

Chapter 40, OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Issuance of appearance tickets -- See Ch. 4.

Defense and indemnification -- See Ch. 16.

Code of Ethics -- See Ch. 23.

Salaries and compensation -- See Ch. 54.

ARTICLE I, Administrative Organization [Adopted 9-18-1975 as L.L. No. 4-1975]

§ 40-1. Creation of office.

The office of Village Manager of the Village of Horseheads is hereby created.

§ 40-2. Appointment. [Amended 10-16-1975 by L.L. No. 9-1975]

The Village Manager shall be either appointed by a majority vote of the Village Board of Trustees for an indefinite term and shall serve at the pleasure of the Board, or the Board of Trustees may negotiate the terms of a contract to hire a Village Manager. He or she shall be selected solely on the basis of his or her executive and administrative qualifications, with special reference to his or her actual experience in or his or her knowledge of accepted practice with respect to the duties of the office hereinafter set forth. At the time of his or her appointment, he or she need not be a resident of the Village or the state, but during his or her tenure of office, he or she shall reside within the Village, unless specifically authorized otherwise by a majority vote of the Board of Trustees.

§ 40-3. Removal. [Amended 10-16-1975 by L.L. No. 9-1975]

The Village Board of Trustees may remove the Village Manager at any time by a majority vote of its members. The Village Manager may request a public hearing within seven days of receipt by him or her of notice of such intention to remove. Said public hearing shall be held not less than 15 days after such request. At the public hearing, the Village Manager and the Board of Trustees shall air their views and express their reasons for their respective actions. The decision

of the Board of Trustees shall be final.

§ 40-4. Powers and duties.

The Village Manager shall be the chief administrative and executive officer of the Village, and he or she shall be the chief administrator of all Village departments. All departments shall report through the Village Manager to the Board of Trustees. He or she shall be responsible to the Village Board of Trustees for the proper administration of all affairs of the Village, he or she shall enforce the policy of the Village as it is established by the Board of Trustees and shall require the faithful performance of all administrative duties and executive decisions. To that end, he or she shall have the power and shall be required to:

- A. Appoint competent, qualified officers and employees in the various departments he or she administers and shall have the power to dismiss, suspend and discipline, in accordance with the law, all officers and employees under his or her control. He or she shall have the authority to require any department head responsible to him or her to hire and/or discharge any subordinate serving under that department head, subject to proper hearings as required by law. For those positions which must be filled from civil service examination lists, the Village Manager will appoint the employees under applicable rules and regulations of the Civil Service Commission and laws of the State of New York which may be applicable. All appointments or dismissals shall be based solely on the merit, qualification or disqualification of the employee concerned, without regard to his or her political beliefs or affiliations.
- B. Prescribe such working rules and regulations as he or she shall deem necessary or expedient for the conduct of all departments of the Village and may revoke, suspend or amend any such rules or regulations subject only to overrule by the Board of Trustees.
- C. Fix salaries and wages of all officers and employees in those departments under his or her supervision, within the limits of the salary schedule as approved by the Village Board of Trustees.
- D. Prepare the budget annually and submit it to the Board of Trustees together with a message describing the important features, and be responsible for its administration after adoption. He or she shall perform all tasks normally associated with the position of Budget Officer for the Village.
- E. Supervise the preparation of and submit to the Board of Trustees as of the end of the fiscal year a complete report on the finances and administrative activities of the Village for the preceding year, including summary reports from each department and such reports as the Board of Trustees shall require.

- F. Keep the Board of Trustees advised on the financial conditions and future needs of the Village and make such recommendations as he or she may deem desirable.
- G. Recommend to the Board of Trustees adoption of such measures as he or she may deem necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.
- H. Attend all meetings of the Board of Trustees and take part in the discussion of all regular and special meetings of the Board of Trustees, unless excused therefrom.
- I. Supervise and authorize the purchase of all materials, supplies and equipment without Board of Trustees' approval up to an amount not exceeding the sum which requires competitive bidding as specified in § 103 of the General Municipal Law and as the same may hereafter be amended.
- J. Supervise the enforcement of all laws and ordinances.
- K. Investigate all complaints in relation to matters concerning the administration of the government of the Village, including service maintained by the public utilities of the Village, and see that all franchises, permits and privileges granted by the Village are faithfully observed.
- L. Either by himself or herself or by a person designated for the purpose by him or her, to investigate, examine or inquire into the affairs or operations of any department or office; and when authorized by the Board of Trustees, shall have the power to employ consultants and professional counsel to aid in such investigations, examination or inquiries.
- M. Set aside any action taken by a department head and may supersede him or her in the functions of the department head's office, unless otherwise provided by law.
- N. Direct any department to perform its duties or the duties of any other department.
- O. Perform such additional duties as may be required by the Board of Trustees, not inconsistent with the Village Law.

§ 40-5. Interference with appointments or removals.

