive regular meetings of such board or commission, unless excused by resolution thereof, shall be deemed to have vacated his office. Vacancies occurring in such office otherwise than by the expiration of the term shall be filled for the unexpired balance of the term.
(Amended by Local Law No. 2-1946 §2, in effect June 10, 1946.)

§ 2213. **Power to administer oaths and issue subpoenas.** The County Executive, the County Comptroller, the County Fire Marshal, the Commissioner of Investigation and such members of his or her staff as he or she may designate, members of the County Civil Service Commission and its secretary, members of the County Board of Assessors, the chairman of the County Planning Commission, the County Medical Examiner and his deputies and any other officers who may be designated by ordinance shall have the power to administer oaths and affirmations and to compel the attendance of witnesses and the production of books and papers, and any person disobeying a valid subpoena thereof, or who willfully refuses to make oath or affirmation when requested to do so thereby, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than three months, or by both such fine and imprisonment. In addition to the foregoing, the Inspector General shall have the power to issue subpoenas and administer oaths as provided by Article II-A of the Charter.
(Amended by Local Law No. 11-2017, signed by the County Executive on December 26, 2017).

§ 2214. **Transfer of records.** All books, records, papers and accounts of any office, officer or board abolished by this act shall be transferred at the direction of the County Executive to the appropriate office, officer or board as provided in this act.

§ 2215. **Elective officer's salary not to be changed during term**. The salary of any elective officer shall not be increased or diminished during the term for which he was elected, provided, however, that the salary of an officer elected for a term longer than three years may, by ordinance, be once increased after he shall have served two years of such term and may once more be increased after he shall have served three years of such term.
(Amended by L. 1953 Ch. 358, in effect March 28, 1953; Local Law No. 4-1984, in effect April 9, 1984)

§ 2216. **Continuity of Government.**

1. Public Policy. Because of the existing possibility of an attack upon the United States of unprecedented size and destructiveness, including the inevitable hazards of radioactive contamination; and in order, in the event of such an attack, to assure the continuation of effective, legally constituted leadership, authority and responsibility in the offices of the government of this county, it is found and declared by, the Board of Supervisors of Nassau County to be necessary to provide emergency interim officers who can exercise the powers and discharge the duties of the key executive, administrative, legislative and judicial offices of this County in the event that the incumbents thereof (and their deputies, assistant

or other subordinate officers authorized, pursuant to law, to exercise all of the powers and discharge the duties of such offices) are all killed, missing, disabled or for some other cause, unable to perform the duties and functions of their offices during and immediately after an enemy attack; and in the interest of the public safety, welfare and the protection of property and pursuant to Section 29a of the New York State Defense Emergency Act and Section 60 of the General Municipal Law; it is the public policy of the County of Nassau, hereby declared by the Board of Supervisors of Nassau County, to provide for the continuity of government of Nassau County in the event of enemy attack or public disaster as set forth hereinafter. Nothing in this law shall be construed as a determination of whether the officers listed herein are officers of the County for purposes other than under Section 29a of the New York State Defense Emergency Act.

2. Definitions. As used in this local law, unless the context otherwise clearly indicates, the following terms shall mean and include:

   (a) "Unavailable" shall mean either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.

   (b) "Attack" shall mean any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner, by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes.

   (c) "Duly authorized deputy" shall mean a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

   (d) "Emergency Interim Successor" shall mean a person designated pursuant to this ordinance for possible temporary succession to the powers and duties, but not the office, or a County officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

3. Designation. Status. Qualifications and Terms of Emergency Interim Successors.

   (a) Elective Officers. Within thirty (30) days following the effective date of this ordinance and thereafter within thirty (30) days after first entering upon the duties of his office, the County Executive, each member of the Board of

Supervisors, the County Clerk, the County Comptroller, the County Sheriff, the President of the Board of Assessors, the District Attorney, the Surrogate of Nassau County, the County Judges, the Judges of the Family Court, the Judges of the District Courts of Nassau County, shall, in addition to any duly authorized deputy, designate such number of emergency interim successors to his office and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three (3) such duly authorized deputies or emergency interim successors or combination thereof for the office. Nothing herein, however, shall in any way modify or supersede the provisions of Section 205 of the County Government Law of the County of Nassau (County Charter), specifying the authority of the County Executive to appoint a Deputy County Executive and the authority of the Vice Chairman of the Board of Supervisors to act in the event of the latter's incapacity.

(b) Appointive Officers. Each appointive officer, including the heads of the various County Departments, within the time specified in Subsection (a) of this Section, in addition to any duly authorized deputy, designate for such appointive officers, such number of emergency interim successors to these officers and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three (3) duly authorized deputies or emergency interim successors or combination thereof. Where such a body of officers consists of members having overlapping terms, such body of officers shall review and as necessary, revise the previous designations of emergency interim successors by such Board within thirty (30) days after a new member elected or appointed to such body of officers first enters upon the duties of his office as a member of such body of officers.

(c) Review of designation. The incumbent in the case of those elective officers specified in subsection (a) of this Section, and the County Executive in the case of those appointive officers specified in subsection (b) of this Section, shall review and, as necessary promptly revise the designations of emergency interim successors to insure that at all times there are at least three such qualified emergency interim successors or duly authorized deputies or any combination for each officer specified.

(d) Qualifications. No person shall be designated or serve as an emergency interim successor unless he may, under the constitution and statutes of this State and the charter or ordinance of this County, hold the office of the person to whose powers and duties he is designated to succeed, but no provisions of any Ordinance prohibiting an officer or employee of this County from holding another office shall be applicable to an emergency interim successor.

(e) Status of Emergency Interim Successor. A person designated as an emergency interim successor holds that designation at the pleasure of the designator: provided, that he must be replaced if removed. He retains this designation as emergency interim successor until replaced by another

appointed by the authorized designator.

4. Assumption of Powers and Duties of Officer by Emergency Interim Successor. If in the event of an attack, any officer named in subsections (a) and (b) of this Section 1 of this Ordinance and any duty authorized deputy is unavailable, his emergency interim successor highest in rank in order of succession who is not unavailable shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

5. Recording and Publication. The name, address and rank in order of succession of each duly authorized deputy shall be filed with the County Clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the County Clerk the successor's name, address and rank in order of succession. The County Clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors and it shall be open to public inspection.

6. Formalities of Taking Office. At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

7. Quorum and Vote Requirements. In the event of an attack. (1) quorum requirements for the Board of Supervisors shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of an ordinance, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

8. Separability Clause. If any section, subsection, sentence, clause, phrase or portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
(Added by Local Law No. 11-1963, in effect October 28, 1963.)

§ 2217. **Annual hearing of departments.** Each year, upon determination by resolution of the County Legislature, the head of any department, institution, office and agency of the county government shall be required to appear at a hearing before the County Legislature, to report on the activities of such department, institution, office or agency during the preceding fiscal year and on such other matters as may be requested in

such resolution of the County Legislature.
(Added by Local Law No. 11-1994, in effect January 1, 1996.)

