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LOCAL LAW NO. 10 - 2001

LOCAL LAW RENAMING THE ONONDAGA COUNTY DEPARTMENT OF DRAINAGE AND SANITATION AS THE ONONDAGA COUNTY DEPARTMENT OF WATER ENVIRONMENT PROTECTION AND AMENDING ARTICLE XXII OF THE ONONDAGA COUNTY ADMINISTRATIVE CODE TO PROVIDE FOR SAID DEPARTMENT OF WATER ENVIRONMENT PROTECTION

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA, NEW YORK, AS FOLLOWS:

Section 1. Purpose and Intent.

The purpose of this local law is to rename the Onondaga County Department of Drainage and Sanitation as the Department of Water Environment Protection and to amend Article XXII of the Onondaga County Administrative Code to provide for said Department of Water Environment Protection.

Section 2. The Onondaga County Administrative Code, being Local Law No. 1 of 1975, as amended, hereby is further amended to strike Article XXII and substitute the following:

ARTICLE XXII
DEPARTMENT OF WATER ENVIRONMENT PROTECTION

Section
22.01. Department of Water Environment Protection; Commissioner; Appointment; Qualifications; Term.

22.02. Commissioner of Water Environment Protection; Powers and Duties.

22.03. Departmental Divisions and Units; Deputy Commissioners of Water Environment Protection and Staff; Appointment; Revocation.

22.04. Acting Commissioner of Water Environment Protection.

22.05. Commissioner's Bond.

Section 22.01. DEPARTMENT OF WATER ENVIRONMENT PROTECTION; COMMISSIONER; APPOINTMENT; QUALIFICATIONS; TERM.

There shall be a Department of Water Environment Protection under the direction of a Commissioner of Water Environment Protection, who shall be appointed by the County Executive, subject to the approval of the County Legislature. At the time of appointment, the Commissioner shall be a licensed professional engineer. The Commissioner shall be appointed on the basis of this and such other qualifications, including administrative experience, as may be possessed for the responsibilities of the office. The Commissioner shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 22.02. COMMISSIONER OF WATER ENVIRONMENT PROTECTION; POWERS AND DUTIES.

Except as may otherwise be provided in the Charter or this Code, the Commissioner of Water Environment Protection shall:

(a) have each and every power and duty in relation to County facilities for drainage, flood control, sanitation, sewerage or water supply as was heretofore given the Onondaga Public Works Commission in Chapter 568 of the Laws of 1933 as amended;

(b) be responsible, within contractual or other appropriate limitations, for the operation, maintenance, supervision, repair and custodial care of all County drainage, flood control, watershed, sanitation, sewage, water pollution control and abatement facilities, pumping station, trunk and lateral sewer systems and other related facilities and systems;

(c) employ, within appropriations therefor, such engineering, architectural, technical or other assistance, and incur such expenses, as may be necessary in the performance of the duties of the office, subject to the approval of the County Executive;

(d) assist all units of County government, when requested, in the preparation and development of information for their respective capital projects requests;

(e) authorize, within appropriations therefor, the rental by the County of such machinery, tools, equipment and implements as may be deemed appropriate in the discharge of the responsibilities of the office, subject to the approval of the County Executive;

(f) authorize the rental by local governments, public corporations, agencies or otherwise, or combinations thereof, with or without operators, of any departmental machinery, tools, equipment and implements as may be deemed appropriate; and

(g) have all the powers and perform all the duties now or hereafter conferred or imposed by law, together with such other and related duties as may be required by the County Executive.

Section 22.03. DEPARTMENTAL DIVISIONS AND UNITS; DEPUTY COMMISSIONERS OF WATER ENVIRONMENT PROTECTION AND STAFF; APPOINTMENT; REVOCATION.

The Commissioner of Water Environment Protection may, within appropriations therefor, create such divisions or units within the Department as may be deemed appropriate from time to time in the performance of the powers and duties of the office. In addition, the Commissioner may appoint such Deputy Commissioners of Water Environment Protection, assistants and employees of the Department as shall be authorized by the County Legislature. Each such appointee shall be directly responsible to, and, unless otherwise required by law, serve at the pleasure of, the Commissioner. Appointments, and revocations thereof, shall be in writing and reported to the Commissioner of Personnel.

Section 22.04. ACTING COMMISSIONER OF WATER ENVIRONMENT PROTECTION.

The Commissioner of Water Environment Protection, subject to the approval of the County Executive, shall designate in writing a line of succession to the office of Acting Commissioner of Water Environment Protection in the event of absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at anytime by the Commissioner filing a new written designation. The Acting Commissioner shall have all the powers and perform all the duties of the Commissioner during the period of succession or until a new Commissioner shall be appointed pursuant to law and shall qualify to assume that office.

Section 22.05. COMMISSIONER'S BOND.

The Commissioner of Water Environment Protection, and each of the deputies, assistants and employees as the County Legislature may require, shall execute and give a surety bond or official undertaking to the County in a sum fixed by the County Legislature conditioned upon the faithful performance of the duties of the office. Such bond shall be approved as to sufficiency by the County Executive and as to form by the County Attorney and shall be filed with the County Clerk. It shall be a charge upon the County.

Section 3. Article XXII of the Onondaga County Administrative Code hereby is amended to abolish the Onondaga County Department of Drainage and Sanitation and to create an Onondaga County Department of Water Environment Protection. All of the powers and duties heretofore and formerly had by the Onondaga County Commissioner of Drainage and Sanitation hereby are transferred to the Onondaga County Commissioner of Water Environment Protection

Section 4. Except as may otherwise be required by law, all existing laws, ordinances, legalizing acts and resolutions of the County shall remain operative except where inconsistent with this local law. Whenever the term "Commissioner of Drainage and Sanitation" is referred to in any law, rule, regulation or resolution, that term shall be deemed to mean and refer to the Onondaga County Commissioner of Water Environment Protection.

Section 5. If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or section thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 6. Effective Date. This local law shall be filed with the Secretary of State pursuant to the New York Municipal Home Rule Law and shall take effect January 1, 2002.

RENAMED&S
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ADOPTED

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