Neither the Board of Trustees nor any of its members shall direct the appointment of any person to or his or her removal from office by the Village Manager or any of his or her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the Village, except as heretofore specified. Except for the purpose of inquiry, the Board of Trustees and its members shall deal with administrative services solely through the Village Manager, and neither the Board nor any member thereof shall give order to

any subordinates of the Village Manager, either publicly or privately.

§ 40-6. Emergencies.

In case of accident, disaster or other circumstance creating a public emergency, the Village Manager may award contracts and make purchases for the purpose of meeting said emergency; but he or she shall file promptly with the Board of Trustees a certificate showing such an emergency and the necessity for such action, together with an itemized account of all expenditures.

§ 40-7. Bond.

The Village Manager shall furnish a surety bond, to be approved by the Board of Trustees, said bond to be conditioned on the faithful performance of his or her duties. The premium of the bond shall be paid by the Village.

§ 40-8. Compensation.

The Village Manager shall receive such compensation as the Board of Trustees shall fix from time to time by resolution.

§ 40-9. Absence or vacancy.

During the temporary absence of the Village Manager or in the event that the office becomes vacant, all the aforementioned powers and duties revert to the Mayor and the Village Board of Trustees, or their designated representative. Any vacancy in the office of the Village Manager shall be filled by the earliest possible date after the vacancy.

§ 40-10. Reimbursing candidates.

- A. The Board of Trustees is hereby authorized to appropriate and expend such sum or sums as it shall deem expedient for the purpose of reimbursing any prospective candidate for the office of Village Manager for the expenses he or she shall have reasonably and necessarily incurred in connection with interviews solicited by the said Board of Trustees.
- B. Such prospective candidate shall submit his or her claim on voucher forms supplied by the Village, and such claim shall be audited and paid in the same manner as is otherwise provided for under the laws of the State of New York applicable to Villages.

§ 40-11. Departments.

- A. The administrative organization of the Village of Horseheads shall consist of the following departments:
 - (1) Finance.
 - (2) Fire.
 - (3) Law.
 - (4) Parks, Recreation and Cemeteries.
 - (5) Police.
 - (6) Public Works and Cemeteries. [Amended 2-26-2004 by L.L. No. 3-2004]
- B. It is hereby reserved unto the Board of Trustees the power and right to abolish or combine such departments from time to time and the power and right to create additional departments from time to time.
- C. Each department shall cooperate with other departments.

§ 40-12. Duties of officers and employees.

Each officer or employee of the Village of Horseheads shall perform all duties required of his or her office or position by state law, the Code of the Village of Horseheads, his or her contract and such other duties not in conflict therewith as may be required by the Village Manager.

§ 40-13. Department heads.

The department heads shall:

- A. Be immediately responsible to the Village Manager for the effective and proper administration of their respective departments and, through him or her, to the Board of Trustees of the Village of Horseheads.
- B. Keep informed as to the latest practices in their respective fields and shall inaugurate, with the approval of the Village Manager, such new and sound practices as shall benefit the public and the department.
- C. Submit annual reports on the activities of their departments to the Village Manager and, through him or her, to the Board of Trustees of the Village of Horseheads. A department

head may be required to submit such other reports as the Village Manager or the Board of Trustees may request.

- D. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information needed for proper control of department activities and to form a basis for reports to the Village Manager and/or the Board of Trustees.

§ 40-14. Clerk-Treasurer.

The Village Clerk-Treasurer shall be appointed by the Board of Trustees and will act as the Clerk-Treasurer of such Board. The Village Clerk-Treasurer shall keep a record of the proceedings of the Board of Trustees and a record of the ordinances and local laws and perform such other duties as the Board may prescribe. Such Village Clerk-Treasurer shall also be the Clerk to all other boards and commissions and may be given additional clerical duties by the Village Manager.

**ARTICLE II, Residency Requirements [Adopted 2-11-1982 as L.L. No. 1-1982;
amended in its entirety 11-16-1995 by L.L. No. 4-1995]**

§ 40-15. Residency in Village.

The person or persons who fill the offices of Village Manager, Clerk-Treasurer, Police Chief and head of the Department of Public Works shall be or become, within one year of the date of hire, residents of the Village of Horseheads. This provision shall apply to the person or persons who are hired to fill those offices subsequent to January 1, 1996.

ARTICLE III, Terms of Office [Adopted 1-13-1994]

§ 40-16. Mayor and Trustees.

The term of office of the Mayor and each Trustee for the Village of Horseheads shall be extended from two years to four years commencing at the beginning of the official year following the next general Village election at which such offices are to be filled.

§ 40-17. Provisions subject to referendum.

- A. This Article is subject to permissive referendum and shall not become effective until approval thereof by the eligible voters of the Village of Horseheads at its general election on March 15, 1994.
- B. The Village Clerk is directed to post and publish an abstract of this resolution in the election districts and the Chemung Valley Reporter as required by law.
- C. The Village Clerk is directed to place consideration of the instant resolution on the ballot on the above-noted general election as a proposition thereon.