§2218. **Code of Ethics.**

1. Definitions.

"Agency" shall include any agency, board, bureau, commission, department or other similar entity of the County.
(Amended by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

"Appear" shall mean to make a communication in any form, personally or through another person, including, but not limited to, by letter, by telephone, by e-mail or by facsimile, on behalf of a person or entity from whom one receives income or compensation.

"Board" shall mean the Nassau County Board of Ethics.

"County officer or employee" shall include the officers and employees of any agency of the County, as defined herein, in addition to any officer who is appointed, pursuant to law, by the County to serve any other entity unless such person is subject to the Public Officers Law and the oversight of the State Ethics Commission or is otherwise exempt from the local ethics code.

"Financial Interest" shall mean (i) a foreseeable direct or indirect pecuniary or material benefit accruing to a County officer or employee as a result of a financial or business dealing with the County; (ii) an ownership interest in any entity, except a publicly-traded corporation of which the County officer or employee owns less than five percent of the outstanding stock; or (iii) a position as officer, director, trustee, or partner of an entity. For the purposes of this section, the financial interests of an officer or employee's spouse, domestic partner, minor children and dependents shall be deemed financial interests of such officer or employee; provided, however, that a County officer or employee shall not be deemed to have a financial or other private interest in the employment, by the County, of his or her spouse, domestic partner, minor child or dependent.

"Ministerial act" shall mean an administrative act, including the issuance of a license, permit or other permission by the County, which is carried out in a prescribed manner and which does not involve substantial personal discretion.

"Relative" shall mean mother, father, son, daughter, sister, brother, stepmother, stepfather, stepson, stepdaughter, aunt, uncle, cousins in the first and second degree of consanguinity, domestic partner, mother-in-law, father-in-law, sister-in-law, brother-in-law and grandparents.

2. Conflicts of Interest Prohibited.

   a. Except as provided in subdivision twelve of this section, no County officer or employee whether paid or unpaid, shall:

      (1) Have a financial interest, except by operation of law, in any business or professional dealings with the County or any agency thereof or a financial interest in any entity which has business or professional dealings with the County.

      (2) Participate as attorney, agent, broker, representative or employee in a business or professional transaction with, or lawsuit against, the County or any agency thereof for any person or entity directly or indirectly in any manner whatsoever or fail to ensure that adequate measures are taken to prevent his or her participating in any manner in any such transaction where a law firm or other entity in which such person is an owner, member or employee becomes involved as attorney, agent, broker or representative in such a transaction with, or lawsuit against, the County.

      (3) Accept or retain other employment, engage in any business transactions, make or retain any investments, have any financial interest, or engage in other activities that directly or indirectly create a conflict with his or her official duties.

   b. A County officer or employee shall not appear before any agency or officer of the County except on behalf of the County, provided, however, that for County officers or employees serving in an unpaid capacity, this prohibition shall apply only to appearances before the agency served by such officer or employee.

   c. No County officer or employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter that is before the agency served by such officer or employee, or any agency over which he or she has supervisory control or to which he or she has the power to appoint any member, officer or employee.

   d. No legislator, during his or her term and for a period of two years from the expiration of the term to which he or she was elected, shall engage in any employment as a lobbyist on behalf of any person, firm, corporation or association doing business with the County.

3. Gifts and Favors. No officer or employee of the County, whether paid or unpaid, shall accept gifts aggregating to seventy-five dollars ($75.00) or more during a twelve month period, nor solicit any gift of any value, whether in the form of services, loan, thing or promise of any other form, from any one person, firm or corporation which to his or her knowledge is interested directly or indirectly in

any manner whatsoever in business or professional dealings with the County or any agency thereof. For purposes of this subdivision, the value of a gift of a ticket or comparable authorization entitling the holder to food, refreshments, entertainment, or any other benefit shall be the face value of the ticket or the cost of entrance to the general public, notwithstanding the fact that part of the cost of attending is a tax-deductible or political contribution.
(Amended by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

4. Recusal and Disclosure of Interest.

   a. A County officer or employee, whether paid or unpaid, shall promptly recuse himself or herself from acting on any matter before the County in which he or she has (i) any direct or indirect financial or (ii) any other private interest that a reasonable person would perceive to compromise his or her ability to make impartial judgments or take discretionary actions in the best interests of the County.

   b. Any County officer or employee who recuses himself or herself pursuant to paragraph (a) of this subdivision shall be required to disclose such recusal in writing to the Board and the nature of his or her private interest. The Board shall file and retain such disclosure as a public record. The Board may issue an opinion in response to such disclosure, request additional information related to the disclosure, give advice by letter or informal communication, or file the disclosure with no response. Neither the disclosure nor any response by the Board shall be confidential.
   (Amended by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

   c. Where a County officer or employee has, or acquires an interest in any existing or proposed legislation, contract, purchase agreement, lease agreement, use and occupancy agreement, or other agreement with the County, the officer or employee shall disclose the nature and extent of that interest in writing to his or her immediate supervisor and to the Board as soon as he or she has knowledge of the actual or prospective interest.
   (Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

5. Disclosure of Confidential Information. No officer or employee of the County, whether paid or unpaid shall disclose confidential information concerning the property, government or affairs of the County or any other confidential information of an official character obtained as a result of County employment except when disclosure is required by law or when such information is otherwise available to the public, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.

6.[25] Misuse of County resources. No officer or employee of the County shall use the

[25] Local Law No. 11-2017 first correctly identifies this subdivision as number 6, then erroneously refers to this provision as number 3.

resources of the County in furtherance of his or her business, professional or political interests or activities, or in furtherance of the interests or activities of any outside entity other than pursuant to a County contract with such entity, without the approval of the head of his or her agency and the approval of the Board of Ethics upon a finding by the Board that such activity is in furtherance of the interests of the County, and the written approval of the Inspector General. (Amended by Local Law No. 11-2017, signed by the County Executive on December 26, 2017).

7. Hiring and supervision of relatives. No officer or employee of the County shall hire or induce others to hire a relative of such officer or employee nor shall any officer or employee of the County directly supervise or evaluate the work of any relative employed by the County except: a) as required by the Civil Service Law or rules promulgated thereunder; b) pursuant to a supervisory arrangement that began prior to the effective date of this subdivision; or c) with the written approval of the Board of Ethics. In determining whether to approve the request of an officer or employee to hire or supervise a relative, the Board shall consider, among other things, the nature of the relationship at issue and any steps that have been taken to ensure objectivity in any such hiring decision, salary determination, evaluations, recommendations for promotions and increases and other aspects of a supervisory relationship. Neither such request for Board approval nor the determination of the Board shall be confidential. Nothing in this subdivision, nor any approval issued by the Board pursuant to this subdivision, shall relieve an employee of the continuing requirement to exercise his job duties in the best interests of the County, without giving raises, promotions or other beneficial terms or conditions of employment based on private interests or personal relationships, and the Board may continue to enforce such requirement, as it deems appropriate, whether or not it has approved the hiring or supervision of a relative.

