

The County Government Structure in New York State

The First Counties 1683

- Established by Act of British King
- We were a part of the First Assembly of the New York Colony – “The Dongan Laws” or the Kings Charter



Created 12 counties

- Albany
- Dutchess
- Orange
- Suffolk
- Cornwall
- Kings
- Queens
- Ulster
- Dukes
- New York
- Richmond
- Westchester

Created the Office of Sheriff

Sheriff of the county was appointed by the Colonial Governor
could only serve one term

New York State Constitution



New York State Constitution

- Basis of State Law and delineates the powers & authority of local government
- Basic structure has remained unchanged for over a century
- Can be amended through state legislation followed by voter referendum
- Action of state constitutional convention

Consolidated County Law

In 1892 the state adopted the consolidated county law.

Provides the general framework for operating county government

Grants counties authority to create towns and balance power between cities and towns

The root of the modern county's role in almost all jurisdictions and the guarantor of town and school district tax levies

Consolidated County Law

- Established elected officials and general functions
 - Treasurer (chief fiscal officer)
 - Clerk (Custodian of official record)
 - Sheriff
 - District Attorney
 - Judges
 - Coroners
 - Superintendents of the poor
 - Nursing homes, Alms houses and child welfare already existed but likely moved under this position
 - Highway superintendents

Bill of Rights for Local Government

“Effective self-government and intergovernmental cooperation are the purposes of the people of New York State”

New York State Constitution Article IX, Section 1

Bill of Rights for Local Governments

- Every local government shall have an elected legislative body
- No local government can be annexed without approval of the voters through referendum
- Power to apportion costs of government services with authorization of the legislature
- Request the legislature to authorize establishment of forms of county government

Bill of Rights for Local Governments

- All offices not in the constitution are elected or appointed by officials of local government
- Have the power of Eminent Domain
- Local governments can act jointly as authorized by the legislature
- State legislature must adopt a statute of local governments

Legislature Empowered

To mandate costs and programs on
all units of local government
including counties

Article V, Section 7 NYS Constitution

“....membership in any Pension or Retirement System of the State or of a Civil division thereof shall be a contractual relationship, the benefits of which shall not be diminished or impaired.”

Public Employee Pension Systems

- City of New York Pension System
- New York State & Local Retirement System
- New York State & Local Police and Fire Retirement System
- New York State Teachers Retirement System

State Statutes Affecting County Organization



- ✓ County Law
- ✓ Municipal Home Rule Law

The County Law

- Makes No Provision for an Elected Executive
- Vests all Authority in Board of Supervisors
- All powers exercised through local law or resolution
- Must elect a chair, to which it may delegate administrative duties on its behalf

Municipal Home Rule Law

- Delineates powers & restrictions on the adoption and amendment of local laws
- Grants authority to set powers, duties, qualifications of its officers & employees
- Adopt laws regarding term, composition & apportionment of legislative body
- Adopt or Amend a County Charter

County Charter Law

- Counties are empowered to adopt charters which establish the structure of county government
- May provide for an elected executive
- Must provide for a legislative body
- Assign administrative or executive functions to elected and appointed officials

Adopting a Charter

- Resolution of legislative body or by petition of voters
- Charter may be drafted by legislative body or committee
- Charter commission appointed for the purpose of drafting
- Charter adoption, repeal, or amendment subject to referendum

County Organization



New York Counties

- 23 counties have adopted a County Charter, 18 with an elected executive (Montgomery in 2012 and Ulster in 2009), and one Mayor (NYC)
- 16 counties have a Board of Supervisors
- 40 counties have a County Legislature
- 1 county has a Board of Representatives

Supervisor Legislator/Representative

What's in a name?

Board of Supervisors

- Generally has duties as a town official as well as a county legislative body member
- Is the chief elected official of town government or represents an area within a city
- Votes by weighted vote – according to relative share of county population

Legislator/Representative

- Legislator/Representative are the same
- Represent a District with Equal Share of County Population in Charter Counties
- Fulfills “one person, one vote” requirements – all cast equal vote
- Weighted vote in non-charter counties

How Are They The Same?

- All serve as legislative body of the county
- All empowered to enact or repeal local laws & resolutions
- Make appropriations, levy taxes and incur debt
- Adopt an administrative code
- Adopt rules and regulations for its conduct and procedures

Elected Executives

- 18 Counties have an elected executive who can veto actions of the legislature
- Executive appoints all department heads, with confirmation of legislature
- Manages the internal operation of all Departments
- Chief Budget Officer of the county
- Veto actions of the legislative body

Counties with Appointed Administrative Official

- 20 Counties have created a County Administrator
- 11 Counties have created a County Manager
- 5 Counties have created the position through county charter
- 27 counties have created the position through local law

Appointed Administrative Official

- Official is delegated with administrative functions by the legislative body
- Appointed by legislative body and serves at its pleasure
- Generally prepares annual budget for submission to the legislative body for adoption
- Oversees the day to day operation of county government

Legislative Administration

- 9 counties still provide administration through the legislative body
- Chair is delegated administrative authority
- Body may appoint an administrative assistant to the board chair
- Strong committee system may be established to provide oversight