

Offered by Highway Committee

County Attorney 

**TITLE:** ADOPTION OF LOCAL LAW INTRO. NO. 1 - 81, PRINT NO. 1, ESTABLISHING A COUNTY DEPARTMENT OF PUBLIC WORKS

**RESOLVED:**

1. That proposed Local Law, Intro. No. 1 - 81, Print No. 1, is hereby adopted without any change in language, to wit:

A LOCAL LAW ESTABLISHING A  
DEPARTMENT OF PUBLIC WORKS  
FOR THE COUNTY OF ALLEGANY

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BE IT ENACTED by the Board of Legislators of the County of Allegany as follows:

Section 1. Intent. It is the intent of this local law to reorganize the county department of highways which was established by local law number two of nineteen hundred sixty-seven into a department of public works which will have charge of those highways, roads, bridges and solid waste management facilities which are or may come within the jurisdiction of the county government of the county of Allegany.

§ 2. Establishment of department of public works. There is hereby established a department of county government in and for the county of Allegany to be known as the department of public works of the county of Allegany.

§ 3. Superintendent of public works.

a. The department of public works shall be under the direction of a superintendent of public works.

b. The superintendent shall be appointed by the board of legislators for a term of four years.

c. The salary of the superintendent shall be fixed by the board of legislators in the manner authorized by law.

d. The superintendent shall be in the unclassified service of the civil service.

**Local Law No. 1 of 1981**

Adopted by Resolution No. 161-81  
October 2, 1981

Amended by Local Law No. 2-1986

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§ 4. Powers and duties. Except as otherwise provided in this local law, the superintendent of public works shall:

- a. have all the powers and duties of a county superintendent of highways pursuant to all laws.
- b. have charge and supervision of the design, construction, improvement, maintenance, repair, cleaning, lighting and operations of all highways, roads, streets, bridges and grade separation structures, drains, and drainage structures under jurisdiction of the county.
- c. have charge and supervision of the design, construction, alteration, improvement, maintenance, repair, cleaning, lighting, and operations of all solid waste management facilities under the jurisdiction of the county.
- d. have authority to acquire, lease, control, maintain, repair and dispose of personal property for and in the performance of his powers and duties.
- e. have authority to appoint and remove at his pleasure one or more deputies with power to act generally for him and in his place. Such deputy or deputies shall be in the exempt class of the civil service.
- f. have authority to employ and remove such persons as required to perform his powers and duties.
- g. have authority to contract with such persons or entities as required to perform his powers and duties.
- h. have authority to adopt rules and regulations not inconsistent with law for the conduct of the affairs and business of the department of public works.
- i. have such other related powers and additional duties as may be authorized by local law, resolution or other direction of the board of legislators.
- j. make such periodic reports to the board of legislators as it may require from time to time.

§ 5. Delegation of powers and duties. The superintendent

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may delegate any of the specific powers and duties which he has or may have under any general law, special law, local law or resolution, to one or more persons within the department of public works, by designating in writing any of the specific powers and duties which he has delegated and the person and his title to whom such power or duty has been delegated. Such written designation shall be filed in the office of the clerk of the board of legislators. The superintendent may thereafter revoke, in whole or in part, any such designation by a written revocation which shall also be filed in the office of the clerk of the board of legislators.

§ 6. Power of board of legislators not divested. Notwithstanding any provisions of this local law to the contrary, the board of legislators is not divested of any power delegated under this local law that can only be divested by local law subject to mandatory referendum and by reason thereof the exercise of any such non-divested power delegated under this local law is subject to: the supervision and control of the board of legislators; any resolution enacted prior to the effective date of this local law that has established conditions in or prerequisites to the exercise of any such power; and, any resolution enacted after the effective date of this local law that assigns, modifies or revokes such power.

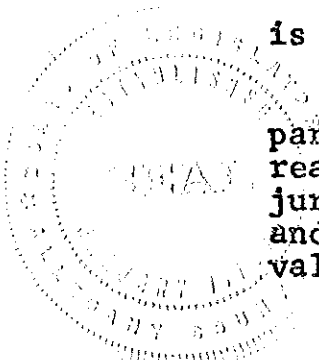
§ 7. Incumbent county superintendent of highways to be first superintendent of public works. Notwithstanding any provisions of this local law to the contrary, the incumbent county superintendent of highways on the effective date of this local law shall be the first superintendent of public works with a term of office to commence on the effective date of this local law and expire on January 17, 1985.

§ 8. Local law number two of nineteen hundred sixty-seven is hereby REPEALED.

§ 9. Separability. If any article, section, subsection, paragraph, phrase or sentence 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 portion thereof.

§ 10. This local law shall take effect immediately.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said Board on the 28<sup>th</sup> day of September 1981.



*Brenda Rigby Riehle*  
Clerk, Board of Legislators, Allegany County

Dated at Belmont, New York, this 19<sup>th</sup> day of August 2019.

Moved by: Mr. Snyder Seconded by: Mr. Hitchcock VOTE: Ayes \_\_\_ Noes \_\_\_ Absent: \_\_\_ Voice: X