8. Post-employment restrictions.

   a. No person who has served as a paid officer or employee of the County shall, within a period of two years after the termination of such service or employment, appear before any Board, agency, officer or employee of the County, except on behalf of the State, or a political subdivision or instrumentality thereof**,** or in furtherance of the interests of the County with the approval of the Board upon application of a County agency. No person who has served as an unpaid officer or employee of the County shall, within a period of two years after the termination of such service or employment, appear before his or her former agency or the officers or employees thereof, except on behalf of the State, or a political subdivision or instrumentality thereof**,** or in furtherance of the interests of the County with the approval of the Board upon application of a County agency.

   b. No person who has served as a paid or unpaid officer or employee of the County shall receive compensation or render any services in relation to any

case, proceeding, application or particular matter which such person was directly concerned with, personally participated in, or actively considered during the period of his or her service or employment, except in furtherance of the interests of the County with the approval of the Board upon application of a County agency. A former officer or employee is also required to ensure that adequate measures are taken to prevent his or her participating in any manner in such particular case, proceeding, application or particular matter if a law firm or other entity in which such person is an owner, member or employee becomes involved with any aspect of such particular case, proceeding, application or particular matter

c. No former paid or unpaid officer or employee of the County shall disclose confidential information concerning the property, government or affairs of the County or any other confidential information of an official character obtained as a result of County employment except when disclosure is required by law or when such information is otherwise available to the public, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.

9. Pecuniary interest of officers, employees or agents in execution of contracts prohibited. No officer, employee or agent of the County, whether he or she be such by election, appointment or contract shall directly or indirectly, either on his or her own behalf or for another person or corporation, make or participate in making, including the preparation of specifications or plans for, any contract or agreement in which said officer or employee or agent is interested directly or indirectly as principal or agent or as an officer of or owner of stock in a corporation, nor shall an officer, employee or agent in any way influence the action of any other officer or employee or agent in relation to the making, or fail to recuse him or herself from the discussion and approval process of any County contract or agreement in which he or she has such an interest. In addition to other penalties that may be imposed by the Board as set forth in this Code, if any such officer or employee or agent shall willfully violate the provision of this section, such contract or agreement shall be voidable, and such officer or employee or agent shall be guilty of a misdemeanor and upon conviction thereof shall forfeit his office or employment or agency and shall be further punished by a fine of not more than one thousand dollars or by both such fine and imprisonment. The provisions of this section shall not apply to the making of a contract with the County to serve as a foster parent or to act as a physician for any County department or agency or to any ministerial acts taken by a County officer, employee or agent. Further, the provisions of this section shall not preclude a contractor or a contractor's officers and employees from advocating for or participating in the drafting of extensions, renewals or amendments of its own contract with the County nor preclude a contractor from assisting the County with the drafting of specifications upon request of a County agency.

10. Board of Ethics.

a. There shall be a Board of Ethics consisting of five members, four (4) of whom shall be appointed by the County Executive, subject to the confirmation of the County Legislature, all of whom shall reside in the County and who shall serve without compensation, not more than two (2) of whom shall be members of the same political party and the County Attorney. A majority of such members shall not be officers or employees of the County or any municipality. The members of the Board shall elect a chairperson. Except for the County Attorney, each member shall serve for a term of five (5) years.
(Amended by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

i With the exception of the County Attorney, no person, while serving as a member of the Board, shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, have business dealings with the County or any elected official, hold any political party office, appear as a lobbyist before the County or make a contribution to any County elected official or candidate for County office
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

ii Any vacancy occurring on the Board other than by expiration of a term shall be filled by nomination of a successor within sixty (60) days of the creation of the vacancy. The County Legislature shall act on such nomination within sixty (60) days of the filing of the appointing resolution in the Office of the Legislature.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

iii Three (3) members of the Board shall constitute a quorum, and the Board shall have the power to act by a vote of three (3) members.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

iv the members of the Board shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

b. The Board shall have the authority to investigate complaints of actions in violation of this section or may initiate an investigation by a majority vote of the Board. The results of any such investigation may be shared, in the discretion of the Board, with necessary and appropriate County officers and law enforcement officials. In furtherance of this investigatory function, the

Board may request that the Commissioner of Investigations or the Inspector General use the power and resources of his or her office to assist the Board.
(Amended by Local Law No. 6-2017, signed by the County Executive on July 11, 2017; amended by Local Law No. 11-2017, signed by the County Executive on December 26, 2017.)

c. The Board shall develop written guidelines as to the procedures it shall follow in the investigation and determination of a complaint. Such guidelines shall be included in a webpage on the Official Website of Nassau County.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

i In the course of an investigation and complaint, all procedural protections, rights to representation or counsel and due process contained in Civil Service Law Section 75 shall be affored to all officers or employees and Section 75 rules and procedures shall control regardless of the eligibility of the officer or employee under the Civil Service Law.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

d. The Board also shall render advisory opinions with respect to this section, such opinions to be rendered only to an officer or employee or former officer or employee requesting advice relative to himself or herself, or to the head of a County agency, to the County Executive or to a Legislator. All requests for opinions must be submitted to the Board in writing. Such opinion shall be rendered, if practicable, within thirty (30) days of the receipt by the Board of the written request. If more than thirty (30) days are required to issue the requested opinion, the Board shall notify the individual making the request and inform that individual of a date upon which the opinion shall be rendered. In addition, the Board shall notify any individual requesting an advisory opinion if it is unable to provide the requested opinion within (30) days. Such notification shall contain sufficient detail as to the reasons the Board is unable to render an opinion, and shall request additional information if necessary to allow it to render an opinion. The Board may decline to issue an opinion when (a) the request inquires about the propriety of conduct of a person other than the requester; (b) the subject of the request is a person other than the requester; (c) the request raises an abstract or hypothetical question. The Board shall only disclose and distribute opinions to the person duly requesting it. However, where an advisory opinion is issued and the person who is the subject of the opinion fails to adhere to the guidance of an opinion that has been disclosed to him or her, such violation may, in the discretion of the Board, be disclosed to the head of such person's agency or the necessary and appropriate County officers or law enforcement officials, subject to the provisions in subdivision 11 herein. Notwithstanding the provisions of this paragraph, all such advisory opinions issued by the Board either prior to or subsequent to the effective date of this local law may be issued with the names and other identifying information redacted and such advisory opinions issued with appropriate redactions shall be made available to the public to the extent the Board determines that identities can be meaningfully protected. Opinions

may also be issued and disclosed without the names redacted with the permission of any person who will be identified. Whenever a request for access to an advisory opinion is received, the officer, employee or appointed official who requested the rendering of the advisory opinion shall be notified of the access request by written notice to be mailed within seventy-two (72) hours of the receipt by the Board of Ethics of the request for access.
(Amended by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

e. In lieu of a formal request for opinion, a County officer or employee may, at any time, submit to the Board an informational letter concerning his or her outside interests or activities whether or not such interests or activities appear to pose an explicit conflict of interest under this Code. Such an informational letter may also be submitted by an officer or employee concerning the outside interests or activities of someone to whom the officer or employee intends to make an offer of County employment or by a former County officer or employee. The Board shall file and retain such informational letter as a public record. The Board may issue an opinion in response to the informational letter, give advice by letter or informal communication, or file the informational letter with no response. Neither the informational letter nor any response by the Board shall be confidential.

f. The Board shall promulgate its own rules and regulations concerning its forms and procedures and shall maintain appropriate records of its opinions and proceedings.

g The Board shall administer and enforce the provisions of Section 22-4.3(c) of the Nassau County Administrative Code relating to the filing of financial disclosure forms and financial disclosure requirements by County officials, officers and employees. The Board may delegate to any County officer the duty to distribute, collect and review financial disclosure forms and otherwise administer and enforce section 22-4.3 of the Nassau County Administrative Code relating to financial disclosure; provided, however, that such officer may not impose penalties but may make recommendations to the Board regarding the imposition of penalties for violations of section 22-4.3.

h. The Board shall have the responsibility of informing County officers and employees and assisting their understanding of conflicts of interest requirements set forth by this Code and shall provide ethics training, guidance documents, seminars and education to Nassau County's officers, employees, departments, boards and commissions. Such training may be on the request of a particular department on a particular subject or subjects or upon the Board's own initiative and recommendation. The Board may conduct in person training and/or may utilize interactive on-line, web-based technologies in furtherance of this section.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

i. The Board shall develop and update as necessary written ethics guidelines based on this Code of Ethics that shall be provided to all employees hired after the effective date of this Local Law. Each employee hired after the effective date of this Local Law shall sign a statement that they received the guidelines and that they must abide by all rules and requirements contained therein. Such statement shall be maintained in the employee's personnel file.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

j. The Board shall include a webpage on the Official Website of Nassau County containing guidance documents, web based instructional and educational resources, and any forms necessary to seek advisory opinions or to file an ethics complaint.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

k. The Board shall prepare and submit a report to the County Executive and the County Legislature no later than March 1 each year, summarizing the activities of the Board during the preceding calendar year.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

l. The Board shall meet at least once a quarter, may schedule additional meetings as necessary, and shall prepare and submit to the County Executive and the County Legislature a schedule of its meeting no later than February 1 each year. Such schedule shall be posted on the Official Website of Nassau County.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

m. The Board may make recommendations to the Nassau County Legislature with respect to the County Code of Ethics. The Board, upon its own formulation, shall promulgate its own rules and regulations as to its forms and procedures and shall maintain records of its opinions and proceedings. Copies of all rules and regulations promulgated by the Board shall be filed with the Clerk of the Legislature and posted to the Official Website of Nassau County within ten days of their adoption.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

11. Penalties. A violation of any of the provisions of this section shall constitute cause for forfeiture of pay, suspension, imposition of fines of up to $10,000 per violation or removal from office or employment, as may be imposed by the Board, after providing an opportunity to be heard in a proceeding conducted in accordance with due process. Any person found to have violated any such provision may file with the Board within seven days of such finding a written notice indicating his or her intent to commence a proceeding to review the determination pursuant to article seventy-eight of the civil practice laws and rules. Upon receipt of such notice, the Board shall stay the imposition of any penalty imposed pursuant to this subdivision until the commencement of the article seventy-eight proceeding. Resignation or dismissal from County employment shall not bar the imposition of penalties under this section for violations of the Code that occurred during the period of employment. Penalties may also be

imposed under this section on a former employee for violations of the post-employment restrictions. The County Attorney shall provide for appropriate reporting and other services in relation to any such proceeding. Nothing in this section shall limit the imposition of any other penalties, fines and/or other sanctions which may be provided by law or prevent the County Executive or other appropriate supervisory officer from taking disciplinary action based on the findings of a separate inquiry or investigation.

12. Exemptions.

a. No employee may have any interests or take any action prohibited by subdivisions two through six of this section without the approval of the Board; provided that the provisions of this section shall not prohibit, or require recusal or transactional disclosure as a result of:

(1) An action specifically authorized by statute, rule, or regulation of the State of New York or of the United States.

(2) A ministerial act.

(3) Gifts:
(A) received by the County officer or employee from his or her parent, spouse or child; or
(B) accepted on behalf of the County and transferred to the County.

(4) Gifts or benefits having a reasonable value that are received by a County officer or employee listed in section 11 of the Domestic Relations Law for the solemnization of a marriage by that officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.

(5) Awards from charitable organizations.

(6) Receipt of County services or benefits, or use of County facilities that are generally available on the same terms and conditions to residents or a class of residents in the County.

(7) County officers or employees appearing or practicing before the County or receiving compensation for working on a matter before the County after termination of their County service or employment where they performed only ministerial acts while working for the County or where they are appearing in an official capacity as an officer or employee of another governmental entity.

(8) Former County officers or employees appearing before the County where such appearances are a necessary incident of an otherwise permitted

representation or employment in relation to an adjudicative proceeding before an agency or body, or a court other than an agency, Board or commission of the County.

b. Notwithstanding the foregoing provisions of this section, any textbook authored by a member of the faculty as Nassau Community College may be sold at the college and a royalty or other financial remuneration may be paid to such author, provided the sale of such a faculty authored textbook shall be made in accordance with the rules and regulations promulgated by the Board of Trustees of the college.

c. Notwithstanding the foregoing provisions of this section, a County officer or employee may be an officer, director or trustee of a membership corporation or other nonprofit corporation or association, public authority, or public benefit corporation, or hold a policy making position with such entity, and participate in all activities and transactions of such entity, provided he or she receives no financial remuneration either directly or indirectly from such entity other than expenses actually and necessarily incurred in the performance of his or her duties. Any officer or employee receiving such remuneration for expenses shall, for each year in which such remuneration is received, be required to complete and file the financial disclosure statement promulgated pursuant to the provisions of §22.4.3 of the Administrative Code. A County officer or employee serving a membership corporation or other nonprofit corporation or association pursuant to this paragraph, other than in an ex-officio capacity, shall recuse himself or herself from acting, in his or her capacity as County officer or employee, on any matters directly affecting such entity, shall not use any confidential County information nor, without the approval of the Board, communicate with any County Board, agency, officer or employee in furtherance of the interests of such corporation or entity nor work on any case, proceeding, application or particular matter which such person has been directly concerned with, personally participated in, or actively considered as a County officer or employee.

d. Notwithstanding the foregoing provisions of this section, a person serving the County or any agency thereof without compensation shall not be subject to the prohibitions set forth in subparagraphs one and two of paragraph (a) of subdivision two of this section.

e. Nothing in this section shall be deemed to prohibit an officer or employee of the County from providing services to a local development corporation, public authority, public benefit corporation, or similar entity as may be determined by the Board, where such services are provided pursuant to law or contract between the County and such entity, and the officer or employee does not receive additional compensation for such services. Such service shall not be deemed to be a private interest of such officer or employee nor to create a conflict with official duties.

f. Notwithstanding the foregoing provisions of this section, an officer or employee of the County shall not be deemed to be in violation of paragraph (a) of subdivision two of this section for making a contract with the County to serve as a foster parent unless the making of such contract is in conflict with the proper discharge of his or her official duties.

g. Notwithstanding any other provision of law, an elected official or a deputy county executive may attend a function given by a civic association or non-profit organization of a charitable or community nature, when invited and paid for by the sponsoring organization, or attend a function of an association composed of representatives of business, labor, professions or the news media, when invited and paid for by the sponsoring organization. In addition, a staff member may be designated to attend any such functions as a representative of an elected official when specifically requested to do so by the elected official.

h. Notwithstanding any other provision of law, an elected official or a deputy county executive may be a guest at ceremonies or functions sponsored or encouraged by the County as a matter of County policy. In addition, a staff member may be designated to attend any such ceremonies or functions as a representative of an elected official when specifically requested to do so by the elected official.

i. Notwithstanding any other provision of law, an officer or employee may be a guest at any ceremony, function, conference or occasion where the attendance of the public servant is in furtherance of the interests of the County, where the attendance has been approved in writing, in advance where practicable or within a reasonable time thereafter, by the County Executive or a deputy county executive, or in the case of the Legislature by the Presiding Officer or the Minority Leader, in the case of all offices of elected officials by said elected official or their designated officer, in the case of the Office of Legislative Budget Review by the Director of said office and in the case of the Clerk of the Legislature by the Clerk of the Legislature.
(Added by Local Law No. 11-1994, in effect January 1, 1996; amended by Local Law No. 4-2007, signed by the County Executive on April 16, 2007.)

13. No officer, employee, independent contractor, vendor, or consultant shall intentionally induce any County officer or employee to take any action or to refrain from taking any action in violation of any provision of this Code.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

14. Distribution of Code of Ethics. Within thirty days of the effective date of this chapter, the Board of Ethics shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the County, and shall further cause a copy of this Local Law to be added as a webpage on the Official Website of

Nassau County. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of County employment.
(Added by Local Law No. 6-2017, signed by the County Executive on July 11, 2017).

§ 2219. **Capital Planning Committee.** REPEALED
Repealed by Local Law No. 13-2001, §2.

§ 2220. **Felony Disqualification.** A person shall not be eligible to be elected or appointed to any Nassau County elected office or appointed to any Nassau County board or commission if such person has been convicted of a felony involving the accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft, perjury, fraud, tax evasion or conspiracy to commit any of those crimes. For the purposes of this section, "conviction of a felony" includes a conviction of a felony in this state and a conviction under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony, and for which the person has not received a pardon from the Governor of this state, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction.
(Added by Local Law No. 5-2017, signed by the County Executive on May 25, 2017.)

ARTICLE XXIII ELECTIONS

Section 2301. Present laws to continue.
2302. Time of election and term of elective officers; vacancies.
2303. Submission of propositions; verification of petitions.
2304. Special elections on propositions.
2305. False signatures to petitions.

§ 2301. **Present laws to continue.** All elections shall be conducted as near as may be in the manner provided by the laws of this state applicable to the county as the same are or may hereafter be.

§ 2302. **Time of election and term of elective officers: vacancies.** Commencing with the general election to be held in November, nineteen hundred eighty-five and every fourth year thereafter, the County Clerk shall be elected for a term of four years. Commencing with the general election to be held in November, nineteen hundred seventy-three and every fourth year thereafter, the County Executive and the county Comptroller shall be elected for a term of four years. The district court judge in the first judicial district shall be elected for a term of six years at the general election next succeeding such adoption and in every sixth year thereafter. The remaining district court judges shall be elected for terms of six years. A vacancy occurring in any office mentioned in this section otherwise than by the expiration of the term shall be filled by appointment of a person resident in the area from which such office is required by this act to be filled by election. Vacancies in the office of the County Executive shall be filled by County Legislature, and in any other such office by the County Executive, subject to confirmation by the County Legislature. Any such appointee shall hold office until and including the thirty-first day of December next succeeding the first annual election after the occurrence of such vacancy at which such vacancy can be lawfully filled by election; at such annual election a successor shall be elected to hold office for the unexpired balance of the term if any.

(Amended by L. 1952 Ch. 230; L. 1953 Ch. 352; L. 1959 Ch. 739; L. 1973 Ch. 330; Local Law No. 5, in effect May 14, 1973; Local Law No. 5-1987, in effect November 30, 1987; amended by Local Law 7-2008, in effect January 1, 2009, following an affirmative vote at referendum.)

§ 2303. **Submission of propositions; verification of petitions.** Wherever by this act provision is made for the submission of any proposition to the qualified electors of the county or any town, city, village or district therein, the proposition shall, except as otherwise provided in this act, be submitted as near as may be in conformity with the law governing the submission of propositions to the electors in force in the county or in the town, city, village or district affected at the time this act becomes effective in the county. Whenever by this act provision is made for the filing of a petition praying the submission of any proposition to the qualified electors of the county or any town, city, village or district therein, the signatures to such petition need not be appended to one paper but on each sheet making up such petition shall be endorsed or attached the affidavit of the

circulator thereof in manner and form as follows, and any paper not so attested shall be invalid:

State of New York

SS.

County of..... being duly sworn, deposes and says that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Signed .....

(Signature of circulator)

Subscribed and sworn to before me this.....

Day of 19.....

,

(Notary public or other officer authorized to administer oaths)

It shall be the duty of the officer with whom such petition is directed to be filed to verify the sufficiency of such petition within fifteen days of the filing with him of such petition and if he finds the petition insufficient, he shall forthwith notify the person or persons filing such petition of the particulars of its insufficiency. At any time within fifteen days of the notice of the finding that the petition is insufficient, the petition may be amended by filing a supplementary petition signed and filed as provided for the original petition. The officer with whom such petition is directed to be filed shall within five days examine the amended petition and if he finds it insufficient he shall file it in his office and notify the person filing the petition and no further action shall be had on such petition. The finding of insufficiency shall not, however, prejudice the filing of a new petition for the same purpose. The officer with whom a petition is filed is hereby empowered to employ such deputies as may be necessary for the purpose of verifying the petition within the time limited herein and the compensation of such deputies shall be a charge of the unit of government with whose officer the petition is filed. Nothing in this act shall be taken to limit the right of any person under any other act to question the sufficiency of the petition before any court nor to limit the right to appeal from the decision of any officer as to the sufficiency of any petition.

§ 2304. **Special elections on propositions.** Whenever in this act the Board of Supervisors, town board or governing body of any other unit of government in the county is authorized or required to submit any proposition at a special election, such submission shall be by ordinance setting forth the proposition to be submitted, the county, town or towns, city or cities, village or, villages, district or districts in which such question is to

be submitted, and the date of such special election which shall not be less than thirty nor more than sixty days after the passage of such ordinance. Such election shall be conducted as near as may be in the manner now or hereafter prescribed by law for the conduct of county, town, city, village or district elections, as the case may be. The officer, officers or board charged by law with the conduct of regular elections in such county, town or towns, city or cities, village or villages, district or districts, as the case may be, shall perform like duties and with similar effect in relation to such special elections.

§ 2305. **False signatures to petitions.** Anyone who knowingly affixes to any petition required or authorized by this act to be filed a name not his own or affixes his own name when not entitled so to do or misstates any information required to be included in said petition shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment for not more than six months or both such fine and imprisonment.

ARTICLE XXIV DISTRICT COURT: ORGANIZATION AND JURISDICTION

Title
1. Organization (§ 2401-2422.)
2. Civil jurisdiction (§ 2423-2426.)
3. Criminal jurisdiction (§ 2427-2446.)
4. Definitions; general provisions (§ 2447-2449.)

TITLE 1
Organization

Section
2401. District court: establishment.
2402. Justices of the peace abolished: powers and jurisdiction of police justices transferred.
2403. Repealed.
2404. Salaries of judges.
2405. Districts and number of judges therein.
2406. Board of Judges.
2407. Repealed.
2408. Procedure for traffic violations.
2408-a. Disposition of fines and penalties.
2409. Time and place of holding court.
2410. Repealed.
2411. Repealed.
2412. Access to court houses; expenses of court, how paid.
2413. Repealed.
2414. Repealed.
2415. Court clerks: appointment; compensation; removal.
2416. Court clerks; duties.
2416-a. Enforcement officer.
2417. Repealed.
2418. Repealed.
2419. Repealed.
2420. Repealed.
2421. Repealed.
2422. Repealed.

(Amended by Local law No. 9-1982, in effect December 6, 1982.)

§ 2401. **District court; establishment.** There shall be in the county a district court which shall be governed by the uniform district court act.
(Amended by L.1963 Ch. 568, in effect September 1, 1963.)

§ 2402**. Justices of the peace abolished; powers and jurisdiction of police justices transferred.** All the powers, duties and jurisdiction of the justices of the peace in the several towns of the county are hereby transferred to the district court of the county and

the judges thereof, and the office of justice of the peace in the several towns of the county is abolished. All the powers duties and jurisdiction of police justices of villages in the county, except as hereinafter provided, are hereby also transferred to the district court of the county and the judges thereof, The police justices of villages in the county shall have jurisdiction of violations of the ordinances and other regulations of the village and of violations of the vehicle and traffic law committed within the limits of the village, except in cases in which the charge is operating a motor vehicle or motor cycle while in an intoxicated condition.

§ 2403. **Qualification and duties of judges; oath of office**.
(Repealed by L. 1963 Ch. 568. in effect September 1, 1963.)

§ 2404. **Salaries of Judges**. The salary of the president of the Board of Judges shall be thirty-two thousand five hundred dollars a year and the salary of each other judge shall be thirty thousand dollars a year, together with such additional compensation as the Board of Supervisors may provide by local law, and such salaries shall be a county charge.

The increase in compensation of the judges of the district court of Nassau County, as provided by this act, shall apply to the present incumbents of such offices and to their successors in office.
(Amended by L. 1950 Ch. 165; L. 1951 Ch. 996; L. 1962 Ch 35: L 1963 Ch. 763: L. 1969 Ch. 882: L. 1972 Ch. 556. In effect May 24, 1972.)

(Section 1 of Local Law No. 15-1973, in effect January 1, 1974 provided: "In addition to the compensation as provided for under section twenty-four hundred four of the county government law of Nassau County, as amended by chapter five hundred fifty-six of the laws of nineteen hundred seventy-two, the president of the Board of Judges of the district court of the County of Nassau shall receive a further compensation in the sum of five thousand dollars, making a total compensation of thirty-seven thousand five hundred dollars, and each other judge of the said district court shall receive a further compensation in the sum of five thousand dollars, making a total compensation of thirty-five thousand dollars for each such other judge." Section one of Local Law No. 17-1972, as last amended by Local Law No. 9-1974, further provided: "Effective July first, nineteen hundred seventy-four in addition to the compensation as provided for under this section twenty-four hundred four of the county government law of Nassau County, as amended by chapter five hundred fifty-six of the laws of nineteen hundred seventy-two, the president of the Board of Judges of the district court of the County of Nassau shall receive a further compensation in the sum of twelve thousand dollars, making a total compensation of forty-four thousand five hundred dollars and each other judge of the said district court shall receive a further compensation of forty-two thousand dollars for each such other judge.")

§ 2405. **Districts and number of judges therein.** The county shall be divided into judicial districts as follows: The county as a whole shall constitute the first judicial district in which one district court judge shall be elected. The town of Hempstead shall be the second judicial district, the town of North Hempstead the third judicial district and the town of Oyster Bay the fourth judicial district. There shall be fourteen district court judges elected in the second district, five in the third district and six in the fourth district. For the purpose of electing such judges and for the purpose of determining the boundaries of such districts, any city heretofore or hereafter created from the territory of any town shall be considered to be part of that town.

The compensation of the judges of the district court authorized on the in effect date of

this act shall be the same as the existing judges of the district court.
(Amended by L. 1952 Ch. 230: L 1959 Ch. 739: L. 1964 Ch. 171; L. 1974 Ch. 215 in effect April 30, 1974, except that additional judges shall be elected in November, 1974.)

§ 2406. **Board of Judges.**

1. The judges of said court shall constitute the Board of Judges of the court. The judge elected from the first district shall be the president. The meetings of the board shall be public except when such board shall be in executive session, and so far as is practicable shall be held at regular intervals, and all its proceedings shall be recorded by its secretary and shall be preserved. A majority of the members of the board shall constitute a quorum.

2. The president of the Board of Judges shall preside and shall be entitled to vote at all meetings of the board.

The Board of Judges shall designate a clerk of the court to act as secretary of the board and from time to time substitute another. Such secretary shall serve without additional, compensation. All necessary disbursements of the Board of Judges and the secretary thereof shall be a county charge and paid as other county charges.
(Amended by L. 1963 Ch. 568. in effect September 1, 1963.)

§ 2407. **Rules of Court.**
(Repealed by L. 1963 Ch. 568. in effect September 1, 1963.)

§ 2408. **Procedure for traffic violations.**

1. The Board of Judges shall have power to provide, by resolution, a procedure to govern the payment of fines by any person accused of violating any provision of any law, ordinance, rule or regulation relating to vehicular or pedestrian traffic, without appearing in person, except in cases of speeding, reckless driving, leaving scene of an accident or any charge of a misdemeanor or felony or any charge which may for reasons of public policy require the personal appearance of the accused, for such period of time as shall be deemed in the public interest: to fix the fine to be paid in each class of case within the minimum and maximum amount set by law, ordinance, rule or regulation; to designate the place or places where such fines may be paid; to prescribe the form of the summonses to be used and the manner in which the plea of guilty shall be made, and the manner in which the money shall be paid.

2. Such procedure may provide that any person pleading "guilty", or that a person pleading "not guilty" and asking that a day be set for trial, may do so through a representative or by mail and may further provide that the clerk of the court set such day for trial.

3. No resolution providing such procedure shall be effective until a certified copy thereof shall have been filed with the County Clerk, whereupon, or upon such

subsequent date prescribed in said resolution, any traffic violations bureau heretofore established by the Board of Judges pursuant to the general municipal law shall be deemed abolished and the powers of such bureau shall devolve upon the Board of Judges and matters pending in such traffic violations bureau shall be disposed of in accordance with the procedure provided pursuant to this section.

4. Whenever any summons is issued involving any provision of any law, ordinance, rule or regulation relating to motor vehicle parking and procedure or such violation is provided under this section, the member of the police force or any other peace officer serving said summons in lieu of inserting in the summons, the name of the person summoned may insert therein, in the space provided for the insertion of the name of the persons summoned, the words "Registered owner of motor vehicle bearing license," said words to be followed by the license designation or identification as shown by the license plates on said motor vehicle parked in violation of law, ordinance, rule or regulation as aforesaid, and said summons may be served upon said registered owner by a member of the police force or other peace officer by affixing the summons to said motor vehicle in some conspicuous place where it is likely to be seen by an operator thereof. An operator of the motor vehicle, for the purposes of this section if not the owner thereof, shall be deemed to be the agent of such registered owner to receive said summons served in the manner aforesaid, and service made in the manner provided shall be deemed to be lawful service upon the registered owner of the motor vehicle to which the summons is affixed. For the purpose of the service of the summons herein provided the requisition records of the motor vehicle department of the state in which the motor vehicle is registered shall be conclusive evidence as to the registered owner of the motor vehicle. When a summons is issued and served as authorized in this section, the information sworn to may charge the violation in the same manner and any further proceedings authorized in this section may be had and recorded in the name of the "Registered owner of motor vehicle bearing license," said words to be followed by the license designation or, identification as shown by the license plates.

(Former § 2408 repealed by L 1939 Ch. 274: new § 2408 added by L. 1952 Ch. 276: amended by L. 1953 Ch 509, in effect April 4, 1953.)

§2408-a. **Disposition of fines and penalties.** All fines and penalties imposed and collected by any judge of a court of special sessions or magistrate's court shall be paid over to the County Treasurer and be credited by him to the general county fund, except as follows:

1. Fines and penalties collected in cases arising out of the violation of the ordinances or regulations of any town, city or village shall be paid at least monthly into the treasury of such town, city or village.

2. Fines and penalties which by any general state law are payable to the State of New York or to any department, commission or agency thereof shall be paid as in such general state law provided at least monthly.

3. Fines and penalties collected for violation of the conservation law and of laws and ordinances in relation to the use of the public highways by motor vehicles, trailers and motorcycles shall be disposed of as now or hereafter required by law except as provided in subdivision four of this section and except further that fines and penalties collected in cases arising out of the violation of the ordinances of the Long Island State Park Commission adopted pursuant to law, shall be paid over to the County Treasurer and credited to the general fund for the use of such county.

4. Fines and penalties, which by general state laws, but for this section, would be required to be paid to a town or any officer of a town, shall be paid instead to the County Treasurer and credited to the general fund for the use of such county.

(Added by L 1963 Ch. 568. in effect September 1, 1963.)

§ 2409. **County to provide place of holding court.** It shall be the duty of the county to provide suitable places for holding court.
(Amended by L. 1963 Ch. 568. in effect September 1, 1963.)

§ 2410. **Criminal and civil contempt.**
(Repealed by L. 1939 Ch. 274, in effect April 12. 1939.)

§ 2411. **Seals.**
(Repealed by L. 1963 Ch. 568. in effect September 1963.)

§ 2412. **Expenses of court, how paid.** It shall be the duty of the county to supply and pay for whatever may be necessary for the transaction of the business of said court and the judges thereof and to supply all proper accommodations, books, stationery and furniture and to pay all authorized salaries, compensations and expenses and disbursements: and the proper authorities shall annually include in the budget such sums as may be necessary to pay the same.
(Amended by L. 1963 Ch. 569, in effect September 1, 1963.)

§ 2413. **Process; where service may be made**.
(Repealed by L. 1939 Ch. 274, in effect April 12, 1939.)

§ 2414. **Conformity to supreme court practice**.
(Repealed by L. 1939 Ch. 274, in effect April 12, 1939.)

§ 2415. **Court clerks; appointment; compensation; removal.** The appellate division of the supreme court for the second judicial department, in consultation with the Board of Judges, shall appoint one court clerk for each judicial district and, subject to the civil service provisions of this act, such additional court clerks, deputy court clerks, stenographers and other assistants and employees in the clerk's office as may be provided by ordinance. Court clerks and deputy court clerks shall at the time of their appointment be residents of the district for which they are appointed and removal of any of them from the district for which he was appointed shall vacate the office. All the officers and employees provided by this section shall receive compensation to be fixed by ordinance,

which salaries together with other expenses of their offices as provided by the annual budget shall be a county charge. Any court clerk or deputy court clerk may be removed by the appellate division for cause, provided that written charges are first filed with the appellate division and that such court clerk or deputy court clerk be given due notice thereof and be afforded an opportunity to be heard; and the appellate division may, in its discretion suspend such court clerk or deputy court clerk from the performance of his official duties pending a hearing upon the charges. Upon charges being preferred against a court clerk or deputy court clerk by a judge of the district court, the appellate division shall forthwith cause notice of suspension of such court clerk or deputy court clerk to be served upon him, and such court clerk or deputy court clerk shall thereupon remain suspended until the hearing and determination of the charges.
(Amended by L 1963 Ch. 568, in effect September 1, 1963, and by Local Law No. 9-1982, in effect December 6, 1982.)

§ 2416. **Court clerk; duty to account for fees.** The court clerk in each district shall collect and receive all the fees, and account for and pay the same into the county treasury at such times as the County Treasurer may prescribe, which account shall contain the title of each case and the amount of fees received therein: and the salary of such clerk shall not be paid until he shall have so accounted and paid. He shall perform no service until he shall have received the legal fees therefor.
(Amended by L. 1963 Ch. 568, in effect September 1-1963.)

*§ 2516-a. Enforcement officer. The Sheriff of Nassau County is hereby designated the enforcement officer for the district court of Nassau County as defined in the uniform district court act. The territorial jurisdiction of the Sheriff of Nassau County when acting as the enforcement officer for the district court of Nassau County shall be throughout the County of Nassau and as elsewhere provided by law.
(Amended by Local Law No. 9-1982, in effect December 6, 1982.)
(*Editor's note - As appears in local law; probably should be §2416-a.)

§ 2417. **Bond of marshal. Repealed.**
(Repealed by Local Law No. 9-1982, in effect December 6, 1982.)

§ 2418. **Action on marshal's bond. Repealed.**
(Repealed by Local Law No. 9- 1982, in effect December 6, 1982.)

§ 2419. **Filing of transcript of judgment with County Clerk; reducing bond. Repealed**.
(Repealed by Local Law No. 9- 1982, in effect December 6, 1982.)

§ 2420**. Reducing bond on payment**. **Repealed**.
(Repealed by Local Law No. 9-1982, in effect December 6, 1982.)

§ 2421. **Appellate division to compel renewal of marshal's bond. Repealed.**
(Repealed by Local Law No. 9-1982, in effect December 6, 1982.)

§ 2422. **Powers, duties and liabilities of marshals and deputy marshals. Repealed**.

XXIV: District Court: Organization and Jurisdiction

(Repealed by Local Law No. 9-1982, in effect December 6, 1982.)

TITLE 2
Civil Jurisdiction

(Repealed by L. 1963 Ch. 568, in effect September 1, 1963.)

TITLE 3
Criminal Jurisdiction
(Repealed by L. 1963 Ch. 568, in effect September 1, 1963.)

TITLE 4
Definitions; General Provisions

(Repealed by L. 1963 Ch. 568, in effect September 1, 1963.)

ARTICLE XXV DISTRICT COURT, CIVIL PROCEDURE
(Repealed by L. 1939 Ch.274)

ARTICLE XXVI APPLICATION OF ACT; WHEN AND HOW EFFECTIVE

Section 2601. Act alternative form of government for certain counties.
2602. Submission and adoption of alternative form of government.
2603. Manner of submission.
2604. Submission of this alternative form not exclusive of others.
2605. Effect of adoption of this alternative form.
2606. Invalidity as to part not to affect validity of remainder.
2607. When to take effect.

§ 2601. **Act alternative form of government for certain counties.** This act provides an alternative form of government, in accordance with the provisions of section twenty-six of article three of the constitution of this state, for counties, except counties wholly included in a city, which shall have, at the time of the adoption of such alternative form of government therein, a population of not less than three hundred thousand nor more than four hundred thousand, and not in excess of three towns; and any such county may adopt such alternative form of government as provided by the constitution and by this act.

§ 2602. **Submission and adoption of alternative form of government.** The foregoing alternative form of government shall not become operative in the county unless and until adopted at a general election held in such county in an even numbered year by receiving a majority of the total votes cast therein in (1) the county, (2) every city containing more than twenty-five per centum of the population of the county according to the last preceding federal census, and (3) that part of the county, if any, outside of such cities. The question on the adoption of such alternative form of government shall be as follows: "Shall the alternative form of government for the county of (insert name of county) provided by chapter (insert chapter number of this act) of the laws of nineteen hundred, thirty-six be adopted and become operative in such county." Electors residing in such county who then are qualified to vote therein for members of assembly shall be qualified to vote on such question in the election districts in which they severally reside.

§ 2603. **Manner of submission.**

1. Such alternative form of government shall be submitted for adoption as above provided to the electors of each such county at the general election to be held therein in the year nineteen hundred thirty-six.

2. Such alternative form of government, if not adopted at the general election in nineteen hundred thirty-six, may be submitted for adoption as above provided by resolution of the Board of Supervisors of the county to the electors thereof at any general election held therein in an even numbered year. Such a resolution, if any, shall be adopted in the year of such election and a copy, duly certified by the clerk of such board, shall be filed with the Board of Elections of the county at least sixty days prior to such election.

3. If a petition be filed with the Board of Elections of such county not less than sixty days prior to such a general election in an even numbered year, signed by qualified electors of the county to a number equal to five per centum of the total vote cast in such county for governor at the last preceding election for governor, verified or authenticated in the manner provided in the Election Law with respect to designating petitions, requesting that the question of the adoption of such alternative form of government be submitted at such election, it must be so submitted. All papers severally containing such request and signed and so verified or authenticated, when bound together and offered for filing, shall constitute one petition.

4. The Board of Elections of the county shall cause a notice of the referendum on such alternative form of government to be published in one or more daily newspapers of general circulation in the county twice a week for a period of three consecutive weeks immediately preceding the election. The Board of Elections shall provide the ballots, blanks and supplies for such referendum. The question shall be submitted, the votes counted, returns made and results canvassed and certified, so far as practicable, in the manner provided by law for the submission in the county of questions decided by the voters of the state; and the Board of Elections, inspectors and clerks of elections, and other officers shall have and perform the duties imposed on them regarding the submission of such questions. The results shall be canvassed and certified by the Board of County Canvassers of a general election. The expense of submitting such question shall be a county charge.

§ 2604. **Submission of this alternative form not exclusive of others.** Nothing contained in this act shall hinder or prevent the submission in such a county of any other alternative form of government under any other act, providing other alternative forms of government pursuant to section twenty-six of article three of the constitution. No such act, however, by a provision thereof giving preference in the submission of an alternative form of government thereunder over other alternative forms provided therein, or otherwise provided, based on priority in the adoption of a resolution or the filing thereof or of a petition, shall be construed or held to prevent the submission also at the same election of the alternative form provided by this act. If such other alternative form of government be so submitted in such county at the same election that the alternative form herein provided be submitted, the alternative form which receives the majority vote therein provided by section twenty-six hundred and two hereof and which also receives the greater number of affirmative votes in the county at large shall be deemed to have been adopted.

§ 2605. **Effect of adoption of this alternative form.** If the alternative form of government provided by this act is adopted in a county, as above provided, it shall take effect immediately for the purpose of nominating and electing at the next general election the elective officers provided therein and for all other purposes shall take effect on the first day of January of the next ensuing even numbered year. Whenever such alternative

form is adopted in a county it may thenceforth be cited in all legal proceedings relating to said county as "the county government law of (here insert the name of the county)." Whenever such alternative form is an adopted in a county, the terms thereof shall be of effect therein, anything in any general law of this state passed prior to such adoption to the contrary notwithstanding. All special, local, and private acts and parts of such acts relating to a county in which such form becomes effective, or the towns, cities, villages or districts thereof inconsistent with the terms of such adopted form are hereby repealed as of the date when such form becomes effective to the extent that the same shall be inconsistent therewith. All such acts or parts of acts relating to a county in which such form becomes effective and the towns, cities, villages and districts thereof not inconsistent with the terms of this act or of such adopted form are specifically continued in force; provided that nothing herein contained shall be taken to limit the powers of local legislation and administration conferred by such form on such county.
(Amended by L. 1937 Ch. 618 §8, in effect January 1, 1938.)

§ 2606. **Invalidity as to part not to affect validity of remainder.** The invalidity of any provision, article, title, section, clause, phrase or word in such alternative form of government, as proposed or as adopted, or of this act, shall not affect the validity of any other provision, article, title, section, clause, phrase or word.

§ 2607. **When to take effect.** This act shall take effect immediately.